MEETING

11th APRIL 2011

ORAL QUESTIONS BY MEMBERS OF THE COUNCIL

1. From Councillor Nicholas Bennett JP of the Chairman of the General Purposes and Licensing Committee

If he will list the number of cases taken to Employment Tribunal in each of the past five years and the number where the Council was found against in each of those years.

(Note: Councillor Bennett submitted apologies for this meeting and therefore a written response was given.)

Reply:

The number of all employment tribunal claims including the Single Status equal pay claims against the Council and schools is detailed below.

- 2006 – 4 claims
- 2007 - 7 claims
- 2008 – 26 claims (rise is due to equal pay claims)
- 2009 – 82 claims (rise is due to equal pay claims)
- 2010 to date – 15 claims
- The Council has not lost a case in the last five years.

2. From Councillor Peter Fookes of the Portfolio Holder for the Environment

What consultations are taking place with schools over the future of School Crossing Patrols?

Reply:

The Portfolio Holder responded that every school in the Borough which currently had a school crossing patrol would have received a letter by the end of April at the very latest.

Following completion of that exercise, further detailed discussions would be held with schools on a case by case basis to determine what measures might prove possible and preferable to them following the withdrawal of the service in April 2012.

Supplementary Question:

Councillor Fookes asked whether the Portfolio Holder might reconsider the decision on crossing patrols in the light of the strength of feeling as shown by the number of objectors and the petitions received.

Reply:

Councillor Colin Smith said that, similar to several Labour run local authorities that were also taking this approach – the answer was absolutely no.

3. From Councillor Katherine Bance of the Portfolio Holder for Children and Young People

How will provision for Special Needs be guaranteed under the "Academisation" of schools?

Reply:

The Portfolio Holder replied that conversion to Academy status for a mainstream school did not in itself make a significant difference to the provision of special educational needs. Funding for children who had statements would be retained by the Local Authority and provided to schools to meet a child's needs. Where a school with a unit for children with SEN converted to Academy status there would be a commissioning contract between the Local Authority and the school to ensure that this provision was still made for the children under their new arrangements. Legal advice was currently being sought in the preparation of the contracts. Outstanding Special Schools could convert to Academy status after September 2011. The Commercial Transfer Agreement which represented the legal transfer of assets would include protecting the Council's interest with shared facilities including SEN provision.

Supplementary Question:

Councillor Bance asked what safeguards could be given to parents of children with special needs who faced an uncertain future as schools become increasingly market driven.

Reply:

Councillor Noad did not consider the phrase 'market driven' was appropriate in respect of special educational needs. As he had already explained in response to the original question each school would have to comply with the code of conduct which would be statutory and we as a local authority would be monitoring that very closely. He did not think parents would have anything unduly to worry about.

4. From Councillor Peter Fookes of the Portfolio Holder for the Environment

What monitoring of Air Quality takes place in this borough?

Reply:

The Portfolio Holder explained that the Borough operated a continuous monitoring site which produced data of the highest quality, supplemented by 29 separate diffusion tubes.

Supplementary Question:

Councillor Fookes asked whether the Portfolio Holder was aware that we still faced fines from the EU if the air quality was not good enough.

Reply:

Councillor Smith responded that Councillor Fookes was overlooking the facts as the air quality in Bromley was amongst the cleanest in London. No amount of petty EU rules would change that nor measuring and collecting data for no purpose. He had no interest in increasing air quality monitoring in the Borough as already stated it was one of the cleanest and he had no intention of changing that policy.

5. From Councillor Katherine Bance of the Portfolio Holder for Children and Young People

How will secondary transfer work having to reconcile school independence over admission policies and parental choice together with rights of appeal?

Reply:

The Portfolio Holder advised that admissions arrangements for Academies were approved by the Secretary of State and must comply with admissions legislation and the relevant Codes. Academies were required by their funding agreements to participate in co-ordination schemes for secondary transfers. The local authority was required to coordinate applications for Academies in the same way that applications to Foundation schools were currently coordinated. Academies were their own admission authorities and therefore were responsible for arranging independent panels to consider any parental admissions appeal.

Supplementary Question:

Councillor Bance asked if the Portfolio Holder would agree that parents and children would be disadvantaged by the removal of local accountability at this crucial stage of the schooling.

Reply:

Councillor Noad could not agree as nothing would be changing. All Secondary Schools at the moment were Foundation Schools and had complete control over their admissions.

6. From Councillor Peter Fookes of the Portfolio Holder for Children and Young People

Why are so many schools in this borough opting for Academy status?

Reply:

The Portfolio Holder responded that the number of schools seeking academy conversions during Autumn 2010 and Spring 2011 had placed the Borough in a unique position. He considered that there were six main reasons that were driving this agenda:

1. The overall high standards and performance of schools which placed Bromley in the top quartile nationally.

2. The high percentage of schools which were ranked by Ofsted as 'Outstanding' or 'Good with Outstanding features', under the Academy Act (2010) these schools had the automatic right of conversion from the Secretary of State for Education.

3. The School Improvement strategy adopted by Bromley had actively encouraged strong leadership and governance in our schools

4 Historically Bromley had a high percentage of Foundation (formerly Grant Maintained (GM) schools) and for those schools it was a relatively short step to gain academy status.

5 The high number of head teachers in Bromley who were accredited as National Leaders of Education and Local Leaders in Education by the DfE; and

6. Whilst a significant number of primary schools had registered an interest with the DFE, I am informed by those Head Teachers and Governors that they are gathering information; this did not mean that these schools would take this further as they would respond as events developed and their direction became clearer.

Supplementary Question:

Councillor Fookes asked if the Portfolio Holder would agree that the lack of investment by this authority in education in the Borough had led to Ofsted never giving us an outstanding status.

Reply:

Councillor Noad commented that the Councillor had made an 'own goal' – as the case was that Bromley had the lowest per head DfE allowance across England which had been the situation for the past 13 years. Bromley had to fight very hard to get capital funding for our schools in the last several years and when it did it was very low compared to many other Boroughs. However,

we have spent wisely leading to at least 6 secondary schools having major rebuilds. Therefore he totally refuted Councillor Fookes' comments.

7. From Councillor Katherine Bance of the Portfolio Holder for Children and Young People

What is your vision of the future of the LEA in Bromley?

Reply:

The Portfolio Holder advised that the future shape of education and wider children's services was largely determined by the Government's own reform agenda and legislation framework including the Academies Act (2010) and the Schools' Bill (2011). Ensuring that all children and young people resident or educated in Bromley were provided with opportunity that fulfils their potential would remain the top priority for the Borough. Whilst the local authority would continue to have a statutory responsibility, for example, in pupil place planning, co-ordinated admissions, special educational needs and provision for those children excluded from school, we will continue to work in partnership with schools and support agencies to secure the best outcomes for those children, regardless of that schools' status. This approach has been the basis of the Children and Young People Services Department since it was established and will continue into the future as it addresses any organisational changes needed to meet the financial constraints and increased freedoms and choices of schools. Councillor Noad was also determined to continue to support those who were most vulnerable such as Looked after children and those on the at risk register as well as ensuring our Social Care Teams stay as strong and robust as possible to protect our young people from abuse and exploitation.

Supplementary Question

Councillor Bance asked if the Portfolio Holder agreed that this policy would lead to the creation of a number of alternative or mini LEAs lacking the skills, resources and especially local accountability to give parents confidence in school provision across the Borough.

Reply:

Councillor Noad said that he was not sure of the outcome of the current agenda. There could be a possibility of clusters around the Borough, but they would have to follow the code of conduct and legislative framework he had already referred to. However, the Portfolio Holder did feel that the local authority had a major role to continue to play in maintaining the wellbeing of all of the children in the Borough.
