CHILDREN AND YOUNG PEOPLE POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 3 May 2011

Present:

Councillor Robert Evans (Chairman) Councillors Jane Beckley, Lydia Buttinger, Judi Ellis, John Getgood, Diana MacMull, Mrs Anne Manning, David McBride and Stephen Wells

Father Owen Higgs Brian James Dr Jenny Selway

Also Present:

Councillor Ernest Noad Councillor Brian Humphrys

129 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillors Nicholas Bennett and Roxy Fawthrop, Councillors Jane Beckley and Lydia Buttinger attended as their respective alternates. Apologies were also received from Mrs Dolores Bray-Ash, Mrs Nancy Thompson, Mrs Karen Nicholson and Mrs Alison Regester.

130 DECLARATIONS OF INTEREST

In relation to Item 8(e), Councillor Ernest Noad declared that this wife was a part-time Finance Officer at Welcare Bromley. Councillor Judi Ellis declared that she had a son who was a teacher in the Borough. Councillor McBride declared an interest as a teacher for the London Borough of Bexley.

131 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

132 MINUTES OF THE CYP PDS COMMITTEE MEETING HELD ON 15TH MARCH 2011

In considering the minutes, a Member asked that the final paragraph of Minute 121 be amended to read "...the information *should* be shared with PVI providers in the future." The Assistant Director agreed that that the information should be shared and explained to the Committee that Officers were currently working on developing a mechanism for sharing the information with PVI providers.

In respect of Minute 117 the Chairman sought an update on the work undertaken by the Churchill Theatre to engage with Looked After Children in the Borough. The Committee was advised by the Assistant Director (Access and Inclusion) that very little had previously been done by the Theatre to engage with Looked After Children, however Officers were now proactively in contact with the Theatre to arrange for programmes to be developed.

In respect of Minute 123(G), the Chairman highlighted the 1.5% reduction to PVI providers and asked whether any further action had been taken over this issue. The Head of the Schools Finance Team confirmed that the reduction had not been applied and this would be reviewed in September once more information was known about funding for primary schools.

RESOLVED that the minutes of the meeting held on 15th March 2011 be approved.

133 PROGRESS ON MATTERS ARISING FROM PREVIOUS MINUTES Report RES11007

The Committee reviewed a report updating Members on matters arising from previous meetings.

An update on the two Part 2 (exempt) issues would be provided in Part 2 of the meeting.

The Director and Portfolio Holder suggested that an update on the other two issues relating to the academy programme be provided during consideration of item 8(a).

RESOLVED that matters outstanding from previous meetings be noted.

134 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING

No questions were received.

135 CHILDREN AND YOUNG PEOPLE PORTFOLIO - PREVIOUS DECISIONS

The Committee noted the decisions that had been taken by the Portfolio Holder since the last meeting on 15th March 2011.

136 PRE-DECISION SCRUTINY OF REPORTS TO THE CHILDREN AND YOUNG PEOPLE PORTFOLIO HOLDER

A) AN UPDATE ON THE RECENT GOVERNMENT REFORM DEVELOPMENTS: INCLUDING THE ACADEMY PROGRAMME Report DCYP11065

The Portfolio Holder introduced a report providing an update on the Academy Programme, developments within Bromley and the potential strategic implications for Bromley Council.

The Director CYP provided a strategic overview of the key issues in the report: it was noted that 12 Secondary Schools had already converted to academy status and a further four schools were scheduled to convert by 1st August 2011. In addition 13 primary schools had advised of their intention to pursue conversion to academy status subject to consultation.

As Biggin Hill Primary School had notified the Local Authority of its intention to progress individual conversion to academy status, the proposed Charles Darwin Academy Trust would not proceed.

The Director CYP reported that there were also issues surrounding the new category of conversion for schools below floor target as a number of local authorities were challenging the data that had been used by DfE as criteria for inclusion within this category.

Turning to the issue of the Commercial Transfer Agreements, the Director CYP reported that DfE had confirmed that the Agreements had to be signed off to the satisfaction of the school and the Local Authority before a school could convert. The Director CYP confirmed that, to date, no agreement in Bromley had been signed off to the satisfaction of the Local Authority's legal department and Officers were still pursuing the issue. Finally the Director reported that DfE had confirmed that following detailed discussions with senior DfE officials, she had secured an agreement that Kelsey Park School for Boys would be converting under the previous rules for academy conversions. This meant that no financial liability for any potential redundancy payments arising from the conversion process would fall to the Local Authority.

The Portfolio Holder provided the Committee with an update of his meeting with the Education Minister Lord Hill. The Portfolio Holder reported that it had been a positive meeting when the key strategic issues facing LB Bromley had been outlined. The Local Authority was still awaiting a detailed response to the issues that had been raised including the financial impact on the Council.

The Portfolio Holder stated that he felt that the DfE should provide additional resource to help Bromley with the volume of work arising from the conversions, for example the legal aspects. The Portfolio Holder reported that he and officers within the Department would continue to make representations to the Minister and the DfE for additional support.

It was noted that a letter under the joint signatures of the Portfolio Holder and the Director had been sent to the Chairmen of Governors, copied to Head Teachers, of all LA Maintained Schools asking for confirmation of their future intentions regarding whether or not to pursue academy status. Schools were seeking assurances from the LA that it would have adequate resources in the future to provide the necessary core statutory support to schools. The Director CYP stressed that the levels of support that could be provided to schools in the future would very much depend upon the number of schools that remained with the Local Authority.

The Chairman expressed concern regarding the non-completion of the Commercial Transfer Agreements and the risk to the Council of not completing the Agreements. The Director CYP confirmed that in legal terms, until the Agreements were signed off it was understood that the liability remained with the LA. The Director CYP stressed the need to resolve these given the potential risk. It was noted that if unresolved a stronger legal position may need to be adopted. The Portfolio Holder reported that the Council's Executive had been clear that if the Local Authority's interests and the interests of Bromley taxpayers were put at risk the Council may need to consider a judicial review.

In response to a question from a Co-opted Member surrounding the future capacity of the Department to support schools, the Director CYP reported that the current concern of the Department surrounded the in-year reduction in the DSG funded central services that resulted from each academy conversion. As schools converted to academy status, local authority funding was top-sliced. If schools then chose to buy back these local authority services the funding would be restored. The Director CYP hoped that if enough schools bought back services from the Council and the funding restored, it would be possible to retain a critical mass sufficient to sustain the statutory core functions for the remaining LA Maintained schools together with a sold service model for academies. The Director CYP also confirmed that funding for special educational needs and admissions would be exempt from the top-slicing.

A Member reported that the meeting held on 30th March 2011 involving schools and the DfE had been well received by the schools. The Member stated that he felt that the top-slicing of the Council's budget was unfair and reported that there had been rumours that some local authorities were considering a judicial review on the RSG and DSG top-slice mechanism and asked whether Officers were aware of these rumours. The Director CYP reported that she was aware of a potential judicial review by those LA's within the Local Government association because of the massive impact of the top-slicing on local authority budgets. The Director CYP reminded the Committee

that this year the Department had incorporated a "cushion" into the dedicated schools grant in recognition of the transitional 2011/12 year; this would provide a level of sustainability for those central services most affected by the in-year top-slice effect. This facility had been accepted by the Schools Forum as part of the consultation with schools over the use of the DSG headroom for 2011/12.

Another Member sought information on the development of sold services to schools. The Director CYP reported that the Executive had given Officers the mandate in September 2010 to develop a One-Council approach to sold services. The Executive had considered a progress report at its last meeting. Some services were being bought back strongly by schools, these included CYP, financial and HR services. Possibilities for sharing services with the London Boroughs of Bexley and Croydon were being explored. The Director CYP also reported that as number of out-borough academies including the Harris Academy Trust and Kemnal Academies Trust had expressed an interest in buying some Bromley services.

The Portfolio Holder's Executive Assistant stressed that the Local Authority continued to have a statutory obligation to provide services for Community Schools and that primary and special schools should be provided with assurances that these services would continue to be provided.

Another Member questioned whether schools would be required to sign contracts for the services to be provided as this would promote stability and certainty for the Local Authority. The Director CYP confirmed that service level agreements valid for a year would be agreed and this would have a 6 month break clause on both sides. These service level agreements would allow the department and other local authority sold services to plan for a year.

A Co-opted Member suggested that schools may be more attracted to purchasing packages of services from the local authority with a single point of contact. The Director confirmed that this was the model being pursued.

Referring to the issue of St Olaves's desire to convert to an academy as a secular school, a Member questioned whether there were any significant problems that could impact on the other Church of England schools. The Director CYP reported that the issues were specific to the St Olave's School conversion route and confirmed that without the approval of the Diocese the school could not proceed to academy status.

In response to a question the Director CYP confirmed that the Local Authority would retain statutory responsibility for looked after children. Academy status could make it more difficult for the Local Authority to make requirements on a school to comply with the LA's expectations however; this would have to be tested in the future.

At the conclusion of the discussion, the Portfolio Holder asked all Members of the Committee to indicate if they were in favour of the Local Authority

sustaining sold services to schools. A show of hands demonstrated unanimous support for proposals for sold services.

RESOLVED that the Portfolio Holder be recommended to endorse the approach being taken by the Director CYP in response to local academy developments.

B) BROMLEY YOUTH MUSIC TRUST CONTRACT REVIEW Report DCYP11062

The Portfolio Holder introduced a report outlining new funding arrangements for the delivery of Music Education Services by local authorities. The report highlighted that from 1 April 2011, Standards Funding for Music Services would be replaced with a Department for Education (DfE) Music Grant, administered by the Federation of Music Services for the commissioning of Music Education Services by local authorities.

The Committee noted that the Local Authority's Music Service was delivered by the Bromley Youth Music Trust (BYMT), which provided instrumental and vocal tuition through schools and central activities at the Music Centre in Southborough Lane. In conjunction with BYMT's Principal, the current specification for the Bromley Music Services, provided through BYMT met the conditions of the DfE Grant.

The Head of Youth Support Services outlined the report and introduced Mr Mike Purton, Principal of BYMT. Mr Purton explained to the Committee that the Music Education Grant incorporated the former Standards Grant for music services and the Wider Opportunities Grant which focused upon instrumental music for Key Stage 2 pupils. Mr Purton also reported that further information from the Government was still awaited.

A peer inspection of BYMT had also recently taken place and the Assistant Director (Learning and Achievement) agreed to circulate the inspection report to Members of the Committee. The inspection had found that BYMT had made significant progress and whilst there was more work to be done the Trust was moving in the right direction.

A Member highlighted the quality of the concerts that were organised by BYMT and stressed that these concerts gave the students that took part a great deal of confidence.

Mr Purton explained that the Friends of BYMT had been managing the Saturday morning school, control of this was now being handed to BYMT and the Friends of BYMT would continue to be involved in other projects that were run. Head Teachers had also been invited to join the Board of Trustees. The Head Teacher from Bishop Justus would be attending future meetings of the Board of Trustees together with a Head Teacher from a primary school in the Borough who was yet to be identified.

A Member highlighted that in a time when the budgets of other services had been cut, BYMT had enjoyed an increase in its budget. The Member questioned whether BYMT was meeting the needs of the wider community and stressed the need for BYMT to provide services for minority groups within the community. In response, Mr Purton stressed that the grant received by BYMT was for one year and there was no guarantee that the Trust would receive the grant in the future. The Trust was expecting the grant to be cut by more than 10% in the future. Addressing the wider opportunities issues, Mr Purton explained that a number of staff had been employed to work with wider groups.

A Co-opted Member sought clarification surrounding the wider opportunities programme and whether it was available to all children across the Borough. Mr Purton confirmed that all students, including those with statements, were included within the funding. The Wider Opportunities Scheme was for Year 3 students, however in certain circumstances it was felt that some pupils with Special Educational Needs would benefit more from the scheme in later years.

Referring to the BYMT magazine that had been circulated to all Members, the Co-opted member noted that there was no reference to young people with special needs or to the wider opportunities scheme. Mr Purton acknowledged that there was no reference in this edition of the magazine, but this was the first edition and there was no reason why special needs should not receive coverage in future editions.

In response to a question surrounding how the benefits of the funding would be measured, Mr Purton agreed to arrange for the data that was collected to be circulated to all Members of the Committee. (Action: Mike Purton/Head of Youth Support Services)

The Chairman sought assurances that BYMT was taking the opportunity to widen its commercial horizons. Mr Purton stressed that in order to secure the future of BYMT action must be taken to market the services of BYMT to a wider audience. BYMT had established a fund raising committee and the BYMT was also an attempt to market the services of the Trust.

The Portfolio holder added his thanks to BYMT for the work they undertook with young people across the Borough as the services provided by BYMT were highly valued. The Portfolio Holder stressed that when budget decisions had been taken in January 2011 the additional funds that had been made available to BYMT had not been known. The Portfolio Holder reported that he hoped that BYMT would continue to explore further marketing opportunities over the coming year as the Trust was an excellent ambassador for the Borough.

RESOLVED that the Portfolio Holder recommend the Executive to endorse the passporting the Department for Education Music Grant allocation of £362,242 to Bromley Youth Music Trust, in addition to the Council Grant for 2011/12 of £394,470.

C) BASIC NEED CAPITAL PROGRAMME - UPDATE REPORT 1 Report DCYP11063

The Portfolio Holder introduced a report outlining an initial list of priority schemes approved by the Children and Young People Portfolio Holder on 15th March 2011 for addressing the estimated increase in the numbers of reception age pupils for September 2011. To meet this demand, 'bulge years' were planned at existing local schools to provide the required pupil places, which would be delivered through a combination of modular build and internal refurbishment.

The report highlighted that due to the urgency to provide places for September 2011, and the lead in times for the provision of modular accommodation, which included the need to obtain planning consent for each development, the Council was required to procure the modular works by early May in order for the accommodation to be available for the start of the new school year in September 2011.

The Assistant Director (Access and Inclusion) tabled the following three additional recommendations:

- 1. Authorise the Director of Children and Young People Services to adjust the programme as circumstances dictate taking account of these priorities
- 2. That delegated authority be given to the Director of Children and Young People Services and Director of Resources to accept a tender for these works as long as the tender sum can be contained within the budget set out within this report.
- 3. That approval to value engineer the project at Award stage, if tenders are returned in excess of the approved estimate, be delegated to the Director of Children and Young People Services in consultation with the Chief Property Officer and CYP Portfolio Holder.

The Chairman reported that he had concerns with the Local Authority purchasing goods prior to obtaining planning permission. The CYP Strategic Property Manager explained that whilst timescales were very tight, Officers had been working with the Planning Department in order to minimise problems in obtaining planning permission. The Committee was reminded that if problems arose there were other options as the units were modular and could be sited elsewhere.

The Director CYP stressed to the Committee that the Local Authority had to fulfil its statutory obligation and if necessary interim arrangements would have to be put in place.

A Member expressed concern that insufficient outdoor space would be available for play areas once the modular units were in place. The CYP Strategic Property Manager explained that there would be some impact on play areas at Valley Primary School but that there would be no impact at Royston Primary School.

In response to a question surrounding the possibility of using buildings from children and family centres, the CYP Strategic Property Manager confirmed that not all the buildings would be suitable, but if there were problems with any planning permission use of these buildings would form 'Plan B' for the Local Authority.

The Chairman sought clarification surrounding the third additional recommendation and sought assurances that the budget would not be increased. The CYP Strategic Property Manager confirmed that the recommendation would allow Officers to negotiate with the contractor to find savings and that there would not be an increase in the budget.

RESOLVED that the Portfolio Holder be recommended to:

- 1. Approve the updated list of schemes within the Basic Need Capital Programme;
- 2. Authorise the Director of Children and Young People Services to seek planning permission for schemes at the appropriate time when required;
- 3. Authorise a waiver of procurement standing orders (under 13.1 of the Council's Contract Procedural Rules) to allow for single tender action to enable the delivery of schemes requiring modular accommodation in time for September utilising the London Borough of Lewisham's framework for construction services including the construction of Modular Buildings, Fastrack Modular Construction and Ancillary Building Works to schools;
- 4. Authorise the Director of Children and Young People Services to adjust the programme as circumstances dictate taking account of these priorities;
- 5. Delegate authority to the Director of Children and Young People Services and Director of Resources to accept a tender for these works as long as the tender sum can be contained within the budget set out within this report; and
- 6. Approve to value engineer the project at Award stage, if tenders are returned in excess of the approved estimate, be delegated to the Director of Children and Young People Services in consultation with the Chief Property Officer and the CYP Portfolio Holder.

D) MEMBERSHIP OF SCHOOL GOVERNING BODIES Report DCYP11058

The Portfolio Holder introduced a report outlining a LA Governor Appointment to a school in the Borough and seeking approval to appoint a shadow governing body for St Mary Cray Primary School. The report also sought approval for three re-appointments/confirmation and Local Authority Associated Person (LAAP) authorisation to academies.

The Assistant Director (Learning and Achievement) reported that in relation to the Shadow Governing body of St Mary Cray, Councillor David Hastings was available to sit on the Governing Body whilst other, more local, Councillors had been unavailable. The Committee was also told that the other nominees listed either had an association with Manor Oak Primary School or St Mary Cray Primary School.

RESOLVED that the Portfolio Holder be recommended to:

1. Approve the following appointment, subject to a CRB check:

Scotts Park Primary School	Ms Doris Gruenes
-	(Bromley)

2. Approve the following appointments to a Shadow Governing Body of St Mary Cray Primary School:

Shadow Local Authority Governors	Councillor David Hastings (Bromley Town Ward)
	Reverend Paul Prentice (Orpington)
Shadow Parent Governors	Ms Lisa Roberts (Orpington)
	Ms Jennifer Mosley (Orpington)
	Miss Judith Ball (Orpington)
Shadow Staff Governors	Miss Karen Hart (Croydon)
	Ms Alison Barker (London)
Shadow Community Governors	Mrs Charlotte Fulcher (Orpington)

> Mr Paul Iredale (Chislehurst)

3. Approve the following re-appointments/confirmation and Local Authority Associated Person (LAAP) authorisation to academies:

Darrick Wood School	Mr Michael Green (Orpington)	
Langley Park Boys School	Mr Michael Scoggins (Beckenham)	
Charles Darwin School	Councillor Julian Benington (Biggin Hill Ward)	

E) CYP FORWARD ROLLING WORK PROGRAMME Report DCYP11060

The Portfolio Holder introduced the forward rolling work programme for the year ahead based on items scheduled for decision by the Children and Young People Portfolio Holder and items for consideration by the Children and Young People PDS Committee.

The Committee noted that the Munroe Review would be considered in the new municipal year.

RESOLVED that the Portfolio Holder be recommended to agree the forward rolling work programme.

137 PROGRESS REPORT ON SERVICE DEMANDS IN CHILDREN'S SOCIAL CARE Report DCYP11061

The Committee considered a report outlining the latest volumes and activity information within children's social care and the likely future service demands on the 2011/12 budget.

The Assistant Director (Safeguarding and Social Care) and the Head of Referral and Assessment introduced the report and explained that the pressures facing children's social care had continued but demand for services had begun to plateau. Some activity across the Borough reflected national trends in children's social care.

The Assistant Director (Safeguarding and Social Care) reported that newly recruited social workers had meant that social worker caseloads were now manageable.

A Co-opted Member questioned whether there was now sufficient capacity within the system to cope in the event of another large increase in caseload.

The Assistant Director (Safeguarding and Social Care) acknowledged that there was not a great deal of spare capacity within the system and any large increases in demand would be difficult to cope with.

Another Member highlighted the importance of stability in the workforce and stressed that developing a stable workforce should be seen as a spend to save initiative. The Assistant Director (Safeguarding and Social Care) agreed that a stable workforce was essential to achieving good outcomes, for example, speedy progression of permanency plans for children is an efficient use of resources and best for children.

The Chairman asked the Director CYP if it was possible to have an update of the findings of the recent two day unannounced inspection of social care that had taken place. The Director CYP reported that the inspection report would be published on 10th May 2011. However, initial indications were that the two day inspection would acknowledge the phenomenal improvement that had been made in children's social care across the Borough. The Director CYP suggested that the inspection report contain recognition of the achievement that had been made in the Department.

The Chairman expressed the Committee's thanks and congratulations to all the Officers involved.

The Portfolio Holder also congratulated the Director, Assistant Director and the Officers on the success of the inspection. The Portfolio Holder also thanked the Members of the Committee and other Members of the Council who had supported the requests for additional funding for recruiting social workers.

RESOLVED that the report be noted.

138 SCRUTINY OF THE AGENDA FOR THE MEETING OF BROMLEY CHILDREN AND YOUNG PEOPLE PARTNERSHIP BOARD ON 9 MAY 2011

The Committee considered the agenda for the meeting of Bromley Children and Young People Partnership Board on 9th May 2011.

A Member highlighted that as Members of the Committee had not been able to access the reports due to be presented to the Partnership Board in good time there was not any real scrutiny of the partnership board agenda. The Chairman reported that he would be attending the Partnership Board meeting on behalf of the PDS Committee.

The Chairman highlighted that it was proposed that the Children's strategy ran from 2012-2015 and therefore 2011 was omitted. The Assistant Director (Strategy and Performance) reported that as there was a requirement for three months consultation on the Children's Strategy, the decision had been taken to press ahead for 2012 and develop a Portfolio Plan for 2011-2012.

RESOLVED that Members comments be noted.

139 CHILDREN AND YOUNG PEOPLE FORWARD ROLLING WORK PROGRAMME 2010-11

This item was considered at Minute 136e.

140 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000

RESOLVED that the Press and public be excluded during consideration of the items of business listed below as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the Press and public were present there would be disclosure to them of exempt information.

141 EXEMPT MINUTES OF THE CYP PDS COMMITTEE MEETING HELD ON 15TH MARCH 2011

RESOLVED that the exempt minutes from the CYP PDS meeting held on 15th March 2011 be approved.

142 CHILDREN AND YOUNG PEOPLE PORTFOLIO - PREVIOUS PART 2 DECISIONS

The Committee noted a Part 2 decision that had been taken by the Portfolio Holder since the meeting on 15th March 2011.

143 PRE DECISION SCRUTINY OF PART 2 (EXEMPT) PORTFOLIO HOLDER REPORTS

A) UPDATE: CONTRACT FOR THE PROVISION OF INFORMATION, ADVICE AND GUIDANCE TO YOUNG PEOPLE

The Committee considered and supported the recommendations in the report.

B) CHILD AND ADOLESCENT MENTAL HEALTH SERVICES (CAMHS) CONTRACT AWARD

The Committee considered and supported the recommendation in the report.

<u>Minute</u> Number/Title	<u>Decision</u>	<u>Update</u>	Action	Completion Date	
24 th January 2011					
91/1 Schools Finance Issue (Part 2)	That the Committee be kept updated.	Officers continue to work with the school and provide updates at meetings.	Director CYP/Head of CYP Finance		
92/1 Children and Family Service – Referral from Audit Sub (Part 2) 22 nd February 2	That the Committee be kept updated. 011	A management investigation is still on-going.	Director CYP		
107A Update: the Governments Reform Agenda: Education and Children's Services	The Portfolio Holder reported that he would be meeting with the Education Minister and representatives from the DfE and would keep the Committee updated.	The Portfolio Holder provided an update at the meeting on 3 rd May 2011. The Local Authority was still awaiting a detailed response to the issues raised including the financial impact on the Council.	Director CYP/CYP Portfolio Holder		

The Meeting ended at 9.45 pm

Chairman