

Report to: Governance Committee

Date of meeting: 19 September 2017

By: Director of Children's Services

Title: Proposed discontinuation of the Education Performance Panel, Governors Panel and the Music Service Management Committee

Purpose: To consider proposals relating to the discontinuation of the Education Performance Panel, Governors Panel and Music Service Management Committee

RECOMMENDATIONS

The Governance Committee is recommended to recommend the County Council to:

- 1) approve that the Education Performance Panel be discontinued
 - 2) delegate the power to nominate and remove Local Authority governors to the Director of Children's Services as set out in paragraph 2.3 and approve that the Governors Panel be discontinued;
 - 3) delegate authority to the Director of Children's Services to exercise powers and duties of the County Council in its capacity as trustee of the charity known as the East Sussex Music Trust and approve that the current East Sussex Music Service Management Committee should be discontinued; and
 - 4) agree to delegate authority to the Assistant Chief Executive to amend the Constitution accordingly
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1 Education Performance Panel

1.1 At the meeting of the Education Standards Panel on the 19 November 2013, it was agreed to change the Education Standards Panel and replace it with an Education Performance Panel with a fresh set of terms of reference to act as an advisory panel to the Cabinet with cross party representation to secure improvements at all key stages.

1.2 The purpose of the Education Performance Panel is to promote high standards in East Sussex schools and among other providers so that all children and young people fulfil their educational potential.

1.3 The functions of this Panel are:

- I. To ensure improvement in the attainment and progress of pupils in East Sussex schools and other providers
- II. To oversee the continued development of the Council Strategy for School Improvement and to monitor its implementation.
- III. To report and make recommendations as appropriate to the Cabinet and the Children's Services Scrutiny Committee.
- IV. To identify opportunities and challenges for improving school performance arising from legislative and policy changes

1.4 The Panel, which meets three times a year, has received regular performance reports on Ofsted inspection outcomes and educational attainment, and has also received reports on specific issues such as teacher recruitment and retention.

1.5 In addition to this, reports on inspection outcomes and educational attainment are also provided to Cabinet, the Children's Services Scrutiny Committee and the Lead Member for Education and Inclusion, SEN and Disability. Furthermore, the Children's Services Scrutiny Committee, which meets four times a year, has a work programme which has regularly included scrutiny reviews of issues relating to educational attainment and performance. For example, the Committee has appointed Review Boards to undertake reviews of attainment within Early Years, Key Stage 1 and Key Stage 4.2.3 Given the direct overlap between the roles of the Children's Services Scrutiny Committee and the Panel, and that effective oversight and scrutiny is already provided by the scrutiny committee, it is proposed that the Education Performance Panel be discontinued. Should this proposal be approved, and at a time when further savings are required, discontinuation of the Panel will also have the benefit of reducing the demands placed on Members and officers.

1.6 The functions of the Panel would be accommodated through the Cabinet, the Children's Services Scrutiny Committee and the Lead Member for Education and Inclusion, Special Educational Needs and Disability meetings. Currently, reports on overall school performance, attainment and progress of pupils, and impact on the Local Authority's school improvement strategy are reported to Members at Cabinet, Children's Services Scrutiny Committee and Lead Member meetings, and this would continue. The Scrutiny Committee would continue to select topics for scrutiny review as part of its work programme. There is senior officer review through the Corporate Management Team and Children's Services Senior Managers' Team. If Members wish to look at a particular education performance issue in depth, consideration could be given to conducting a scrutiny review.

2 Governors Panel

2.1 In March 2016 the Governor's Panel considered proposed changes to the process for the nomination of Local Authority School Governors. These changes involved discontinuing the Panel and delegating powers to the Director of Children's Services to nominate and remove governors. The Panel resolved to continue with the current arrangements and to keep this under review pending further detail from the department on options for delegating this process to the Director of Children's Services.

2.2 It is proposed that the process for nominating Local Authority School Governors is amended for the following reasons:

- The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014 stipulated that, from September 2015, the Local Authority is only required to nominate candidates to school governing boards rather than directly appointing Local Authority Governors. Governing Boards now make appointments and could decide not to accept a nomination.
- A governing board may only appoint one Local Authority Governor where as previously there could be multiple Local Authority Governors appointed per governing board.
- School re-constitution to meet the regulations combined with the academisation of maintained schools (academies do not need a Local Authority Governor) has seen a 54% fall in the total level of Local Authority governors required across the county. (272 in June 2014 to 125 in August 2017.)
- Currently the Governor Panel meets six times a year. Given the number of applications considered at each Panel meeting has greatly reduced, the current frequency of meetings represents an inefficient use of both Member and officer time. The alternative to this would be to reduce the number of Panel meetings a year. This would result in more efficient meetings as a greater number of nominations could be dealt with. However, as this would cause delays in filling vacancies, this option could negatively impact on the effective operation of Governing Boards. Instead, it is therefore proposed that officers consider nominations. This would mean the small numbers of applications submitted could be dealt with in a more timely and efficient way. In the current climate of recruitment concerns this would be extremely beneficial to be able to act swiftly on an expression of interest.
- Savings are required and there is reduced officer capacity to deliver support to the Panel.

2.3 It is proposed that the Governors Panel be discontinued and that the power to nominate and remove Local Authority Governors be delegated to the Director of Children's Services and that the

following delegations be added to the Scheme of Delegation for that post:

2.3.1 to nominate and remove governors to those places allocated to the Local Authority for school governing boards constituted under the Regulations or the Federation Regulations, as appropriate; and

2.3.2 to consider and make decisions relating to the recruitment of governors; the payment of expenses to governors; the training of governors; and any other matters that may be referred to the Director by the Cabinet or the Governance Committee.

2.4 The current process of on-line application, including success criteria and references, will remain unchanged.

2.5 Members will continue to provide oversight and scrutiny of the process. There will be regular summary reports to the Lead Member concerning vacancies, applications approved for nomination and the take up of training by Local Authority Governors. Scrutiny Members will have access to these reports and will have the ability to scrutinize issues if required.

2.6 The proposed approach will be robust and provide a more flexible, and efficient process which will result in fewer delays for applicants waiting for a decision on their application and will help ensure that Governing Boards do not have vacancies for LA governors for long periods of time. The regular reports to the Lead Member will ensure the process continues to be open to scrutiny and challenge.

3 Music Service Management Committee

3.1 The County Council is the Trustee for the East Sussex Music Trust which has charitable status. The Music Service Management Committee fulfils the role of trustee on behalf of the County Council.

3.2 The terms of reference for the Music Management Committee are as follows:

On behalf of the County Council -

(a) in consultation with the Director of the East Sussex Music Service, to exercise oversight of the County Music Service including its strategic development, management and finances, and to monitor the level and quality of the service to its clients;

(b) subject to the County Council's normal financial procedures and the Children's Services Department budget, to draw up and recommend to the Cabinet the budget for Music Services including that element drawn from trust funds; and

(c) to exercise powers and duties of the County Council in its capacity as trustee of the charity known as the East Sussex Music Trust in compliance with the terms of the Trust Deed and Charities Acts.

3.3 Discontinuation of the committee was discussed in 2016 and it was agreed at that time to reduce the number of meetings to two per year. Furthermore, the Committee does not play an active role in the management of the music service and the service is now lead organisation for the East Sussex Music Education Hub, with responsibilities set out by the Department of Education in the National Music Plan, overseen by the Arts Council.

3.4 The Trust Deed, dated 13 May 1999, allows the County Council (as sole Trustee) to delegate to any Committee, Panel or officer of the Council to exercise any of the Trustee's powers.

3.5 The East Sussex Music Service no longer receives a budget from the county council, but receives grant income from the Department for Education on behalf of the East Sussex Music Education Hub and income from traded services with parents and schools. Approval of the budget takes place at 3 levels:

- fees and charges are approved annually through the normal county council process and the budget is approved and then monitored on a monthly basis by the Children's Services Department
- the Hub board approves the budget annually
- the budget is then submitted to the Arts Council for approval and a budget monitoring report is

submitted quarterly

3.6 In view of the changing role of the Service and the fact that the Music Service Management Committee does not play an active role in the management of the Service, it is proposed that the Music Service Management Committee be discontinued and that the County Council delegate to the Director of Children's Services the functions of the Committee as provided for in the Trust Deed.

3.7 Oversight of the strategic development, management and finances of the Music Service and level and quality of service provided would continue at 3 levels:

- the Head of Service will provide regular reports to the Director of Children's Services and Senior Management Team
- the Hub Board meets on a termly basis to oversee delivery of the core responsibilities as set out by the Department for Education
- the Head of Service meets on a quarterly basis with a representative from the Arts Council

3.8 The support of Members in raising and maintaining the profile of the Music Service is valued and Members would continue to be invited to Music Service concerts and events so that they are aware of achievements and can act as ambassadors for the Service.

3.9 The Music Service Management Committee has acted as trustee of the East Sussex Music Trust (Charity Number 1076180.) In 2003, the Trust sold its freehold premises to facilitate the building of a new purpose built Performing Arts Centre at Sussex Downs College, where the Music Service is now based. Due to the Trust status the service receives Mandatory Charitable Relief of approximately £28,000 pa. If the Trust was removed then the Service would lose the charity relief thus resulting in further financial commitments. In recent years Trust funds have been used to assist students to go on tours with music service ensembles.

4. Conclusion

4.1 The Governance Committee is recommended to recommend the County Council to:

- 1) agree that the current Education Performance Panel should be discontinued for the reasons set out in this report and that the Constitution be amended accordingly
- 2) delegate the power to nominate and remove Local Authority governors to the Director of Children's Services and that the Constitution be amended as set out in paragraph 3.1 of the report; and
- 3) agree that the current Governors Panel be discontinued for the reasons set out in the report and that the Constitution be amended accordingly.
- 4) agree that the current East Sussex Music Service Management Committee should be discontinued for the reasons set out in this report and that the Constitution be amended accordingly ; and
- 5) agree to delegate to the Director of Children's Services authority to exercise powers and duties of the County Council in its capacity as trustee of the charity known as the East Sussex Music Trust in compliance with the terms of the Trust Deed and Charities Acts and that the Constitution be updated to reflect this delegation

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