

CHILDREN'S SERVICES SCRUTINY COMMITTEE

MINUTES of a meeting of the Children's Services Scrutiny Committee held at County Hall, Lewes on 27 November 2017.

- PRESENT** Councillors Roy Galley (Chairman), Chris Dowling, Kathryn Field, Roy Galley (Chair), Tom Liddiard, Laurie Loe, Stephen Shing, Alan Shuttleworth (Vice Chair),
- Dr Anne Holt (Church of England Representative)
Mr Simon Parr (Catholic Diocese Representative)
Councillor Julian Peterson (Borough and District Representative)
Mrs Nicola Boulter (Parent Governor Representative)
- LEAD MEMBERS** Councillor Bob Standley (Lead Member for Education and Inclusion, Special Educational Needs and Disability - EISEND)
- Councillor Sylvia Tidy (Lead Member for Children and Families)
- OTHER MEMBERS** Councillor Keith Glazier, Leader of the Council, Councillor David Elkin, Deputy Leader of the Council
- ALSO PRESENT** Becky Shaw, Chief Executive, Stuart Gallimore, Director of Children's Services; Louise Carter, Assistant Director (Communication, Planning and Performance) Fiona Wright, Assistant Director (Education & ISEND), Mark Whiffin (Head of Finance), Keith Brown (Schools Capital Programme Manager), Peter Bowley (Property Maintenance Manager), Tina Glen (Head of Property Operations) and Gary Langford (Place Planning Manager)
- Stuart McKeown, Senior Democratic Services Advisor.

18 MINUTES OF THE MEETING HELD ON 25 SEPTEMBER 2017

18.1 **RESOLVED** – to confirm as a correct record the minutes of the last Committee meeting held on 25 September 2017.

19 APOLOGIES FOR ABSENCE

19.1 Apologies were received from Councillor Francis Whetstone.

20 DISCLOSURES OF INTERESTS

20.1 No disclosures were declared.

21 RECONCILING POLICY, PERFORMANCE AND RESOURCES (RPPR)

21.1 Becky Shaw, Chief Executive, Stuart Gallimore, Director of Children's Services, Councillor Sylvia Tidy (Lead Member for Children and Families) and Councillor Bob Standley (Lead Member for Education and Inclusion, Special Educational Needs and Disability) introduced the report by providing an overview of the current context within which the RPPR process has been undertaken.

21.2 The Committee then discussed the areas of search before them. The key discussion points are summarized below:

- **Impact of reducing services to the statutory minimum.** The Committee asked for clarification as to what the likely impact of reducing a given service to its 'statutory minimum' might be on the public. In particular, the Committee were concerned about the impact of 'short term' cuts within 'Early Help' and the longer term negative outcomes this might result in for young people; and that such cuts do not appear to be cost-effective. In response, the Committee were informed that the Department share the Committee's concerns with regard to these points. However, the scale of the financial challenges which the Department is now facing means it believes it has no choice other than to make such savings. In practical terms this means it will often not be possible to provide services to the same depth as before, to as wide a range of young people as before or as quickly as has previously been possible. For example, the Department have moved away from universal youth work provision to targeted support. Such targeting is aimed at focusing limited resources on the most vulnerable and where it is likely to produce the greatest benefit. The Department have also taken steps to ensure it works as efficiently as possible. This has resulted in the authority, when compared to its statutory neighbours, as being assessed as a 'low cost, high outcome' authority. The Committee were also informed that the areas which the Department can take into account for potential savings are severely restricted. So, for example, each financial year approximately half of the Department's budget is reserved for named individual children (such as Looked After Children).
- **The scope for income generation.** The Committee asked if the Department have a clear understanding of the potentially limited scope it will have for generating income from a traded school improvement service. In response, the Department confirmed it understands the range of challenges and choices faced by local schools and how this might impact on their decisions as to whether they purchase services from the Council. As a result the Department does not view potential income from this area of traded service as sustainable in the longer term.
- **Engagement with the Voluntary Sector.** The Committee asked for clarification as to the nature of East Sussex County Council's engagement with the voluntary sector, particularly with regard to Youth Work. More specifically the Department were asked whether more could be done to develop relationships with relevant organisations. In response, the Committee were informed that the Department is keen to identify further ways of working with the voluntary sector and that the ongoing review of how services are delivered includes consideration of this relationship. In addition, East Sussex has a vibrant voluntary sector and whilst it is generally not able to provide financial support to these organisations, the Council actively seeks to assist voluntary organisations in a range of ways, including by signposting them to external sources of funding.

21.3 The Committee were satisfied that it did not need to add any further items to the list of issues it had formally identified at its September meeting. However, Councillor Roy Galley, asked the Department to be in a position to respond to the following two matters at the RPPR Board meeting on Thursday 7 December:

- **Standards and Learning Effectiveness Service (SLES).** Given the further savings identified in the Savings Plan, Councillor Galley asked if the Department could provide the Committee with an overview of how it sees SLES functioning in future.

- **Savings Plan Targets.** The Chairman confirmed that he would also like to discuss at the RPPR Board meeting whether the savings identified in the Budget are realistic and the scope for individual savings targets not being achieved.

21.4 RESOLVED – the Committee agreed:

that in addition to the information requested at its September meeting, the further information outlined in paragraph 21.3 above be made available to the Committee for its RPPR Board meeting on 7 December 2017.

22 THE STATE OF SCHOOL BUILDINGS AND PLANT AND WIDER ISSUES RELATING TO SCHOOL EXPANSIONS AND CLOSURES.

22.1 At its meeting in June 2017 the Committee requested a report on the ‘state of school buildings and plant’ and ‘wider issues relating to school expansions and closures’. The key discussion points are summarized below:

- **Disparity between the total Numbers on Roll (NOR) and overall school place capacity.** The Committee asked why the total number of pupils on roll was often less than the total capacity available within the county (with regard to the table in paragraph 2.10 of the report). In response the Committee were informed that capacity levels vary across the county. However, overall there is indeed a surplus of places. Ensuring that the right level of school places are available in all the different areas of the county is a major challenge, and one which is subject to influence from a wide range of factors. As a result, the Department conduct an ongoing review of school place capacity which responds to new developments. On occasion, and for example, this review process has led to difficult decisions being made to close schools. The key elements of this review process are set out in the Department’s ‘Education Commissioning Plan’ (ECP), a revised version of which is scheduled to be published in early 2018. The new version of the ECP will provide an update on the breakdown of the numbers on roll and the number of school places in specific areas.
- **Working with Voluntary Aided Schools, Academies and Free Schools.** For Community and Voluntary Controlled Schools, the Council retains its power of direction with regard to schools admissions. However, the Council does not have such powers with regard to Voluntary Aided Schools, Academies and Free Schools. This is despite the Council still retaining its general statutory duty to ensure that there is sufficient capacity to meet demand for school places across the county. On occasion this has led to difficulties in reaching agreement with non-maintained and voluntary aided schools about exceeding their Published Admission Number (with a view to serving children living in their local communities). In response to a query from the Committee, Gary Langford, Place Planning Manager, confirmed that Local Authorities do not have jurisdiction over academies in terms of expansion. To mitigate the challenges this can present, efforts are made by the Department to ensure it maintains good relations with academies and free schools within the county. By such methods the Department aims to resolve specific issues. However, and despite its best efforts, it has not always been possible to reach an agreement in all cases.
- **Diversity of Provision.** The Committee asked for clarification on the importance the Department places on the diversity of provision in the county, particularly with regard to the proportion of Catholic school places available and whether the current levels are equitable. In response Councillor Standley confirmed that diversity of provision is important to the Department. Fiona Wright, Assistant Director, also informed the Committee that whilst the Department recognises the importance of diversity of provision, increasing this diversity can be difficult to achieve and is subject to a range of factors, many of which are outside of the authority’s control. Nonetheless the Department are keen to work with the Catholic Diocese regarding its future plans, particular with regard to

secondary provision. Councillor Standley offered to meet with representatives of the Education Service of the Diocese of Arundel and Brighton to discuss the matter in more detail if so requested.

- **Viability of Small Schools.** The Committee asked for clarification about the impact of the National Funding Formula (NFF) and its potentially disproportionate impact on small schools. In response, the Committee were informed by Councillor Standley that in some cases at least, single form entry schools are increasingly not regarded as being financially sustainable. However the issue is complex and one not easily addressed. For example, closing two small single form of entry schools and replacing them with a larger school can create other financial pressures (such as increased financial support for home to school transport).

22.2 RESOLVED – the Committee agreed to:

- 1) note the robust approach to place planning and forecasting and delivery of the Capital Programme.
- 2) the current condition backlog position and approach to managing the backlog maintenance and priority works identified through the condition survey programme.
- 3) note and agree the steps taken regarding Health and Safety information in respect of fire risks following the Grenfell Tower incident.

23 SCRUTINY COMMITTEE FUTURE WORK PROGRAMME

23.1 The Committee discussed its future work programme. The key discussion points are summarized below:

- **‘Get a Grip’ campaign.** The Children’s Services Department recently ran an awareness raising campaign for parents relating to school attendance. The campaign generated significant levels of public debate and media attention. Given this Councillor Standley was asked to comment on the feedback he had received from schools and parents about the campaign. In response, Councillor Standley informed the Committee that he had received only a small number of responses from parents and that he had had no comments from Head teachers. Councillor Standley also highlighted the online petition opposing the campaign which would be dealt with at the next meeting of Full Council on 5 December 2017. Councillor Standley also accepted that despite there being no intention to do so, some members of the public had been offended by the campaign. Nicola Boulter, Parent Governor Representative, expressed the view that the campaign had not been appropriately focused on those parents who were not ensuring their child’s regular attendance at school. As a result many parents felt unfairly targeted. In response, the Director of Children’s Services highlighted the lack of success of previous campaigns and the fact that East Sussex appears to have a specific problem of ‘low-level, odd days’ of non-attendance. The Director therefore took the decision to launch a campaign that deliberately set out to generate a debate. At the same time, the Department were clear that whilst all parents would potentially receive the ‘get a grip’ literature, a conscious effort was made to clarify that the campaign was not aimed at, for example, parents with children who have serious medical conditions.
- **Inspections of local authority children’s services (ILACS).** A new method of inspecting local authority children’s services will begin in January 2018. The new process will look at how well local authorities are supporting and protecting vulnerable children in their area. More specifically, Ofsted intends the new method to be more proportionate, risk-based and flexible than before. Given this new approach, the Committee wanted to have a clearer understanding of the implications of the new inspection process for East Sussex and the Department’s preparedness for its

implementation. Councillor Tidy responded by confirming that one benefit of the new process relates to East Sussex County Council's 'good' Ofsted rating. As a result, any future inspection would only last one week - whereas for an authority that is rated 'inadequate', the resultant inspection will last a month. Councillor Tidy also confirmed that having checked with the appropriate senior manager, she had received an assurance that the Department have put in place the necessary arrangements to deal effectively with the new inspection process.

- **Proposed changes to statutory guidance relating to safeguarding.** Following legislative changes introduced through the Children and Social Work Act 2017, the Government launched a consultation on its statutory 'Working Together to Safeguard children' guidance document. Some of the key issues consulted on include; the possible replacement of Local Safeguarding Children Boards (LSCBs) with local safeguarding partners and the establishment of a new national Child Safeguarding Practice Review Panel. With regard to these changes, the Committee wanted to understand whether there are any issues they might want to explore further and whether a response had been made to the consultation. In response Councillor Tidy informed the Committee that a response had indeed been provided to the consultation and that given the current 'good' rating from Ofsted, the Department are satisfied with the current arrangements. Councillor Tidy also informed the Committee that the proposal to replace LSCBs with local safeguarding partners could result in a body which is 'too big'. As a result, on occasion it may well become necessary to convene smaller bodies that enable the appropriate level of focus to be given to specific safeguarding issues.
- **Proposed changes to statutory guidance relating to Virtual School Heads and Designated Teachers.** The Government has also launched a consultation on the following statutory guidance documents:
 - 'Promoting the education of looked after children'; and
 - 'Roles and responsibilities of designated teachers for looked after children'.

This consultation is also in response to changes introduced by the Children and Social Work Act 2017. In response to a question, Councillor Tidy informed the Committee that the Virtual School in East Sussex is recognised nationally for its excellence and that the service is well-placed to cope with the proposals set out in the consultation should they be implemented.

Educational Attainment and Performance Scrutiny Reference Group

23.2 Given the recent decision to discontinue the Education Performance Panel and the ongoing fundamental changes occurring within the education system, the Committee agreed to appoint an 'Educational Attainment and Performance Scrutiny Reference Group'. The reference group is intended to provide committee members with a forum to discuss in more detail attainment and performance issues. It was agreed that the first meeting would probably take place in February 2018 (after the validated exam results had been published). It is anticipated that the group would meet on an ad hoc basis, with the outcomes and possible recommendations being reported back to the Committee at appropriate intervals. Councillor Standley, as the relevant portfolio holder, also offered to attend meetings of the working group if required.

Scrutiny Review Board: Coping with change – the way forward

23.3 The Committee agreed to appoint a Scrutiny Review Board to consider issues relating to how schools are coping with change (with a particular emphasis on a forward-looking approach). Whilst the Committee is interested in developing a clearer understanding of the key changes and their potential impact on all types of school within East Sussex, the Committee have a particular interest in the following issues which might become a focus of the Review:

- the sustainability of small schools;
- school funding issues, including data on school funding bids to the Strategic School Improvement Fund (SSIF) and the impact this is having on under-performing schools;
- the impact of the 'Federate First' programme (Federation First is a national campaign developed in 2016 by the National Governors Association to raise awareness of the advantages of federations to school improvement);
- how schools are now increasingly making decisions regarding which services they purchase and the impact this may have on performance and attainment.

It is anticipated that the first 'scoping' meeting of the Review Board will take place early in 2018. At this first meeting the Review Board will focus on identifying the key issues it would like to investigate further. If a suitable subject for review is identified, the Review Board will then agree its terms of reference and key objectives.

23.4 RESOLVED – to update the scrutiny work programme so that:

- 1) in relation to minute 23.2, wording is added to reflect the Committee's decision to convene an 'Educational Attainment and Performance Scrutiny Reference Group'.
- 2) in relation to minute 23.3, wording is added to reflect the Committee's decision to appoint a Scrutiny Review Board to consider issues relating to how schools are coping with change.

24 FORWARD PLAN

24.1 The Committee considered the Forward Plan for the period to 28 February 2018. The relevant Lead Members were asked to comment on the two items listed below (both items appearing on the Forward Plan for consideration on 11 December 2017):

- **National Funding Formula (NFF).** Councillor Standley provided the Committee with an update on progress with the NFF. The update included an overview of the actions undertaken by the School Forum and that local schools had been consulted regarding the NFF proposals. With regard to the consultation, a relatively small number of schools had responded.
- **Proposed Expansion of Lansdowne Secure Unit.** Councillor Tidy provided the Committee with an update on the proposed expansion at Lansdowne Secure Unit. The Committee asked for the update given that the proposal will incur significant expenditure at a time of large scale savings being implemented across the Department. Councillor Tidy informed the Committee that if agreed, the expansion would be paid for from the Capital Programme and therefore would not impact on the revenue budget and related savings plan. At the time of the meeting the business case for the proposal was still being developed.

24.2 RESOLVED – to note Forward Plan for the period to 28 February 2018.

(The meeting ended at 12.25 pm)

CHAIRMAN