

West Sussex County Council – Ordinary Meeting

25 July 2014

At an Ordinary Meeting of the County Council held at 10.30 a.m. on Friday, 25 July 2014, at County Hall, Chichester, the members present being:

Mrs A J Jupp (Chairman)

Mr W E Acraman	Mr R A Lanzer
Mrs P A C Arculus	Mr G V McAra
Mr D H Barling	Mr P G Metcalfe
Mr L H Barnard	Mrs M E Millson
Mr A J Barrett-Miles	Mrs J S Mockridge
Mrs E A Bennett	Mr J A P Montyn
Mr P J J Bradbury	Mrs S R Mullins
Mr M J Brown	Mr R J Oakley
Mrs H A Brunsdon	Mr S J Oakley
Mr I R J Buckland	Mr J J O'Brien
Mr R D Burrett	Mr F R J Oppler
Mr P C Catchpole	Mr C G Oxlade
Mr M R Clark	Mr L W Parsons
Mr M A Cloake	Mr A Patel
Mr D G Crow	Mr A P Petch
Dr N P S Dennis	Mr N F Peters
Mrs J E Duncton	Mrs J E Phillips
Mrs E M Evans	Mr B J Quinn
Mr P C Evans	Mr J G Rae
Mrs C M Field	Mrs A M Rapnik
Mr M J Glennon	Mr J L Rogers
Ms M L Goldsmith	Mr R Rogers
Mr P A D Griffiths	Mr D P Sheldon
Mrs P A Hall	Mr B A Smith
Mr P D High	Mr R J Smytherman
Mr J C Hunt	Mr A C Sutcliffe
Ms S James	Mr B W Turner
Mrs A F Jones, MBE	Mr G M Tyler
Mr G L Jones	Mrs D L Urquhart
Mr M G Jones	Mr S G Waight
Ms D M K Kennard	Dr J M M Walsh, KStJ, RD
Mrs E Kitchen	Mr D R Whittington
Mr P K Lamb	

Apologies and attendance

61 Apologies were received from Mr Circus, Mr Hillier, Mrs Smith, Mr Watson and Mr Wickremarachi. Mr Crow arrived at 11.12 a.m. Mrs Arculus gave her apologies and arrived at 12.10 p.m. Mr Petch gave his apologies and left at 12.30 p.m. Mrs Bennett, Mrs Brunsdon, Mrs Duncton, Ms James and Mr J L Rogers gave their apologies for the afternoon session. Mr G L Jones, Mr Oppler, Mrs Phillips, Mrs Rapnik and Mr Sutcliffe arrived for the afternoon session at 2.10 p.m. Mr Patel was absent for the

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afternoon session.

Death of Mr Richard Greenwood, MBE, DL

62 The Chairman reported the death of a former member of the County Council, Mr Richard Greenwood, MBE, DL who had represented the Cuckfield Rural No. 5 electoral division from 1973 to 1985.

63 The Council stood for a minute's silence.

Interests

64 Members declared interests as set out at Appendix 1.

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65 It was agreed that the minutes of the Ordinary Meeting of the County Council held on 6 June 2014 (pages 115 to 133) be approved as a correct record.

Appointments

66 The following changes to appointments were made which took effect from the end of the meeting:

Committee	Change
Children and Young People's Services Select Committee	Mrs Mullins in place of Mr Oxlade
Planning Committee substitute	Mr Sheldon

Governance Committee: Transformation Plans and new Corporate Leadership Structure

67 As part of the restructure of the senior leadership team, the Council was asked to approve the designation of the post of Chief Operating Officer as Head of Paid Service and the allocation of the statutory roles of Chief Finance Officer and Monitoring Officer, together with consequential changes to Standing Orders, in the light of a revised report from the Governance Committee (pages 134 to 141).

68 Resolved -

(1) That the proposed restructure of the senior leadership team be approved to take immediate effect and that the three statutory posts be allocated as follows:

(a) Head of Paid Service – Chief Operating Officer

- (b) Monitoring Officer – Tony Kershaw (Director of Law Assurance and Strategy)
 - (c) Chief Finance Officer - interim Executive Director Corporate Resources and Services; and
- (2) That proposed changes to the Council's Standing Orders, as set out at Appendix 2 to the report, be approved and that the Director of Law, Assurance and Strategy be authorised to make further consequential changes to the Constitution.

Appointment of Chief Operating Officer (Head of Paid Service)

69 Further to the changes to the corporate leadership structure agreed in minute 68 above, the Council was asked to approve recommendations from the Chairman's Appointing Committee to appoint a Head of Paid Service (Chief Operating Officer) (pages 142 to 144).

70 The County Council placed on record its appreciation and thanks to Diane Ashby, the current interim Chief Operating Officer, for taking on that role in addition to her director role since February and congratulated her on her appointment to the new role of Executive Director Residents' Services.

71 Resolved -

That Gill Steward be appointed to the post of Chief Operating Officer (Head of Paid Service) of West Sussex County Council with effect from the end of this meeting.

Written Questions

72 Questions and answers pursuant to Standing Order 15(2), as set out at Appendix 2, were circulated. Members asked questions on the answers as set out at Appendix 2.

Cabinet Member Question Time

73 Members asked questions on the Cabinet Members' reports (pages 145 to 150), as set out at Appendix 3.

Leader's Question Time

74 Members questioned the Leader on matters currently relevant to the County Council, as set out at Appendix 3.

Council Annual Report 2013/14

75 The Leader moved the Council Annual Report (page 151).

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76 Resolved -

That the End of Year Performance Report 2013/14 be approved.

Treasury Management Annual Report 2013/14

77 The Cabinet Member for Finance moved the Treasury Management Annual Report 2013/14 (pages 152 to 169).

78 Resolved -

That the Treasury Management Annual Report for 2013/14, as set out at the Appendix to the report, be noted.

Other Annual Reports

Report of the Adult Safeguarding Panel

79 Mrs Arculus, on behalf of the Adult Safeguarding Panel, moved the Annual Report of the Adult Safeguarding Panel (page 170) together with a newsletter.

80 Resolved -

That the report be noted.

Report of the Corporate Parenting Panel

81 The Chairman of the Corporate Parenting Panel moved the Annual Report of the Corporate Parenting Panel (pages 171 to 182).

82 Resolved -

That the report be noted.

Report of the Champions

83 The Council considered the Annual Report of the Champions (pages 183 to 187).

84 Resolved -

That the report be noted.

Standards Committee Annual Report

85 The Council considered the Standards Committee Annual Report which included the compliments, comments and complaints overview (pages 188 to 196).

86 The Chairman noted a suggestion from Mrs Millson that, in relation to equalities monitoring in paragraph 4.1 of the Annual Monitoring Report of Complaints, in order to encourage complainants to complete equalities information it was important for the form to adequately explain that the Council was collecting the information to try to ensure that everyone was treated equally.

87 Resolved -

That the report be noted.

Notices of Motion

Notice of Motion by Mr Metcalfe

88 The following motion was moved by Mr Metcalfe and seconded by Mr Burrett.

'The West Sussex Credit Union provides a safe, secure and economic means for people in need to borrow money and for those with funds to invest to do so in the knowledge that it will helping others whilst providing a potential return on that investment.

This County Council supports and seeks to encourage the future development and wider use of the West Sussex Credit Union and calls upon the Leader and Cabinet Member for Finance to use all available means to promote the Union to its staff and members, to the business community and to the residents of the county.'

89 The motion was agreed as set out above.

Notice of Motion by Mr M G Jones

90 The following motion was moved by Mr M G Jones and seconded by Mr Lamb.

'This Council notes that since 2001, over £4m has been spent on Chichester Festival Theatre by West Sussex County Council, including £1.5m from the Council's 'Kick Start Fund' in the past year, which was supposed to be a fund to stimulate economic activity in the county.

At a time that the Council is continuing to make massive cuts to vital front line public services, which particularly impact on some of the poorest and most vulnerable residents in West Sussex, this Council believes such expenditure on the Festival Theatre can no longer be justified.

In addition, the Kick Start Fund, and whatever succeeds it in the future, is intended to stimulate economic activity and prosperity within the county. Providing subsidy for a theatre's activities, even for renovations, is not an effective use for such a fund, or in the spirit of its original intentions.

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Therefore this Council requests that the Cabinet Member for Finance enforces a

moratorium on any further financial assistance to Chichester Festival Theatre with immediate effect, and that he commits to consulting all members of the County Council prior to making a decision on any proposal for future grants to the theatre.'

91 The motion was lost.

Chairman

The Council rose at 3.05 p.m.

Agenda Item No. 1 - Interests

Members declared interests as set out below. All the interests listed below were personal but not pecuniary or prejudicial unless indicated.

Item	Member	Nature of Interest
Item 7(a) written question number 3	Mr Smytherman	Local Authority Governor of the Alternative Provision College
Item 7(a) written question number 7	Mr Griffiths	Governor of Northbrook College
	Mr R Rogers	Governor of Durrington High School
	Mr Turner	Governor of Northbrook College
Item 7(b) CMQT paragraph 3 (NLGN Two Tier Futures Summit)	Mr Bradbury	Member of Mid Sussex District Council
	Mr Evans	Member of Ferring Parish Council and Chichester City Council
Item 7(b) CMQT paragraph 14 (Annual Public Health Report)	Mr Bradbury	Member of Mid Sussex District Council
	Mr Evans	Member of Ferring Parish Council and Chichester City Council
Item 7(b) CMQT paragraph 22 (potholes)	Mr Bradbury	Member of Mid Sussex District Council
	Mr Evans	Member of Ferring Parish Council and Chichester City Council
Item 7(b) CMQT paragraph 23 (Wastebuster Primary Earth Summit 2014)	Mr Bradbury	Director of Warden Park Academy Trust
Item 7(c) Leader's Questions	Mr Sheldon	Chief Executive of Horsham Matters
Item 8 Annual Report	Mr Sheldon	Chief Executive of Horsham Matters

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Item	Member	Nature of Interest
Item 12(a) Notice of Motion (West Sussex Credit Union)	Mr Burrett	Member of Crawley Borough Council
	Mr Metcalfe	Investor in the Credit Union
	Mr R J Oakley	Investor in the Credit Union
	Mr Sheldon	Chief Executive of Horsham Matters
	Mrs Urquhart	Investor and Voluntary Board Director of the Credit Union
Item 12(b) Notice of Motion (Chichester Festival Theatre)	Mr Barrett-Miles	Friend of Chichester Festival Theatre
	Mr Crow	Member of Crawley Borough Council
	Dr Dennis	Friend of Chichester Festival Theatre
	Mrs Duncton	Prejudicial interest as Director of Chichester Festival Theatre

25 July 2014

1. Written question from **Ms James** for reply by the **Cabinet Member for Adult Social Care and Health**

Question

One of Britain's largest care home operators, HC-One, is currently reviewing plans to install Closed Circuit Television (CCTV) surveillance cameras across its network of 241 care homes in an attempt to address the risk of abuse and neglect of vulnerable elderly residents.

The Care Quality Commission (CQC) has also announced it will be investigating the issue and has undertaken to consider the practice.

- (a) What proactive contributions will the Cabinet Member be able to provide to the consultations being conducted by the Care Quality Commission?

A recent ComRes poll asked more than 2,000 British adults whether they would support or oppose cameras in care homes. It found that 80% supported installation and 36% said they strongly supported the measure.

- (b) In the light of the recent Orchid View scandal, does the Cabinet Member recognise the potential value of CCTV surveillance in care homes operated by West Sussex County Council? If so, is he willing to instigate a feasibility study for installation?

Answer

- (a) When shocking images of abuse within a care home are shown, or failings in care provision are uncovered, the use of CCTV can appear to be a clear way of ensuring the safety of residents, and promoting the quality of care they receive. However it is a complex matter that requires careful consideration. When referring to CCTV it is important to differentiate between covert video surveillance and the open use of CCTV. The use of covert video is very tightly regulated and would need to be agreed by an authorised officer within Trading Standards.

The CQC, the national regulator for all health and social care services in England, has confirmed that it has not made any significant announcements regarding its approach to the use of CCTV and has no immediate plans to change its policy. However, it does wish to engage the public, providers and other key stakeholders in a discussion about covert surveillance, which includes (but is not limited to) CCTV. In the meantime, it does not use or promote the use of video surveillance. The CQC is also careful not to encourage the use of it, for example by asking a whistleblower to secretly gather further information (in the way information was gathered for the Panorama programme), as it has not made any policy decisions to utilise this approach.

The primary concern is whether the privacy and dignity of care home residents can be protected adequately when CCTV is used. The Chairman

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of the National Care Association has also expressed this concern, and has suggested that a more rigorous regulatory timetable, with unannounced visits, is the way forward. County Council managers who lead on adult safeguarding are also clear that CCTV cannot be a substitute for good management and proper staff supervision.

The County Council would welcome the opportunity to be part of a consultation with the CQC regarding this issue, and awaits clarification of any proposals regarding the format this will take. At that point the County Council would be in a position to make an informed decision about how best it could contribute.

- (b) It is important to note that the Orchid View Serious Case Review report does not suggest the use of CCTV. It does detail 34 recommendations and the County Council is focusing on progressing these.

In view of this, and in the context of the information set out above, the County Council is not currently considering the installation of CCTV within its adult care homes and therefore it would not be appropriate to undertake a feasibility study at this time. This position will be reviewed should the national debate lead to policy changes within the CQC.

Supplementary Question

Will the Cabinet Member keep members informed of any Care Quality Commission or government consultation he receives on the use of CCTV in care homes and share any proposed response?

Supplementary Answer

Yes, I will keep members informed.

2. Written question from **Mrs Mullins** for reply by the **Cabinet Member for Children – Start of Life**

Question

All elected members are corporate parents. Anyone who is employed by the County Council is also regarded as a corporate parent. Corporate parenting is a duty of this council to ensure that those services provided to children within its care are of good quality and meet their needs. Members and employees of this council are collectively responsible for ensuring that children in our care receive the best possible start in life.

When the County Council out-sources, privatises, turns into mutuals, or commissions services from any other body, can the Cabinet Member:

- (a) Confirm if this status no longer applies to those affected employees; and
(b) Where this leaves West Sussex's ethos, aims and aspirations as a corporate

parent, with an ever decreasing workforce?

- (c) Can he confirm what responsibilities external providers have in respect of corporate parenting?

Answer

The County Council becomes the corporate parent when a child comes into care. Collectively, elected members assume this responsibility and are required to act towards a child in their care in the same way that a good parent would act for their child. The Corporate Parenting Strategy sets out further detail to assist members to understand their responsibilities. Employees are responsible for implementing the strategy and ensuring looked after children receive the best possible care, safeguarding and education.

- (a) If any services for children are outsourced, the corporate parent role remains with the County Council. This role cannot be outsourced.
- (b) The ethos, aims and aspirations of West Sussex County Council as a corporate parent remain the same. The County Council is committed to raising the achievement of children in its care, and ensuring that they are happy and safe.
- (c) External providers do not become corporate parents. However, where they take on responsibility for services to children, they will be contractually required to ensure that they adhere to County Council policies on such things as equality, diversity, transparency etc. Any contract will contain clauses on data protection, freedom of information, insurance, publicity, disputes and review.

Supplementary Question

Could the move towards more commissioning, outsourcing and mutuals, involving a number of different agencies, give rise to safeguarding issues?

Supplementary Answer

The County Council, both members individually and as a corporate body, will retain responsibility for the children in its care. Safeguarding will be covered in clear commissioning plans and contract management as well as scrutiny via select committees and the Corporate Parenting Panel, in addition to my overall responsibility for the service.

3. Written question from **Mr Smytherman** for reply by the **Cabinet Member for Children – Start of Life**

Question

With regards to the Beechfield Education budget, identified as £219,500 by the County Council, can the Cabinet Member tell me:

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- (a) How has the overall allocation actually been arrived at?
- (b) What staff to pupil ratio has been used to determine staffing costs and has account been taken of pupil turn-over during the course of an academic year?
- (c) The number of young people that can be accommodated at any one time rose to seven (from six) a couple of years ago. Was an adjustment made for additional education costs?
- (d) What formula has been used to determine curriculum costs, including accreditation costs, and how has the age and ability range of this vulnerable group been taken into account in this calculation?
- (e) Has an adjustment been made to account for post-16 learners who can now be admitted to Beechfield?
- (f) Was an adjustment made for the provision of a Summer School, which was an Ofsted requirement?
- (g) What allowance has the County Council made within the budget for rental and maintenance/utilities costs?
- (h) How has the County Council factored in centralized costs to the Alternative Provision College for the delivery of leadership and administrative services to Beechfield?

Answer

- (a) The budget for education provision at Beechfield is sourced from the Dedicated Schools Grant (DSG) High Needs Block. The budget in 2014/15 is the rolled forward budget from 2013/14, uplifted by £20,000 for the full-year effect of pay awards.
- (b) The staffing at Beechfield comprises 2.8fte qualified teachers and 1.58fte qualified support staff. The teacher: pupil ratio for most alternative provision placements is 1:8. The teaching provision at Beechfield is more generous at 1:2.5 in recognition of the complex and challenging needs of the young people placed in secure accommodation.
- (c) In line with the answer set out in (b) above, the current staffing provision is sufficient to cater for the additional place.
- (d) There is no formula for the provision of curriculum costs. The budget is set at £10,000 per annum.
- (e) No. The staffing is deemed to be adequate for pre and post 16 young people, focusing mostly on literacy and numeracy skills with other provision differentiated according to needs.
- (f) Summer school activities are planned and funded in collaboration with care

staff at Beechfield.

- (g) The premises running costs of Beechfield are met mainly within the Children's Services budget, but £4,400 has been provided from the DSG towards utility and other premises costs.
- (h) Costs are within the funding of £19,000 per place in West Sussex Alternative Provision College commissioned by the County Council.

Supplementary Question

Can the Cabinet Member tell me who will be delivering the Beechfield summer school? May I also place on record my thanks to all the staff at Beechfield?

Supplementary Answer

The summer school will be delivered by educationalists and by internal staff.

Additional Questions

Additional questions were asked by Mrs Jones and Mrs Mullins.

4. Written question from **Mr Glennon** for reply by the **Cabinet Member for Education and Skills**

Question

There has been recent press coverage of a number of schools which have banned pork products and adopted a policy of only serving Halal meat to all pupils irrespective of their religion. Concerns have been raised, regarding animal welfare issues and maintaining an ethical stance on humane slaughter.

I understand that West Sussex County Council does not currently provide Halal meat in its corporate contracts for school meals, as its provision is generally more expensive. However, there are some schools in the county with their own catering arrangements.

Can the Cabinet Member confirm:

- (a) How many West Sussex schools' catering arrangements are currently provided by the County Council's corporate contracts?
- (b) How parents of children at schools within the corporate contracts are informed of the provenance of the meat that is served?
- (c) How he will work with schools with independent catering arrangements to ensure parents are informed of the origin of meat served to their children?

Answer

- (a) All maintained and academy schools, apart from 15 secondary schools and seven primary schools, are in a County Council contract or use the County Council framework of catering contractors.
- (b) The County Council works closely with contractors to ensure there is a safe and robust supply chain in place for all foodstuffs. Suppliers need to be able to prove the provenance of meat used in schools, and the provenance can be provided by contractors should parents ask for specific information concerning products used. The contractors often print a short summary of origin on their menus or company literature/websites. There is no legal obligation to communicate the provenance but the County Council encourages the contractors to do so proactively when possible to build customer confidence. However, the County Council does not know the numbers of parents/guardians that have asked for or received this information.

The County Council also takes steps to ensure contractors comply with the law and that any meat served is as advertised. Officers recently worked with colleagues in Trading Standards to test samples of beef for traces of horse meat - these were taken at schools where catering is contracted out and delivered in house and all tests were fine.

- (c) Schools that make their own catering arrangements are still able to enter into a County Council catering support service Service Level Agreement (SLA). The catering SLA provides professional advice from officers who will support the school and their independent catering arrangements and advice on supply chain management. This ensures schools are able to make informed decisions and have discussions with their parents and governing bodies when framing their approach to providing school meals.

For schools that do not buy the SLA it is more difficult, but they can still phone for advice on how to get messages to parents.

5. Written question from **Mrs Mullins** for reply by the **Cabinet Member for Education and Skills**

Question

In September the Gatwick School is due to open in Crawley on a site on the Manor Royal Industrial Estate. According to the school's website it is not anticipating finalising the intake of pupils until August with remaining capacity currently in the Year 7 cohort. It is claimed that some parents have been holding offers of places at the school whilst awaiting the outcome of school appeals where their first choice has not been received. The website also confirms that the school is awaiting formal confirmation of funding from the Department for Education.

Can the Cabinet Member confirm:

- (a) If the lack of a finalised intake at the Gatwick School is impacting upon school admissions planning for 2014/15?
- (b) If the appeals for parents who have not received their first school choice for the forthcoming school year have been concluded?
- (c) If he is in contact with the Gatwick School and if he can confirm that funding from the Department for Education has now been received? In the event that the funding is withheld, what contingencies does the Cabinet Member have in place to allocate pupils to alternative local establishments?
- (d) If both he and the Cabinet Member for Highways and Transport have discussed the travel plans and traffic impact assessments relating to the new school and if they are content with the proposed arrangements? Particularly, can he confirm that plans for drop off/pick up and the impact on highway capacity in the area are acceptable?
- (e) If the site of the school on an industrial estate without any playing field provision and the current lack of a sports hall is a concern to the Cabinet Member?
- (f) Despite the school's assertion that it will provide two hours of exercise a week for pupils is there concern that the location and the limited facilities will impact upon the schools ability to provide varied and effective forms of physical exercise?

Answer

- (a) The County Council has ensured that all parents seeking a place at school have received an offer of a place. For the year of opening, a Free School is not bound by the County Council's co-ordination of school admissions and therefore parents may be in receipt of an offer of a school place from the County Council and a conditional offer from an opening Free School, subject to the confirmation of the school's funding agreement.
- (b) The vast majority of appeals by parents contesting places for September 2014 who submitted timely requests have been heard. Some parents who have requested an appeal late or have sought to make a different application to a school since allocation may still be awaiting an appeal.
- (c) Funding agreements for free schools are negotiated directly between the Department for Education and proprietors. The County Council has had no input or sight of the agreement for the Gatwick Free School. It is understood that the agreement will be undergoing scrutiny before sign off. The County Council has not been alerted to any specific risks that would affect the opening of the Gatwick Free School and the admission of pupils.
- (d) As with any school, the decision as to how children get to and from the school rests with parents. The establishment of any new school will have an impact on traffic and the local area, although the County Council does expect any school to actively promote sustainable travel. In this case, the extended school day, from 8.00 a.m. to 6.00 p.m. will mean that children's

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arrival and departure times will be spread over a longer period at the beginning and end of the day

The draft school travel plan, drawn up by the school leadership to support the planning application, suggests that they believe most children will travel by car or bus and they affirm that parents will be encouraged to use the well-established public transport services which serve the area. The school travel plan proposes a range of initiatives in order to minimise impact. These include operating a voluntary one-way system for any car drop-offs and collections, monitoring travel behaviours, encouraging car-sharing and to maintain partnerships with the local authorities, relevant enforcement officers and the wider community.

- (e) Changes to national school premises regulations mean that there is no longer a requirement for schools, or local authorities (in the case of maintained schools) to provide school playing fields.
- (f) It is for the Gatwick Free School to determine suitable arrangements for the provision of PE and sport and negotiate access to facilities including transport for pupils to the facilities.

Supplementary Question

Does the Cabinet Member have any concerns at the lack of County and Crawley Borough involvement in the provision of the Gatwick Free School and the fact that no members have been invited to visit the school to meet the headteacher nor discuss the buildings, traffic access or safety issues?

Supplementary Answer

I am pleased to report that the funding agreement has been approved and the school will be opening in September. The County Council has no say in the formation of free schools – it is an arrangement between the Department for Education and those opening a free school. However, the Council has been consulted on the transport plan for the school. Local members are free to contact the school and ask to visit, should they so wish.

Additional Question

In response to a request from Mr Lamb for the Cabinet Member to work with the County Local Committee to see if money could be found for a crossing to link the school to recreational space, the Cabinet Member said he would encourage it as much as he could.

6. Written question from **Mr Oxlade** for reply by the **Cabinet Member for Education and Skills**

Question

On 4 April the funding agreement with the Discovery New School (DNS) was

terminated and the school was closed. It is a credit to the admissions team at the County Council that those children at the school have been allocated to alternative establishments.

I understand that additional funding of about £300,000 would have been included in the West Sussex Dedicated Schools Grant (DSG) for 2014/15 if those pupils of DNS had been pupils at maintained schools and academies in West Sussex when the pupil census data was compiled. Instead the Growth Fund budget has been used to meet funding shortfalls at those schools accepting pupils displaced from the closure of DNS.

Can the Cabinet Member confirm:

- (a) If all those pupils displaced by the closure of DNS were allocated to maintained schools and Academies in West Sussex?
- (b) If the use of the growth fund has provided a full allocation of additional funding to those schools attended by pupils of DNS and that no school has been financially disadvantaged by accepting pupils from DNS?
- (c) What costs the County Council has incurred as a result of the closure of DNS, including administrative arrangements for the allocation of pupils to alternative establishments?
- (d) If, following contact with Department for Education officials,(as reported in the response to Mrs Mullins' Written Question to the 14 February 2014 County Council) the County Council has been reimbursed for any costs incurred?

Answer

- (a) All former DNS pupils have been tracked to new school places. The majority of placements have been to West Sussex maintained schools and academies and some to Elective Home Education. A few pupils have taken up places in other local authority schools or the independent sector.
- (b) Under national finance regulations schools are funded on the basis of lagged pupil numbers which means that they do not receive any additional funding for in-year admissions. However, if there is an increase in pupils requiring additional classes from September and the increase meets the Growth Fund criteria agreed by the Schools Forum, additional funding is allocated to schools for staffing costs only. The process involves a comparison of pupil numbers in October 2013 with latest information on estimated pupils for September 2014 and application of the Growth Fund criteria. To date £1.36m from the Growth Fund budget has been allocated to schools for estimated increased pupils from September 2014, including some schools that admitted pupils formerly at DNS.
- (c) Cost incurred are in the order of £8,900 taking account of admissions, administration and funding allocated for some individual former DNS pupils under the Fair Access Protocol to support their transition to a new school.

- (d) The County Council has not received any reimbursement in 2014/15 for DNS pupils because the DSG is based on lagged pupil numbers. However, the former DNS pupils on roll in maintained schools and academies in West Sussex will be included in the October 2014 census for the 2015/16 DSG settlement.

Supplementary Question

Will the Cabinet Member confirm that just 18 of the 66 pupils from Discovery New School have been placed in schools in Crawley and whether the admissions process for the forthcoming school year has sought to place children affected by the closure of DNS back in schools in Crawley?

Supplementary Answer

Of the 66 pupils, eight have gone to academies, 47 to maintained schools, one to an independent school, five to other local authorities and five to elective home education. I will try to respond to Mr Oxlade in relation to whether any of the pupils placed outside Crawley are trying to obtain places in Crawley schools.

7. Written question from **Mr Parsons** for reply by the **Cabinet Member for Education and Skills**

Question

The Cabinet Member has expressed disappointment, concerning the withdrawal of the Durrington Multi Academy Trust as the sponsor of the new school in Worthing.

- (a) Can the Cabinet Member confirm the reasons for the withdrawal of the Durrington Multi Academy Trust and if he is convinced that these issues can be overcome by an alternative sponsor?
- (b) The school was due to open in September 2015. Can the Cabinet Member confirm the level of progress made with the withdrawn sponsor on the new school? Will any of this work need to be repeated with a new sponsor?

Answer

In relation to the New Academy, Worthing:

- (a) I can confirm that the Durrington Multi-Academy Trust wrote to the Schools Minister, Lord Nash, to state that it withdrew from sponsorship due to its concerns about the site being unsuitable to fit its educational vision for the future. Full details of the site were made available to all potential sponsors who entered a competition to run the New Academy. The Department for Education and County Council officers have already been in discussion with a potential new sponsor and the site is not an issue of concern. However, as it is the Secretary of State who approves any new sponsor, I have written to Lord Nash to ask that the process of identifying and agreeing a new sponsor is undertaken as quickly and as rigorously as possible.

- (b) The change of sponsor does not, at this stage, affect the planning, design and build programme for the new Academy. This is primarily because so much of the detailed work has already taken place. We are in the final stage of agreeing the transfer of the site to the County Council. Both Northbrook College and the County Council are absolutely committed to this transfer of land.

There may certainly be extra rather than repeated work for County Council officers as any new sponsor will need briefing on the latest available information about the context of the New Academy and revenue planning issues. Should a sponsor be appointed in the relatively near future, it may wish to discuss internal design changes to reflect its own educational vision. It may be possible to accommodate some of these within the tight time programme and budget for the completion of the New Academy.

Supplementary Question

Can the Cabinet Member provide more information about the launch schedule and budget for the new academy and confirm that this information has been received and accepted by the potential new sponsor?

Supplementary Answer

The matter is still under negotiation and the sponsor will be appointed by the Department for Education. Officers are in discussion with the potential sponsor and I hope an agreement will be announced very shortly. This will not delay the building of the school, the planning application for which is due to be considered in September, with the school being ready to open by September 2015.

8. Written question from **Dr Walsh** for reply by the **Cabinet Member for Education and Skills**

Question

- (a) Can the Cabinet Member explain the precise nature of the joint sponsorship of three Academies in West Sussex with the Woodard Academies Trust (WAT)?
- (b) How does it work in practice, and in particular, have there been any joint strategic or performance review meetings?
- (c) Why when I have asked previous questions, have I been told that it is not a matter for the County Council, and that I should approach WAT? If we are joint sponsors do we not have the right to accountability to the County Council?
- (d) Has there been any further discussion with the Academies' Minister on the questions posed regarding The Littlehampton Academy, and if so, can he please inform me of the details?

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- (e) Does he share my view that Woodard Academy Trust, by their actions, and the fact that some of their schools have been put in special measures, are not a fit body to run state funded academies?

Answer

- (a) The original proposal was for a jointly-sponsored group of academies with the Woodard Trust. This was based on an understanding of the requirement that a large financial contribution was expected of sponsors. During the preparation of the Funding Agreement with the Department for Education (DfE) the rules were changed and no financial commitments were required. In the absence of this, there was no formal agreement dealing with such matters as mutual expectations and obligations. The arrangement was consequently based entirely upon trust and co-operation. The formal commitments were through the Funding Agreement between the Woodard Trust and the DfE.
- (b) There are no strategic or performance review meetings involving the County Council. The legal or formal relationship is between the Woodard Trust and the DfE. The only forum for the County Council to exercise influence has been the governing body, over which the County Council has no control in the event that the Trust's governing body decides to reconstitute the academy's governing body.
- (c) The original plan was co-sponsorship, but it is correct that the only body accountable to the DfE is the Woodard Trust. The County Council's responsibilities and influence are no different than for any other academy.
- (d) There has been correspondence with the schools minister Lord Nash. He confirmed in a letter on 27 May 2014 that, following the report into the school on 25 February 2014, officials visited in March and a formal Ofsted visit took place on 15 May 2014. Overall a positive view was taken of governance arrangements. A further visit was to take place on 10 June 2014 after which the County Council was to receive an update. As no further information has been received about the outcome of that follow up visit, the Cabinet Member has written again to Lord Nash.
- (e) The Cabinet Member shares those concerns in light of the issues raised in the February report but is reassured that the DfE and Ofsted are taking seriously their duty to hold the Woodard Trust to account for their responsibilities toward the young people served by the Littlehampton Academy.

Supplementary Question

Does the Cabinet Member agree that, given that co-sponsorship was the original offer to parents, staff and governors, they have been mis-sold as Woodard has dispensed with both the local education authority governors and scrapped the entire local governing body instead giving powers solely to the Woodard Trust based in London?

Supplementary Answer

The written answer sets out the history. I suggest that if Dr Walsh still has questions I will set up a meeting with officers to discuss any remaining points.

Additional Question

The Cabinet Member agreed to make officers aware of Mr Buckland's concerns that half an hour was insufficient for 1,600 children at the academy to eat their lunch but stressed there was very little the County Council could do.

9. Written question from **Ms James** for reply by the **Cabinet Member for Finance**

Question

Performance data reported to the Performance and Finance Select Committee, relating to the Capita Support Services Outsource (SSO) contract, has shown a number of poor results for the period October 2013 to June 2014.

Dissatisfied or very dissatisfied customers were highlighted in the following areas: HR Recruitment at 20%, HR Payroll at 20% and Pensions at 35%, which has also led to delays in the compilation of end of year pension statements.

- (a) Can the Cabinet Member confirm what recovery action plans are being put in place to correct this poor performance?
- (b) Can the Cabinet Member confirm if these failures may trigger the payment of service credits by Capita?

The submission of correct and timely information to assist in the compilation of final statements of account is a significant concern.

- (c) What scope is there in the contract to introduce a specific Key Performance Indicator (KPI) for this area of work, where performance is a concern?

It is recognised that the concentration of outsourced services 'under one roof' with large suppliers, such as Capita, can bring efficiencies. However, the constant drift towards putting 'all our eggs in one basket' also brings inherent risks.

- (d) Does the Cabinet Member believe that diversification of outsourcing across a broader range of suppliers should be considered before placing any more service commissioning with Capita?

Answer

- (a) The survey relates to the opinion of staff using the service and there is a range of feedback from the very positive to the more mixed like the ones highlighted in the question. Since the response rates in the three areas identified were all under 6.5%, as also agreed at the same Performance and Finance Select Committee, the key plan will be to get the response

percentage of those surveyed increased, to ensure a representative survey is achieved from which more objective conclusions can be drawn. However, following the return of each customer survey, the responses are reviewed by County Council officers and the appropriate senior Capita manager to ensure all issues are understood and actions put in place to improve the service wherever possible and within the available budget.

- (b) There is a customer satisfaction key performance indicator (KPI) which covers both response rate and the overall level of satisfaction. Service credits may be triggered if the surveys are representative of the performance delivered to all service users, in any individual month. The survey results were taken from a period October 2013 to June 2014. The response rate in this set of surveys did not meet the KPI but no service credit was payable as this was the first time. Service credits will be applicable upon the next failure.
- (c) It was recognised at the procurement stage that the KPI and performance indicator (PI) regime would need to be flexible and dynamic to accommodate the changes that will undoubtedly happen during the lifetime of such a complex and wide service delivery contract. As such the contract specifically allows for the introduction of new KPIs and PIs as well as the deletion of those that no longer provide suitable focus. Each KPI is reviewed in depth to ensure they drive the correct behaviours both within Capita and in some instances County Council staff.
- (d) As the question acknowledges, having a single contract with Capita has already delivered the County Council significant savings and I see great potential for the expansion of the contract and the delivery of further savings. I believe we will continue to benefit from having the economies of scale of a large contract. However, each business case has to be considered on its own merits and I certainly do not take the view that Capita is the only option for the Council. I will only agree a transfer of staff or work if I am certain it is the right option for the Council.

Supplementary Question

Will the Cabinet Member review the Contact Centre contract with Capita to ensure maximum efficiencies are being achieved and confirm that, where there is the opportunity to increase savings, he is prepared to renegotiate the elements of the contract including the introduction of a performance indicator to ensure efficient compliance of the final accounts?

Supplementary Answer

I am happy that the Capita contract is delivering significant savings. As far as the contract is concerned, it is kept under continuous scrutiny and key performance indicators are kept under review. The contract allows the issuing of penalty payments if targets are missed.

10. Written Question from **Mr G L Jones** to the **Cabinet Member for Residents' Services**

Question

According to a survey undertaken by the South East Local Enterprise Partnership (LEP) last year, poor mobile phone signals adversely impact on the operation of local businesses, including loss of sales, reputational damage and hindering creation of new jobs. There is also an impact on local residents, as the quality of a connection to broadband through a mobile device is limited in some rural areas due to the poor 3G coverage.

- (a) Can the Cabinet Member provide specific information about those areas in West Sussex with poor mobile coverage?
- (b) Can he confirm which network providers are particularly affected and if he has been in contact with those companies to determine if there is any work that can be undertaken to improve signal quality?

Answer

- (a) The County Council does not hold information about which areas in West Sussex have poor coverage of mobile phone signals as it does not supply or contract with any network suppliers.
- (b) Consequently it is not in discussion with any network suppliers about any plans they may have to improve the situation, where necessary.

The Department of Culture, Media and Sport (DCMS) is leading a national 'Mobile Infrastructure Project' initiative to confirm where mobile signal 'not spots' (as defined by Ofcom) exist and to incorporate into the National Implementation Plan any changes in the existing mobile coverage as a result.

The DCMS has said that it will be providing an update to local authorities on progress later this summer.

Supplementary Question

Will the Cabinet Member ask County Local Committees to promote Vodafone's Rural Open Sure Signal programme to local communities where there is an issue with mobile phone signals?

Supplementary Answer

The Council regards connection and communication between companies as very important for the economy so the Broadband champions will be encouraged to speak to all those involved and their remits will be widened to include connections.

Additional Questions

Additional questions were asked by Mr Griffiths and Ms James.

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Agenda Item No. 7(b) - Cabinet Member Question Time

Members asked questions on the Cabinet Members' reports as set out below. In instances where a Cabinet Member undertook to take follow-up action, this is also noted below.

Leader

The Leader answered questions on the following paragraphs.

Paragraph 2, Growth Deal, from Mr Glennon, Mrs Millson and Mr R Rogers.

In response to a request from Mr Glennon for more detail of the pledges made for West Sussex and how the calculations had been made, the Leader said that members would be kept informed.

Paragraph 3, NLGN Two Tier Futures Summit, from Mr Bradbury and Dr Walsh.

Paragraph 4, Airports Commission, from Mr Acraman, Mr Bradbury, Mr Glennon, Ms James, Mr Lamb, Mrs Mullins and Mr Tyler.

Paragraph 5, Fracking Information Event, from Mrs Duncton and Mr Quinn.

In response to a question from Mr Quinn as to whether there would be further events, the Leader said there would be one in the autumn and one in the winter and that she would let members have the dates and venues in due course.

Cabinet Member for Adult Social Care and Health

The Cabinet Member answered questions on the following paragraphs.

Paragraph 6, Serious Care Review, from Mrs Jones.

Paragraph 8, Mental Health Services, from Ms Kennard and Dr Walsh.

In response to a request from Dr Walsh for the Cabinet Member to press for improved mental health services for children in the Worthing area, the Cabinet Member said he would report Dr Walsh's concerns via the Cabinet and continue to press the NHS for improvements.

Cabinet Member for Children – Start of Life

The Cabinet Member answered questions on the following paragraphs.

Paragraph 10, Camelia Botnar Children's Centre, from Mr Buckland.

Paragraph 11, FindItOut Centres, from Mr R J Oakley, Mrs Rapnik, Mr Sheldon and Dr Walsh.

The Cabinet Member noted that the word 'derivation' in the third to last line of the paragraph should read 'deprivation'.

In response to a request from Dr Walsh for a report in a year's time on the success of the FindItOut Centres, the Cabinet Member agreed to report back to the Council via an item in Cabinet Member question time in addition to a report as part of the Select Committee's work programme.

In response to a further request from Dr Walsh for action to provide a full FindItOut service for Littlehampton, the Cabinet Member gave a commitment to look for a building in Littlehampton to provide a centre as soon as practicable.

Also on paragraph 11, in response to a question from Mr R J Oakley about the take up of the new centres the Cabinet Member said he would respond to Mr Oakley with the figures.

Cabinet Member for Community Wellbeing

The Cabinet Member answered questions on paragraph 14, Annual Public Health Report, from Mrs Mullins.

Cabinet Member for Corporate Relations

The Cabinet Member answered questions on paragraph 16, local engagement, from Mr Barling and Mr Crow.

Cabinet Member for Education and Skills

The Cabinet Member answered questions on paragraph 19, Universal Free School Meals, from Mr Griffiths and Mr Oppler.

Cabinet Member for Finance

The Cabinet Member answered questions on the following paragraphs.

Paragraph 20, Business Rates – Consultation on Options for Change, from Mr Rae.

Paragraph 21, forecastings and controls within the capital programme from Mr Burrett.

Cabinet Member for Highways and Transport

The Cabinet Member answered questions on paragraph 22, potholes, from Mrs Kitchen, Mrs Millson and Dr Walsh.

In response to a request from Mrs Kitchen the Cabinet Member agreed to pass on her thanks and his to those involved in recent works in Mrs Kitchen's division.

Minutes - Appendix 3

Agenda Item No. 7(c) - Leader's Question Time

The Leader answered questions from members on the following topics:

Female Genital Mutilation, from Mr Crow.

Underspends on discretionary housing grants, from Mr Sheldon.

In response to a request from Mr Sheldon re funding to district councils from the Local Assistance Network, the Leader agreed to work with the borough and district councils to determine how best to make use of limited government funding to support local residents who were at risk of losing their housing.

Referendum on Cuckfield Neighbourhood Plan, from Mr Bradbury.

Amount spent on head-hunters in the last financial year, from Mr Glennon.

The Leader agreed to respond to Mr Glennon with the level of expenditure by the County Council on consultants and head-hunters during the last financial year.

Visit to Huddlestone Farm, from Mr Barling.

Review of format of Council meetings, from Mrs Millson.

In response to a request from Mrs Millson for support from the Leader for a review of the format of Council meetings to provide a more useful, relevant and interesting debate following general cross-party dissatisfaction with the current arrangements, particularly the format of written questions, the Leader said she was happy to ask the Chairman if she would undertake a review to respond to the evolving work of the Council.

Role of PropCo, from Ms James.

In response to a question from Ms James about the scope of PropCo, the Leader said that the Chairman of the Performance and Finance Select Committee would be circulating to the members of the Select Committee a response from the Leader clarifying the terms and conditions of PropCo.

Speed of Youth Service review, from Mr Parsons.

Teaching assistants, from Mr Oxlade.