

Children and Young People's Services Select Committee

17 January 2013 – At a meeting of the Committee held at 10.00am at County Hall, Chichester.

Present: Mr Burrett (Chairman)

Mrs Arculus	Mrs Le Rossignol	Mrs Waight
Mr Burgess	Mrs Mills	Dr Wilsdon
Mr T M E Dunn	Mr Smytherman	
Mr Lanzer	Mr Tyler	

In attendance by invitation: Mr Griffiths (Cabinet Member for Education and Schools), Mr Evans (Cabinet Member for Children and Families) and Mrs Thompson, representative of the Diocese of Chichester.

Apologies for absence were received from Mr Graysmark, Mr Oxlade, Mrs Reynolds and Mrs Ross. Mr Dunn left at 12.00pm, Mr Lanzer and Mr Tyler left by 2.15pm and Mrs Thompson left at 2.45pm, all gave their apologies for the remainder of the meeting.

Declaration of Interests

146. In accordance with the Code of Conduct the following personal interests were declared (see also minutes 161 and 174): -

- Mrs Mills – Item 6 (High Needs Funding Phase 3 – Alternative Provision College) – as a member of the Management Committee of Links College South
- Mr Smytherman – Item 6 – as a member of the Management Committee of Links College South and Item 8 (Worthing High Academy Action Group Petition) as having involvement with the Action Group
- Mr Dunn – Item 8 – as an advisor on Academies to the Cabinet Member for Education and Schools
- Mrs Le Rossignol – Item 8 – as a member of the and the Academies Task and Finish Group and the Academies Conversion and Funding Task and Finish Group
- Mr Lanzer – Item 8 – as a member of the Academies Conversion and Funding Task and Finish Group
- Mr Burrett – Item 8 – as a member of the Academies Conversion and Funding Task and Finish Group

Minutes

147. Resolved - That the minutes of the meeting held on 28th November 2012 be approved as a correct record and that they be signed by the Chairman.

Cabinet Member Responses

148. The Committee considered a response from the Cabinet Member for Education and Schools to the recommendations made at its meeting of 7 November

2012 regarding School Funding Reform 2013/14 – Schools and Early Years Blocks (copy appended to the signed minutes).

149. Mr Griffiths confirmed that a letter had been received from the Minister of State for Schools, in response to concerns expressed to the Cabinet Member by the Committee. The correspondence indicated that the Minister would be working with local authorities to explore the effects of the School Funding Reform and any adverse consequences it had on schools.

150. The Committee suggested that the County Council should volunteer to work with the Minister to provide evidence of the effect of the School Funding Reform on schools within West Sussex.

151. The Committee considered responses from the Cabinet Member for Education and Schools to the recommendations made at its meeting of 28 November 2012 regarding the Music Education Hub and Proposed Changes to the Education Welfare Service (copies appended to the signed minutes).

152. Resolved – That the Committee notes the responses from the Cabinet Member and requests that the Cabinet Member write to the Minister of State for Schools indicating that the County Council would welcome the opportunity to provide evidence on the effects of School Funding Reform in West Sussex.

School Funding Reform 2013/14: High Needs Block

153. The Committee considered a report by the Head of Learning (copy appended to the signed minutes). David Sword, Head of Learning, introduced the report.

154. Mr Sword gave a presentation (copy of slides appended to the signed minutes) outlining the proposed changes and emphasising that it was anticipated the funding formula would alter again in the future so, at this point, the proposed model could only be expected to be in use for 2013/14.

155. The Committee made comments and asked questions, including those that follow. Members:

- Queried how schools would be funded if more places than anticipated were required for pupils with High Needs or if a pupil was diagnosed with Special Educational Needs (SEN) during the school year. *Mr Sword advised that in both cases the County Council would provide the school with additional funding. He explained that improved data collection during a child's early years meant that there was a more accurate picture of the number of places required and adequate funding set aside in the County Council budget. In this respect if there were more places required at one school there were likely to be less needed at another.*
- Asked what liaison had occurred with neighbouring authorities to ensure that similar funding formulas were employed. *Mr Sword explained that the South East 7 (SE7) group of authorities, which was made up of many authorities bordering West Sussex, had been in discussion about this and were all using a broadly similar methodology.*
- Requested clarification as to whether small special schools or Special Support Centres (SSCs) that did not fill their places and so received less funding would

become unviable and at risk of closure. *Mr Sword advised that data indicated in the coming year more places would be needed so closure was not anticipated. SSCs would need to ensure that they planned their provision and specialisms around the anticipated particular special needs of pupils that would require places in the near future. Mr Sword pointed out that the change in funding for 2013/14 was part of the move towards a national funding formula and there were likely to be further changes for 2014/15.*

156. David Brixey, Headteacher of Angmering School in Angmering, which has a Special Support Centre, and Hilary Riddell, Chair of Governors of St. Anthony's Special School in Chichester, addressed the Committee and highlighted the following issues.

- The Angmering School had vacant places in the SSC which would lead to a funding reduction in the order of between £30-40,000.
- The importance of minimal turbulence in the level of funding provided to the school to ensure stability; there was confidence that the formula proposed by the County Council should assist with this.
- There was concern that schools would now be responsible for the process of recouping funds for Out Of County pupils placed at their schools as this could prove time-consuming. Support would be needed from the County Council to provide school staff with the necessary expertise to fulfil this role.
- There were increasing cases of pupils with complex needs across the whole school spectrum and concern that if there were further funding changes it would impair the capability of schools to cope with these.

157. The following points were raised in discussion. Members: -

- Queried the effect that taking on the role of recouPMENT would have on the school. *Mr Brixey confirmed that it was causing concern amongst staff due to the lack of expertise in carrying out these types of negotiations and the uncertainty about the time it would take to settle the matter with the other authority concerned.*
- Wondered whether the funding changes and additional responsibilities could cause the school to re-think whether they wanted to operate an SSC. *Mr Brixey emphasised that the Governors at his school were very committed to the SSC. However to ensure the maximum number of places were filled the school would need to work closely with the County Council to ensure expertise in particular types of special needs were expanded so that the provision available at the SSC was tailored to the nature of special needs that would be prevalent in the future.*
- Asked whether special needs were getting greater. *Mrs Riddell explained that medical advances meant more babies with disabilities survived than would have done in the past. Along with improved diagnosis this was contributing to the increased number of places required for children with special needs.*
- Requested clarification regarding whether the statutory requirement to provide places for children with Special Educational Needs (SEN) applied to Academies. *Mr Sword confirmed that the rules applied equally to Academies and that the County Council worked closely with Academies and, where appropriate the sponsor, in planning the required number of pupil places.*

158. Mr Griffiths advised that the County Council was working hard to ensure it had accurate data to assist in planning places for children with SEN in the coming years and that the proposed approach would ensure a fair funding system was in place.

159. Resolved - that the Committee:

- (1) Endorses the proposed funding formula changes for high needs in maintained schools and Academies in West Sussex.
- (2) Asks the Cabinet Member to ensure that appropriate support is provided by the Learning Service to assist schools with the recoument process.
- (3) Asks the Cabinet Member to ensure adequate resources are available within the Learning Service to enable provision of sufficient pupil places and the business processes required to support this.

High Needs Funding Phase 3 – Alternative Provision College

160. The Committee considered a report by the Director of Communities Commissioning and the Head of Learning (copy appended to the signed minutes).

161. Dr Wilsdon declared a personal interest as a Regulation 33 Visitor at Beechfield Secure Unit.

162. David Sword, Head of Learning, introduced the report clarifying that the second recommendation in the report should read 'to endorse the proposal to disband the ~~three~~ **two** existing Pupil Referral Unit (The Links College) management committees and to establish a new management committee for a single Alternative Provision College by 1st April 2013.' Mr Sword also explained that the decision regarding whether the Alternative Provision College should open as an Academy would be made by the Governing Body not the County Council

163. Jayne Wilson, Chair of the Shadow Governing Body and Lesley Corbett, Headteacher of Halsford Park School and member of the Shadow Governing Body, addressed the Committee and highlighted the following issues: -

- The Alternative Provision College would offer facilities for children from 4-16 years of age from facilities across the County.
- The Shadow Governing Body included three headteacher representatives, a parent governor representative, 2 staff, 3 local authority representatives, the 2 Chairs of the current Management Committees and representatives from Beechfield and Chalkhill
- The ability to retain flexibility of funding was important due to the vastly fluctuating number of pupils that the College would be responsible for throughout the year.

164. The Committee made comments and asked questions, including those that follow. Members:

- Raised concern that the third recommendation presented in the report caused confusion as it appeared to imply that the Cabinet Member would be making the decision regarding the College becoming an Academy rather than the Governing Body.
- Queried whether the intention was to have a County Councillor included on the Governing Body. *Mrs Wilson advised that they had adhered to the DfE framework when setting up the Shadow Governing Body. Once the funding for the College had been delegated from the County Council then the Governing*

Body could explore the option of including a County Councillor as one of its members.

- Asked what impact the proposed decision was having on the Management Committees of the existing Links Colleges. *Mrs Wilson explained that the members of the Management Committees were keen for clarity regarding progression of the decision but that they were positive about the proposed changes. It was often difficult to fill places on the Management Committees and the Committees regularly operated with vacancies so there was an impetus to move things forward and see the joined-up provision put in place with a full governing body.*
- Highlighted the importance of engaging pupils that require alternative provision to ensure they are given the best life chances and prevent the potential for them to become a burden on society.
- Requested clarification regarding what funding formula would be used to produce the budget for the College. *Mrs Carrigan, Principal Advisor, emphasised that due to the nature of provision, the number of pupils the College would educate would fluctuate, for example depending on levels of exclusion throughout the year. Therefore guidance would be sought from the DfE on this matter, although in the future it was anticipated it would be based on a similar formula to high needs places.*
- Queried whether the existing buildings were fit for purpose. *Mrs Wilson explained that a full survey of all the buildings across the County would be taking place and an assessment undertaken of their suitability for use, particularly those buildings currently used for alternative provision and a range of other purposes – e.g. youth clubs. Mr Sword clarified that with the current range of buildings and their varying condition it would not be an attractive proposition for an Academy sponsor to consider.*
- Wondered how the risk that schools would be unable to afford to commission as many Alternative Provision places in the future was being addressed. *Mr Sword explained that the development of the specialist hubs around the County provided school staff with the opportunity to become trained in dealing with pupils with behavioural difficulties and therefore more able to teach them at school. In addition some Academies were committing to ensure provision was available on their site for all types of pupils.*
- Raised concern about the lack of places for children requiring medical provision and alternative provision for primary aged children and hoped the Shadow Governing Body would explore opportunities to fill this gap.

165. Mr Griffiths clarified that the Governing Body of the College would have opportunities to decide how Alternative Provision should best be delivered to help make improvements for young people across the County.

166. Dr Wilsdon proposed that the final sentence of recommendation 3 in the report be removed to read as follows: - 'to endorse the proposed rescheduling of the Cabinet Member's decision to delegate funding to the West Sussex Alternative Provision College to June 2013, with implementation from September 2013. ~~This decision will include consideration of academy status~~'. This proposal was seconded by Mrs Arculus.

167. A vote was held and the proposal was agreed.

168. Resolved - that the Committee:

- (1) Endorses the proposed rescheduling of the Cabinet Member's decision to delegate funding to the West Sussex Alternative Provision College to June 2013, with implementation from September 2013.
- (2) Requests that the Governing Body give consideration to including a County Councillor on the Governing Body in future.

County Council Draft Budget and Performance Targets 2013-2016

169. The Committee considered a report by the Director of Finance and Assurance (copy appended to the signed minutes). Andy Thorne, Relationship Manager, Children's Services and Communities explained that overall there had been a 5.7% decrease in the finance settlement from central government.

170. Peter Evans, Cabinet Member for Children and Families, explained that the decision of the authority to continue the same level of funding which had previously been delivered via the ring-fenced Early Intervention Grant (EIG) was welcomed. This was echoed by Stuart Gallimore, Director of Children's Services, who explained that the Early Childhood Service had, in the past, been funded by the EIG so the decision of the County Council to commit the same level of funding secured the continuing work of the service.

171. The following points were raised in discussion. Members:

- Noted that the funding for pupils at Academies would now be removed from the County Council budget.
- Raised concern regarding the aim to narrow the gap between the lowest achievers and the rest due to the adverse impact it could potentially have on more able pupils. *Mr Sword explained that narrowing the gap did not appear to affect the achievement of other pupils.*
- Raised concern regarding the freeze on funding in the High Needs block and the impact this would have in providing services for a growing number of children with SEN but with no increase in funding.

172. Resolved - that the Committee:

- (1) Endorses the County Council Draft Budget for the Committee's portfolio areas for 2013/14.
- (2) Endorses the Performance Framework objectives, measures and targets for the Committee's portfolio areas for 2013/14.
- (3) Requests that the Cabinet note the Committee's concern regarding the freeze on funding in the High Needs block with an increasing number of children having Special Educational Needs.

Worthing High School Academy Action Group Petition

173. The Committee considered a petition by the Worthing High School Academy Action Group in relation to the County Council's policy of encouraging schools to convert to Academy status.

174. Mr Burrett declared a personal interest as a Governor at Thomas Bennett Community College.

175. Scott Maynard of the Action Group addressed the Committee in support of the petition and highlighted the following:

- There was concern at the ability of a school to gain Academy status without a consultation process or a clear case for change.
- It was felt that Academy status alone would not drive improvement and that support from parents and strong governance was also necessary to contribute towards achieving this.
- It was accepted that Academies were now part of the education landscape but the Action Group opposed the County Council policy of encouraging all schools to become Academies as it was felt this was not the appropriate option for every school. Indeed there was a real benefit in having a mixed economy of schools.
- That the recent Academies Commission report highlighted that academy status is unlikely to achieve real traction in the primary sector and that local authorities should be encouraging Federation as an alternative to academy status
- It was suggested that the County Council should ensure that each school wishing to become an Academy had addressed the following four points and had:
 - undertaken a full, open and meaningful consultation including an impact assessment and a public ballot
 - demonstrated the capacity to independently improve not only themselves but other schools as well.
 - demonstrated how Academy status would assist in delivering outcomes and achievements
 - demonstrated the Governing Body had the capacity and capability to run a large, autonomous, financially demanding organisation appropriately

176. Mr Griffiths addressed the Committee in response to the issues raised, highlighting the following points:

- The County Council policy referred to support for Academy status rather than a particular approach to becoming an Academy, e.g. converter.
- Evidence indicated that those schools in West Sussex which had become sponsored Academies had demonstrated higher levels of improvement during the 2011-12 period than mainstream schools.
- 11 Academies in West Sussex were working with other schools to assist them in achieving improvements.
- One in five children currently attended an Academy within West Sussex and the Cabinet Member believed one day all children in West Sussex would be educated in an Academy or Free School.

177. The following points were covered in discussion: -

- Mr Smytherman suggested that the County Council policy regarding encouraging schools to convert to Academy status caused concern amongst schools and that the County Council should ensure schools were only encouraged to convert to Academy status if it was appropriate for that individual establishment. He then tabled a list of recommendations for the Committee to consider (copy appended to the signed minutes).
- Members highlighted that there should be choice for schools and the Academies programme provided an opportunity for schools to exercise that right to choice and move away from Local Authority control if appropriate.

Agenda Item Number 2

- Members raised concern that early research about Academies could not be considered conclusive and in this respect there was little evidence to support the West Sussex policy.

178. The Committee requested that the Cabinet Member respond to the four points highlighted by Mr Maynard in his statement regarding areas the County Council should be examining when schools convert to Academies.

179. Mr Griffiths responded to Mr Maynard's four points as follows:

- The County Council provided guidance to schools which included recommendations about the consultation process schools should undertake when considering converting to an Academy, however this could not be enforced. *Mr Sword, Head of Learning, clarified that the Department for Education (DfE) also set out guidelines for schools regarding consultation and that these did not include the requirement for a vote to be held. As the County Council did not have any powers to require schools to undertake a process not set out in DfE guidelines, the requirement for a vote could not be recommended.*
- The County Council provided an independent assessment to the DfE regarding the school's suitability to become an Academy. *Mr Sword added that the final decision on granting academy status was made by Ministers.*
- The data available so far provided indicative evidence that those schools in West Sussex which had become Academies had seen improvements in educational standards and outcomes, with better results particularly at Key Stage 2 and in GCSEs.
- The County Council would be unable to comment on the ability of the Governors to operate the Academy but could provide an indication to the DfE of whether it felt that the Governing Body had the tools and resources to convert.

180. Mr Maynard provided a closing statement to the Committee explaining that the Academy process caused concern and confusion for parents and they felt unsure whether they could approach their local Councillor to voice their concerns. He explained that in his view many parents did not understand the changes that were happening to schools that convert to Academy status. He welcomed the response he had received from the Committee and felt encouraged that the points raised had been taken on board by the Cabinet Member. He cautioned that the County Council should employ due diligence in supporting schools to become Academies to ensure only schools capable of taking control of their entire budget and all the responsibility that entailed were encouraged to proceed.

181. Mr Griffiths provided a closing statement, advising that the County Council built strong relationships with partners at Academies to ensure accountability existed. He concurred lessons were being learnt as more schools converted and that there were improvements the County Council could make so that the overall aim to improve educational standards within West Sussex was sustained.

182. Mrs Waight proposed that the Committee supports the County Council's commitment to the Academies programme in order to continue to improve the educational standards of children in West Sussex schools, this was seconded by Mrs Le Rossignol.

183. A vote was held and the proposal was agreed.

184. Resolved that:

- (1) the Committee supports the County Council's commitment to the Academies programme in order to continue to improve the educational standards of children in West Sussex schools.
- (2) the list of points raised by Mr Smytherman be noted by the Cabinet Member.

Improvement Board Update

185. Stuart Gallimore, Director of Children's Services, outlined for the Committee the items which would be considered at the next meeting of the Improvement Board. He explained that a recent Ofsted inspection of the Fostering Service had judged the service good with outstanding features. Although this was not part of the safeguarding service this outcome was very positive and reinforced the County Council's commitment to Looked After Children. He also reported that a recent survey of staff in relation to supervision had provided some encouraging results as it demonstrated over 90% of staff felt appropriately supervised.

Agreeing Task Force Membership

186. The Chairman sought agreement from the Committee to appoint Mrs Arculus to the Task Force to consider the Annual Report of the Learning Service, the following Members were appointed at the last meeting of the Select Committee: Mr Burrett (Chairman), Mr Graysmark, Mrs Le Rossignol and Dr Wilsdon.

187. Resolved - that Mrs Arculus be appointed to the Task Force in addition to those Members listed in minute 186.

Forward Plan of Key Decisions

188. The Committee considered the Forward Plan – February – May 2013 (copy appended to the signed minutes).

189. Mr Griffiths suggested that following the Committee's consideration of the item regarding the Alternative Provision College earlier in the meeting the wording of point two in the decision relating to School Funding Reform 2013/14: West Sussex Alternative Provision College be amended to the following:
"Its new Instrument of Governance to take effect ~~from~~ **no later than** April 2013."

190. Resolved: that the Forward Plan be noted.

Members' Items

191. Mrs Arculus suggested that a request of the Member Stakeholder Group be followed up in relation to providing guidance to Members about the statutory roles of the County Council and the legal relationship with schools. It was suggested that this guidance could be included in the induction for new members of the Council following the elections in May. It was agreed that Mandy Shipley, Scrutiny Officer, would investigate the progress of this matter with colleagues.

Date of the Next Meeting

192. The Committee noted that its next scheduled meeting will be held on 13 March 2013 at 10.30am at County Hall, Chichester.

The meeting ended at 3.40 pm.

Chairman