

NOTICE  
OF  
MEETING



**CHILDREN'S SERVICES OVERVIEW AND SCRUTINY PANEL**

will meet on

**THURSDAY, 8TH DECEMBER, 2016**

at

**6.30 pm**

in the

**COUNCIL CHAMBER - GUILDHALL,**

TO: MEMBERS OF THE CHILDREN'S SERVICES OVERVIEW AND SCRUTINY PANEL

COUNCILLORS EDWARD WILSON, DAVID EVANS, LYNNE JONES, ROSS MCWILLIAMS, MARION MILLS (VICE-CHAIRMAN), NICOLA PRYER AND EILEEN QUICK (CHAIRMAN)

VACANCY (OXFORD DIOCESE), VACANCY (PORTSMOUTH DIOCESE), TANYA WHITE (SECONDARY HEADTEACHER REPRESENTATIVE), VACANCY (PRIMARY HEADTEACHER REPRESENTATIVE), MR LOUDEN (SECONDARY GOVERNORS REPRESENTATIVE), MR COOK (SECONDARY GOVERNORS REPRESENTATIVE), MARTIN POST (REGIONAL SCHOOLS COMMISSIONER).

Karen Shepherd - Democratic Services Manager  
Issued: Wednesday, 30 November 2016

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **David Cook**

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## **AGENDA**

### **PART I**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>PAGE NO</u></b>
1.	<b><u>APOLOGIES FOR ABSENCE</u></b>  To receive apologies for absence.	
2.	<b><u>DECLARATIONS OF INTEREST</u></b>  To receive any declarations of interest.	5 - 6
3.	<b><u>MINUTES</u></b>  To consider the Part I minutes of the meeting held on 16 November 2016.	7 - 14
4.	<b><u>CALL IN - IMPROVING CHOICE IN EDUCATION</u></b>  To consider the Call In of the Cabinet report Improving Choice in Education.	15 - 36
5.	<b><u>FINANCIAL UPDATE</u></b>  To comment on the Cabinet report.	37 - 50
6.	<b><u>SCHOOLS CAPITAL PROGRAMME 2017-18</u></b>  To comment on the Cabinet report.	51 - 58
7.	<b><u>DELIVERY OF ADULT SERVICES</u></b>  To comment on the Cabinet report.	59 - 68
8.	<b><u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PRESS AND PUBLIC</u></b>  To consider passing the following resolution:-  "That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1- 7 of part I of Schedule 12A of the Act"	

## PART II - PRIVATE SESSION

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
9.	<u>DELIVERY OF ADULTS SERVICES</u>  To note the Part II appendix.  <b><i>(Not for publication by virtue of Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972)</i></b>	69 - 124
10.	<u>DELIVERY OF CHILDREN'S SERVICES</u>  To consider the Cabinet report.  <b><i>(Not for publication by virtue of Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972)</i></b>	125 - 138



## MEMBERS' GUIDANCE NOTE

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#### **DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

DPIs include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

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#### **DECLARING INTERESTS**

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# Agenda Item 3

## CHILDREN'S SERVICES OVERVIEW AND SCRUTINY PANEL

WEDNESDAY, 16 NOVEMBER 2016

PRESENT: Councillors REPRESENTATIVE), Edward Wilson, David Evans, Lynne Jones, Marion Mills (Vice-Chairman), Natasha Airey, Nicola Pryer and Eileen Quick (Chairman)

Also in attendance: Cllr Dudley, Cllr N Airey and Mrs White..

Officers: Marie Bell, Claire Burns, Kevin McDaniel, Alison Alexander, Daniel Crampton, Alan Abrahamson and David Cook.

### APOLOGIES FOR ABSENCE

Apologies for absence were received by Mr Nigel Cook. Cllr McWilliams reported he would be late.

### DECLARATIONS OF INTEREST

Councillor David Evans declared an interest in the item 'Improving Choice in Education', as he would be presenting the report to Cabinet. He remained in the room for the duration of the discussion but did not vote on the item.

Councillor Dudley declared an interest in the item 'Improving Choice in Education' as he was a Founder and Chair of Governors at Holyport College, his wife was a founder and Governor at Holyport College and his daughter attended the school.

Councillor E Wilson declared an interest in the item 'Improving Choice in Education' as his wife works at St Edwards Catholic First School and his son works seasonally at Eton College. He remained in the room for the duration of the discussion and voting on the item.

### MINUTES

The Part I minutes of the meeting held on 22 September 2016 were approved as a true and correct record.

### IMPROVING CHOICE IN EDUCATION

The Panel considered the Cabinet report that responded to the Government consultation called "Schools that work for everyone". The report set out the response from the Royal Borough of Windsor and Maidenhead that confirms its commitment to excellent education for all pupils who live in the borough, particularly for those living with financial disadvantage.

The Panel was addressed by Mr Millin, who spoke on behalf of Excellent Education for Everyone, a group founded by borough parents to promote positive discussions about ways to deliver a fair and inclusive education for all in the borough. The Panel heard the group's evidence that selective education would lead to fewer children attaining their potential and the attainment gap between rich and poor growing wider; they did not support selective education. He mentioned that the borough had already invested in improving education with most schools being rated by Ofsted as Good or Excellent and thus there was no need to introduce selection.

Mr Millin mentioned that the Government had not introduced any legislation. He mentioned that in 2014 only 10 pupils out of 8031 who received free school meals and who sat the 11 plus passed the test, parents could already send their children to selective schools outside

RBWM and there was no need to introduce selection that benefited a few but hindered many. He used Ascot as an example where residents had the lowest number of pupils going into selective education as they already had an excellent local school; the borough should support local provision.

Mr Mellin felt that the Panel should recommend to Cabinet that the report be withdrawn until legislation had progressed through Parliament.

Cllr N Airey, Lead Member, informed the Panel that she shared the passion for education in the Borough expressed by Mr Millin and the Council were committed to all school. However she mentioned that currently 666 pupils had attended a selective school or a school with a selective stream outside of the Royal Borough since September 2011 and the Council would like them to have the choice to contribute to education standards within the Royal Borough and allow parents to have that choice.

Cllr Airey informed that the Council had a manifesto commitment, in response to residents' demands, to promote selective education within the Royal Borough. She would support any proposal that considers full or partial selective education, but only where the proposal includes a detailed commitment to raise the academic achievement of young people especially those eligible for pupil premium. Cllr Airey said she would be happy to discuss proposals with Excellent Education for Everyone.

The Panel received a presentation from the Head of Schools and Education Services setting context to the report. The presentation covered current school standards and attainment in 2016, the national policy direction and the demand for selective education within RBWM. The presentation also highlighted the challenge to improve attainment for disadvantaged pupils in the borough showing the difference between those eligible for Free School Meals and those who were not. The Panel were also informed that page 93 of the agenda pack showed the demand for selective education in the borough by looking at first preference data for years 7 and 11. This showed that 13% of the borough wanted to go into selective education. The report was being brought to Cabinet now so RBWM could respond to the Governments consultation.

Cllr Jones questioned the accuracy of the data showing that 14% of parents wished to have selective education as the Windsor figures could not be true as most parents did not make an application at year 7. The Chairman mentioned that some pupils did leave the Windsor system at year 7 and the Head of Schools and Education Services mentioned that table H (page 93) of the report did show that the total number of pupils in Windsor had been reflected in the calculation and thus the figure was as stated.

Cllr E Wilson mentioned that Trevelyan Middle School Windsor had joined with a grammar school and questioned if there would be selection at year 7. The Panel were informed that the trust had given no indication that they wished to change their admission arrangements and if they wished to change them this could not be done before September 2018. Cllr E Wilson questioned if selection could be done by default rather than a decision of the borough and was informed that the trust were keen to improve standards and had not indicated they wished to introduce selection.

Cllr Dudley mentioned that schools in RBWM were making fantastic progress and that it was wrong to make the assertion that the report was bringing selective education to the borough as it was already here with pupils having to leave the borough to go to selective schools, sixth form selection as well as 16% of pupils going into private education.

Cllr Dudley reiterated the need to help pupils receiving pupil premium and agreed that the free school meal figure at William Borlase school should not be replicated in any proposals. The borough wanted a multi-producer model to ensure every child could achieve its potential. He was not happy with the fact that less than 10 pupils from the borough went to Oxbridge each



year. The proposals in the paper were just another part of the mix and retaining private and selective educated pupils in the borough would help drive up attainment across the spectrum.

Mrs White mentioned that there had been a lot of talk about 'getting in' which implied that others would be 'out'. There had also been talk about demand with 13% wanting selective education which also means 87% had not indicated that they wanted selection. The Council had a difficult decision to make that may not be positive for everyone.

Mrs White informed the Panel that in areas where there were existing grammar school the other schools found it five times more difficult to recruit staff and that the number of good or outstanding schools was also much lower. With regards to helping disadvantaged groups we should be mindful that the borough was making good progress on attainment and we should be mindful of the impact of selective education.

Cllr E Wilson said that there had been no mention what the future looked like; how many schools would be selective. Cllr Dudley informed the Panel that progress at Furze Platt was fantastic and that we needed to wait to see what the legislation looked like. Any school wishing to become selective would have to get approval from the DFE. Cllr Dudley gave the example of a borough who had excellent primary schools but no good secondary schools; it was important that RBWM residents had a good mix of options. The proposed way forward was not about returning to the grammar and secondary modern system.

Councillor Mrs Jones mentioned that in principle she was not against selective education however she was concerned that recommendation i asked Cabinet to 'endorse the development of selective or partially selective education'.

The Panel was being asked to endorse this despite not knowing what would be coming forward from central government in legislation and without having the information to know whether or not the development of selective education, in whatever form, would have a negative effect on other school within the borough.

Councillor Mrs Jones felt that the paper did not give the depth of analysis or the detail on how selective education would impact on the current system to allow debate or scrutiny. She mentioned that there had been no reference to the Sutton Trust report that highlighted concerns about the impact of selective education.

Cllr D Evans also referred to the research by the Sutton Trust that showed independent schools were disproportionately represented in many professions and that he would have liked more reference from their research in the consultation response. The council had made a commitment in its manifesto to promote more choice, including selective education within the legal framework. This should also be looked at in a wider context of global competition for education provision and that there was nothing in the report suggesting we would be going back to the grammar and secondary modern system. The schools in the borough were already in competition with selective school and continued to perform well.

The report proposed responding to the government consultation and indicating support. The intention was to offer more choice to parents. Selection already occurred in the borough at sixth form level. 15% of parents chose to send their child across the border to a grammar school. There was therefore already evidence that there would not be a negative impact on borough schools.

(Cllr Dudley left the meeting)

Cllr Jones reiterated that the report was asking the Panel to endorse selective education but did not provide information for Members to make an informed decision. The report asked officers to contact existing grammar schools if they wished to establish a school in the borough and she could not support this pro active approach without proper scrutiny of the proposals.

The Chairman mention that the report was only asking schools if they would be interested in a form of selective education it was not giving permission to introduce it. Any future decision on selective education would require future Cabinet reports and thus debate by scrutiny.

The Chairman asked Cllr Airey if the negative impact of selective education had been considered. Cllr Airey informed the Panel that the report was not saying we would introduce selection but it was about all pupils having opportunities for excellent education. It was about young people having an option to choose. It was important to understand the LEA place in this process as it would be the DFE that made the final decision on schools becoming selective. If all our schools wished to become grammar schools the LEA would champion what was best for our young people against this decision. Evidence suggested that there would be no negative impact on our existing schools. There was no proposals to go back to the old style of selection this was about improving choice for all.

Cllr Jones mentioned that the Panel had been informed that there was no intention of returning to the old 1950's system but this had not been evidenced within the report. It was the role of the Panel to scrutinise the report, whether they supported selective education or not.

Cllr E Wilson supported the pro active approach in the report but said it was important that we be transparent and allow residents to see the responses from schools.

Cllr Airey mentioned that the report was not a vision statement but a response to the green paper consultation. The report responded to the consultation and write to schools about an expression of intention, the recommendations did not give authority to go further then this. This was about getting a head start on any future offer.

Cllr Mills mentioned that she supported the recommendations and Cllr Evans suggestion that there should be reference to the Sutton Trust findings.

**Cllr David Evans did not vote on this matter as he would be presenting the report to Cabinet.**

**Resolved that: The Children's Services O&S Panel endorsed the recommendations in the Cabinet report. The Panel recommended that the Sutton Trust Report on the effects of selective education should be fully examined and where appropriate reflected in the LEA's consultation response. It was felt that selection should be based more on aptitude rather than fully on ability and that in future reports there should be less emphasise on the phrase 'getting in'.**

**Cllr Jones and Mrs Tanya White (Secondary Headteacher Representative) did not support the recommendations within the Cabinet report. Cllr D Evans did not vote on the matter as he had declared an interest.**

**Cllr Jones did not object to the exploration of selective education but she felt that the report lacked the balanced view of the impact this could have on existing schools and did not provide the assurances required to endorse the recommendations. There was insufficient information to scrutinise if selective education should be endorsed.**

(Tanya White left the meeting)

## ADULTS AND CHILDREN'S SERVICES ANNUAL COMPLAINTS

The Panel considered the report that provided an overview of the performance of the Council in respect of receiving, handling and responding to complaints received to Adult and Children

Services. The report covered the periods 1 April 2014 to 31 March 2015 and 1 April 2015 to 31 March 2016.

The Panel were informed that there was a statutory frameworks in place governing the complaints process for Adult and Children's social care This was outside the formal corporate complaints service. The management and administration of this function was moved within the Operations and Customer Services Directorate. This ensured that there is independence between the officer coordinating the investigation and the service areas being investigated.

The Panel were told that between February 2014 and February 2015 the complaints officer role was vacant due to the previous post holder leaving and challenges recruiting a suitable alternative. As a result the recording of the complaints during this period was not as accurate as it should have been and since March 2016 officers were raising awareness of the complaints process and improve the recording of complaints being received.

The Panel noted that tables 1 and 2 of the report showed complaints activity across Children's and Adults Directorates for the years 2014/15 and 2015/16 and compared them with the previously reported activity for 2013-14.

With regards to complaints for Children's Services stage 1 complaints had fallen from 2013-2014 to 2015-2016, however there had been an increase in stage 2 and stage 3 received in 2015/16, these were all from complaints started in 2014/15 and this was linked back to the period where there was not an active complaints co-ordinator in post. It was noted that a lot of complaints had been about how the Council dealt with concerns raised rather the services provided.

The Chairman mentioned that the report showed the percentage of complaints but it would be useful to see the number of complaints received.

Cllr D Evans asked if the complaints service would remain with RBWM when Children's Services transferred to AFC and was informed that it would. Cllr Evans also mentioned that the report did not show the severity of the complaints and was informed that if there was a safeguarding issue it would be escalated to the appropriate body. The Panel were also informed that officer would look at introducing examples of complaints received whilst retaining confidentiality.

Cllr E Wilson reported that it would be good to see if there had been any change in policy or procedure as a result of complaints analysis. This was reiterated by Cllr Mills.

The Chairman, on behalf of the Panel, thanked officers for their hard work improving the complaints procedure and service.

The Panel noted the report.

## FINANCIAL UPDATE

The Panel received a presentation on the latest Financial Update Cabinet report and was informed that the financial position had improved from the time of the last reporting period with an underspend of £430,000 now projected for the Council as a whole. Reserves were anticipated to total £6.5m by year end, which was above the recommended level.

With regards to the Adult, Children and Health directorate it had reduced its projected overspend by £154,000. This resulted in a projected year end overspend of £158,000 out of a budget of £57m. The presentation showed the overspend and underspend for the different services areas and was informed that with regards to Children's Services there were the following pressures / underspends:

- Home to school transport - +343k

- Agency staff in MASH - + 312k
- Internal Fostering placements - -170k
- Legal support from Joint Team - +206k
- Residential childcare placements - -336k
- Leaving Care costs - -113k
- Passenger assistance – high needs - +200k
- Alternative Provision due to exclusion - +100k
- Berkshire education library support service closure costs - +94k

The above pressures resulted in a 394k projected overspend.

Cllr D Evans questioned the increase spend on legal support and was informed that there had been a significant case that had legal costs over £50k and there were more cases then before.

The Chairman asked if with regards to Home to School Transport the pressure relating to special needs continued. The Panel were informed that officers continues to look at this pressure with assessments being made on a case to case basis.

Cllr Jones raised concern that it was difficult to know what residential child care placements would be in the future and that a couple of placements could see the directorate having an overspend. The Panel were informed that the cost of child care placements had been reduced by being able to have better local provision. Placements were being managed better and joining AFC will also help.

**Resolved unanimously: that the Children's Services O&S Panel fully endorsed recommendation 1 in the Cabinet report, they did not vote on recommendation 2 as in was not in this Panels remit.**

## HARD TO FILL ROLES

The Panel were informed that in July 2016 the Employment Panel approved to adopt the definition of 'hard to fill roles' and a number of recommendations to help the authority recruit to these posts. The Panel also agreed an additional recommendation to ensure monitoring of the implementation of enhanced rates and the effect on the finances of the service and therefore agreed that regular reports be provided to the Children's Services Overview and Scrutiny Panel.

The Panel were informed that paragraph 2.2 to 2.5 of the report highlighted the proposed increase in wages for child protection workers whilst 2.5 showed the proposed recruitment campaigns.

Paragraphs 2.6 to 2.11 including table 1 showed the rational for amending the pay bands for new and existing Adult Social Workers and Occupational Therapists. The report also highlighted the plans to implement key worker housing and the relocation package for hard to fill roles.

The Chairman asked if it was a local problem recruiting to the safeguarding roles across Berkshire and was informed that it was common across a number of authorities.

Cllr Jones questioned if the statutory positions were filled by permanent staff if this would result in a saving and would case loads go up. The Panel were informed that the report did not mention savings as the additional cost of agency staff was being offset from other budgets and that case loads are increasing because of the increase in child protection cases. It was also noted that permanent staff were kept at a team manger level.

The Panel noted the update,

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PRESS AND PUBLIC

**RESOLVED UNANIMOUSLY:** That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act.

The meeting, which began at 6.30 pm, finished at 9.00 pm

CHAIRMAN.....

DATE.....

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## **Improving Choice in Education**

In accordance with Part 4 A15 of the Constitution, the 24 November 2016 Cabinet decision relating to the item 'Improving Choice in Education' has been called in for review by this Panel.

### Reasons given for Call-in

Relevant information not considered.

Viable alternative not considered.

Justification for decision open to challenge on the basis of evidence considered.

Undue influence on O&S Panel by Cabinet Members.

The decision has been taken without due consideration of available information. Available information not presented within the paper.

All available options to improve choice not presented with detailed strengths & weaknesses as recommended by education professionals.

Strengths and weaknesses of singular policy presented nit detailed within the paper.

No discussion on consultation took place.

### Options

Having considered the Call-in, Members may:-

if satisfied with the decision, resolve

a) to take no further action,

if still concerned about the decision, resolve

b) to refer the decision back to Cabinet for reconsideration, setting out the nature of the Panel's concerns; or

c) to refer the matter to Council for consideration.

A copy of the Cabinet decision is attached at Appendix 1 and a copy of the Cabinet report is attached at Appendix 2.

CABINET - 24 NOVEMBER 2016IMPROVING CHOICE IN EDUCATION

Cabinet considered the borough's response to the government consultation 'Schools that work for everyone' that confirmed the council's commitment to excellent education for all pupils who lived in the borough, particularly for those living with financial disadvantage.

Cabinet was addressed by Rachel Cooke, who spoke on behalf of Excellent Education for Everyone, a group founded by borough parents to promote positive discussions about ways to deliver a fair and inclusive education for all in the borough. The Overview and Scrutiny Panel had already heard the group's evidence that selective education would lead to fewer children attaining their potential and the attainment gap between rich and poor growing wider. The council's motto was 'residents first', so the council should ask residents first if they wanted their existing schools to become selective. Should schools like Furze Platt shut their doors to 80% of nearby children? Grammar schools further shut their doors to disadvantaged students. Newlands was the top academically achieving comprehensive with comparable results to William Borlase Grammar. It was also an inclusive school with an ever-6 pupil population of 13.7% compared to 1.7% at William Borlase.

Ms Cooke highlighted that there was no mention in at the last election of encouraging existing schools to take up selective education. A selective school meant that all Maidenhead parents would lose the automatic choice of sending a child to the school. There had been no evaluation of the consequences to residents of any school becoming selective. The Prime Minister had stated that new grammar schools should be built in areas with no outstanding or good schools and be trialled in areas of high deprivation. It was against the law to create new selective schools; the council was urged to respect the rule of law and withdraw the report before wasting taxpayer resources. Instead, build a brand new comprehensive or college open to all children no matter their background or academic ability.

The Deputy Lead Member for School Improvement highlighted the issue in the light of the national debate. The government's green paper opened with wording about making the country work for everyone not just the privileged few. He hoped all could agree with that statement. The Deputy Lead Member referred to research by the Sutton Trust that showed independent schools were disproportionately represented in many professions. Selective education was not a magic bullet but he believed it had a part to play in redressing the balance. At Full Council in December 2014 the council had voted in favour of promoting selective education. The council had made a commitment in its manifesto to promote more choice, including selective education within the legal framework. There was no intention to move ahead with any proposal that would be outside the law. The report proposed responding to the government consultation and indicating support. The proposals were not going backwards; there was no intention to force every child to sit an examination. The intention was to offer more choice to parents. In the old grammar system there had been two different



curricula; this would not be the case going forward. Selection already occurred in the borough at sixth form level. 15% of parents chose to send their child across the border to a grammar school. There was therefore already evidence that there would not be a negative impact on borough schools. Borough schools could thrive alongside selective education.

The Deputy Lead Member stated he was happy to accept the amendment proposed by the Children's Takeover Day Special Overview & Scrutiny Panel, with a further amendment.

Councillor Jones commented that over the last two weeks she had been trying to understand exactly what the paper was trying to achieve. All speeches and conversation around the paper said that the focus of the paper was to be ready to quickly implement the outcome of central government's initiative (as indicated in the narrative of the Autumn Statement and in high level statements) regarding the expansion of grammar schools. As yet it was not clear what this would look like but the council was looking to explore the options. Councillor Mrs Jones stated that she was not against this, as she believed all options should be explored. She was slightly concerned that the focus seemed to only be regarding academic selection whereas she would like to see the council exploring other forms of selection, for example partial selection for aptitude in Performing Arts or in Technology.

Councillor Mrs Jones stated that her overriding concern was that recommendation i asked Cabinet to 'endorse the development of selective or partially selective education'. She had been told that the administration had been elected on a mandate for developing grammar schools. The administration was also elected on a mandate for protecting the Green Belt but as seen in the draft Borough Local Plan, keeping to a mandate was not always possible and sometimes not in the best interest of the borough.

Overview and Scrutiny had been asked this despite not knowing what would be coming forward from central government in legislation and without having the information to know whether or not the development of selective education, in whatever form, would have a negative effect on the borough. Councillor Mrs Jones felt that the paper did not give the depth of analysis or the detail on how selective education would impact on the current system to allow debate or scrutiny. The only risk identified within the paper was at point 6 and was not identified in detail. At 9.1 the report referenced the strategic objective 'to make sure every pupil can access excellent education' but did not explain how the paper contributed. Councillor Mrs Jones commented that surely the council was doing this anyway by working to ensure all schools were good or outstanding?

The Sutton Trust said 'pupils in Grammar schools do a little better than similar pupils in other schools, with the difference being between zero and 3/4 of a GCSE grade per subject.' It also stated that 'these same pupils were already making good progress from KS1 to KS2' and 'to be cautious in describing this as a grammar school effect'. The Educational Policy institute (Sept 16) was very cautious as to what the impact was of selective education nationally, if any, but highlighted the fact that in fully selective areas only 30.1% of pupils on free school meals achieved 5 A\*- C (including English & Maths) compared to 33.3% in non-selective areas and that in

most selective areas there was a small negative effect of not accessing grammar schools. It went on to say that 'At national level, more grammar schools would likely lead to small gains in attainment for the minority of children attending such schools, including the number from low income backgrounds. But, additional grammar schools would be likely to lead to increases in the aggregate attainment gaps between rich and poor children. It would be very challenging to significantly improve grammar school access for poor children given that 60% of the attainment gap arises by the time grammar school entry takes place.'

As Leader of the Opposition Councillor Mrs Jones did not see her role as opposing the administration but to challenge and hold the administration to account. This was also the role of all Members in Overview and Scrutiny so she had been very concerned that Members that supported the recommendations in the paper did not challenge, comment or scrutinise the responses to the consultation whatsoever. She supported the amendment put forward by the special Overview and Scrutiny meeting that took place on 18 November 2016 and suggested a further amendment to recommendation i, to replace the words 'development of' with 'investigation into the options regarding'. This would acknowledge the fact that there was a consultation regarding the future of selective education and reflect the purpose of the paper as verbalised by the Lead Member and officers, and would give Members an opportunity to scrutinise the evidence on whether to develop selection once the council had all the facts and impacts in detail.

The Chairman responded that approximately 15% of pupils had received free school meals in the preceding 6 years, amounting to 3000 pupils. Analysis of those struggling suggested the figure was in the region of 30%. He agreed that the free school meal figure at William Borlase school was a disgrace. The borough proposal was for a multi-producer model. The council was already investing way beyond its obligations in schools to ensure every child could achieve its potential. He was not happy with the fact that less than 10 pupils from the borough went to Oxbridge each year. He highlighted the success of free schools in the borough. The proposals in the paper were just another part of the mix.

The Lead Member for Highways and Transport commented that parents and children had already made the choice to go over the border to a grammar school, which involved significant travelling time.

The Lead Member for Finance stated that, although he had not expected to do so, he supported the proposals. He had started his education in Northern Ireland. His wife and older sister had both attended grammar school, however he had attended a comprehensive. His secondary education had been a tough experience and he would probably have been more suited to a grammar school. He had been inspired by the aims to provide more opportunities for children to have a variety of choices. There was a clear commitment that whatever the model, there must be no losers.

The Deputy Lead Member proposed an amendment to recommendation to take into account the proposal from the Children's Takeover Day Special Overview and Scrutiny Panel with additional wording to refer to families struggling to get by.

**RESOLVED UNANIMOUSLY: That Cabinet:**

- i. Endorse the development of selective or partially selective education within the education provision of the Royal Borough to further improve the choice of education available to pupils and the families. This council will support any proposal that considers full or partial selective education only where the proposal includes a detailed commitment to raise the academic achievement of young people eligible for the pupil premium and young people from families struggling to get by.**
- ii. Authorise the Managing Director & Strategic Director of Adult, Children and Health Services with the Cabinet Member for Children's Services to finalise and respond to the "Schools that work for everyone" consultation by the Department for Education as set out in appendix A.**
- iii. Authorise the Managing Director & Strategic Director of Adult, Children and Health Services and the Lead Member for Children's Services to write to all secondary schools in the borough inviting expressions of interest in allowing some or all admissions through a selective stream, and to follow up on the responses to secure a range of options for residents.**
- iv. Authorise the Managing Director & Strategic Director of Adult, Children and Health Services and the Lead Member for Children's Services to write to selective schools across the country inviting them to actively pursue the establishment of a new wholly selective school or a school with a selective stream in the borough.**

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<b>Contains Confidential or Exempt Information</b>	NO - Part I
<b>Title</b>	Improving Choice in Education
<b>Responsible Officer(s)</b>	Alison Alexander, Managing Director & Strategic Director of Adult, Children and Health Services
<b>Contact officer, job title and phone number</b>	Kevin McDaniel, Head of Schools and Education Services, 01628 683592
<b>Member reporting</b>	Cllr N Airey, Lead member for Children's Services
<b>For Consideration By</b>	Cabinet
<b>Date to be Considered</b>	24 November 2016
<b>Implementation Date if Not Called In</b>	Immediately
<b>Affected Wards</b>	All

## REPORT SUMMARY

1. In September 2016 the government published a consultation called "Schools that work for everyone" and is seeking responses by 12 December 2016. This report sets out the response from the Royal Borough of Windsor and Maidenhead that confirms our commitment to excellent education for all pupils who live in the borough, particularly for those living with financial disadvantage.
2. Education standards in the Royal Borough continue to rise and parents continue to demand choice of school type. With our commitment to schools of all types which strive to provide excellent education, the Royal Borough welcomes the opportunity to support the option of selective education for those who choose to access it.
3. In addition, the Royal Borough welcomes the intention of the consultation to make education attainment for financially disadvantaged pupils a shared responsibility across the education sector. It is clear from the attainment results over the last three years that these children do not do as well as their peers in local schools and we are committed to improving their success.
4. This report concludes that the Royal Borough should engage actively in the coming months with any existing school that wishes to explore the opportunity to enable some admissions through selection by academic aptitude. All opportunities must ensure that every school in the borough continues to offer an excellent education for all pupils and contributes to improving outcomes for our pupils living with financial disadvantage as table 1 (section 2.6) clearly shows this group continues to do less well than their peers.

<b>If recommendations are adopted, how will residents benefit?</b>	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
Greater education choice available locally.	To be confirmed with national legislation but unlikely to be before September 2018 admission to secondary school.

## **1. DETAILS OF RECOMMENDATIONS**

### **RECOMMENDATION: That Cabinet:**

- i. Endorse the development of selective or partially selective education within the education provision of the Royal Borough to further improve the choice of education available to pupils and the families.**
- ii. Authorise the Managing Director & Strategic Director of Adult, Children and Health Services with the Cabinet Member for Children's Services to finalise and respond to the "Schools that work for everyone" consultation by the Department for Education as set out in appendix A.**
- iii. Authorise the Managing Director & Strategic Director of Adult, Children and Health Services and the Lead Member for Children's Services to write to all secondary schools in the borough inviting expressions of interest in allowing some or all admissions through a selective stream, and to follow up on the responses to secure a range of options for residents.**
- iv. Authorise the Managing Director & Strategic Director of Adult, Children and Health Services and the Lead Member for Children's Services to write to selective schools across the country inviting them to actively pursue the establishment of a new wholly selective school or a school with a selective stream in the borough.**

## **2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED**

- 2.1** The Royal Borough has a wide range of school choice, offering both two and three-tier options with access at ages 8,11,13 and 16, in a range of community, faith, single gender and mixed schools. This council remains committed to ensuring every pupil can choose the education they want to receive and that all education is high quality education. To this end this council has invested £21m in primary school capacity over the last five years and has an active investment programme of £30m for secondary school expansion. The investment programme will support the education sector to achieve high standards while meeting the forecast level of demand for school places, including the provision of up to 10% extra capacity. This council believes that the availability of additional places offering selective education will increase choice, quantity and quality of school places available to pupils and families living within the borough.
- 2.2** The quality of education within the Royal Borough is rising. Following inspections this academic year, at the end of October 2016, 84% of the state-funded schools

in the borough are judged by Ofsted to be Good or Outstanding. The impact on pupils is also good with strong attainment in the 2016 examination season. 59% of students who completed the year 6 SAT test in 2016 reached the national benchmark making the Royal Borough the 17th highest attaining local authority out of the 150 authorities with sufficient schools in England. Similarly, 72.2% of students who took GCSE examinations in September 2016 achieved an A\*-C grade in English and Mathematics making the Royal Borough the 9<sup>th</sup> highest attaining local authority in England in this measure.

- 2.3 Whilst overall quality and attainment are high within the Royal Borough, some pupils seek places in other local authority areas. Historically 20%-30% of pupils applied for selective school places when this process took place before the entrance test results were known. The system changed in 2014 so that pupils knew their score in the test prior to making an application. This change led to a reduction in the number of applications as some families recognised the reduced chance of being accepted. In 2015, 16% of parents sought a selective school place outside of the Borough with 13% putting this as their first preference of school type based on the result of their child's entrance test result. In the last five years over 12% of pupils living in the Royal Borough have been offered a selective school place in year 7, see appendix B for a summary of the applications for secondary school places.
- 2.4 The 666 pupils attending a selective school outside of the Royal Borough since September 2011 are having a limited positive effect on the borough's education environment. This council is committed to residents having the choice to attend a selective school within the borough boundary and has made a manifesto commitment, in response to residents' demands, to promote selective education within the Royal Borough.
- 2.5 Whilst this council is investing in existing schools to meet planned demand for the next three years, there will be further population growth in the next ten years. The plans as proposed in the Borough Local Plan will require at least one new primary and secondary school to meet the needs of the families. An opportunity exists within the borough to build the two new schools in the centre of Maidenhead on a number of council-owned sites including Maidenhead Golf Club.
- 2.6 The government consultation makes several proposals relating to the contribution of selective schools, independent schools and universities to improving the educational standards for pupils from financially disadvantaged backgrounds. In the Royal Borough, 6.0% of our young people are currently eligible for free school meals while 14.4% have been eligible at some point in the last six years<sup>1</sup>. This larger cohort is eligible for the Pupil Premium and numbered 3052 pupils by the Department for Education in April 2016. This cohort is typically referred to as the "Free School Meals" cohort in schools and there is comparative data available for this segmentation at the end of Key Stages. Nationally, this cohort of young people does not achieve as well as their peers and that is true in the Royal Borough. Locally over the last three school years these pupils have achieved around the national average for those from financially disadvantaged backgrounds and significantly below other pupils in the Royal Borough. Table 1 shows the attainment of these pupils in comparison to the national benchmark for their age group and the gap with other pupils in the Royal Borough.

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<sup>1</sup> Taken from DFE data in 2016 following the refresh of IDACI data which is updated every five years. Previously the Royal Borough had 9% of the school population eligible for Free School Meals.

**Table 1: Performance of pupils eligible for Free School Meals**

			2013	2014	2015
Key Stage 2 Level 4+ reading, writing and maths	RBWM	FSM	68%	68%	58%
		Gap	-11%	-15%	-26%
	National	FSM	60%	64%	66%
		Gap	-19%	-18%	-17%
Key Stage 4 5+ A*-C inc. English & maths	RBWM	FSM	48%	34%	39%
		Gap	-22%	-30%	-28%
	National	FSM	38%	33%	34%
		Gap	-27%	-27%	-28%

- 2.7 Improvement in this area is priority for this council and is supported by a manifesto commitment to “Work with schools to close any attainment gaps for poor pupils”. Already this academic year, our school improvement service has offered every school targeted support regardless of school type. This council welcomes the proposals outlined in the consultation to improve the support provided by the most advantaged in the education system to increase the attainment of young people living with financial disadvantage.
- 2.8 In this context, it is recommended that the Royal Borough respond positively to the proposals set out by the government to allow wholly or partially new selective school places to be developed. This council believes the range of options, from new schools to the conversion of existing schools, offers the best chance to develop a broad range of school types while maintaining high quality education in them all.
- 2.9 The consultation “Schools that work for everyone” requires respondents to answer a batch of questions following each section of the paper. Appendix A contains the proposed response from the Royal Borough.
- 2.10 Whilst the government will consider all consultation responses before bringing forward the necessary changes in policy, guidance or statute in due course, this council wishes to move forward as quickly as possible and will therefore take the following steps to establish a number of options by March 2017.
- Write to all state funded secondary schools within the borough to invite expressions of interest in allowing some or all admissions through selection.
  - Write to selective schools across the country inviting them to actively pursue the establishment of a new wholly selective school or a school with a selective stream in the borough.
- 2.11 This council will support any proposal that considers full or partial selective education only where the proposal includes a detailed commitment to raise the academic achievement of young people eligible for pupil premium and those struggling to get by as identified in the Resolution Foundation “Hanging On” report in September 2016<sup>2</sup>. Any school proposal must outline concrete steps to include a representative proportion of those pupils within the provision. For example, a new selective school admitting 120 pupils in a year group would be expected to prioritise the admission of significantly in excess of the 17 young people whose

<sup>2</sup> <http://www.resolutionfoundation.org/publications/hanging-on-the-stresses-and-strains-of-britains-just-managing-families/>



education attracts Pupil Premium because of their free school meals eligibility. Further, any solutions will have to be supported by resident demand which is clearly evidenced.

### **3. KEY IMPLICATIONS**

3.1 The following outcomes are required from the process.

<b>Defined Outcomes</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Sig. Exceeded</b>	<b>Date they should be delivered by</b>
Consultation response submitted by due date.	Not submitted	Submitted	NA	NA	12 December 2016
Expressions of interest are received from existing schools	None received	1 received	2 received	At least 3 received	End of March 2017
Interest from existing Selective schools	None received	1 received	2 received	At least 3 received	July 2017

### **4. FINANCIAL DETAILS**

4.1 There are no financial implications of this report.

### **5. LEGAL IMPLICATIONS**

5.1 The local authority is able to respond to the consultation as set out in the recommendations. Until such time as a new regulations are published, there is no mechanism for new selective schools to open in the UK.

### **6. VALUE FOR MONEY**

6.1 There is no expenditure resulting from this report.

### **7. SUSTAINABILITY IMPACT APPRAISAL**

7.1 Not required.

## 8. RISK MANAGEMENT

Risks	Uncontrolled Risk	Controls	Controlled Risk
Too many selective places are proposed	HIGH	An open process and demographic needs analysis by RBWM will make clear to proposers, DFE and EFA the likely impact of individual schemes	MEDIUM

## 9. LINKS TO STRATEGIC OBJECTIVES

- 9.1 This paper contributes to the council's strategic objective to make sure every pupil can access excellent education. It is directly related to the manifesto commitments to explore the provision of selective school education within the borough and to close the gap for disadvantaged pupils.

## 10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

- 10.1 This report relates to the principles of maintaining choice and high quality education for all. There are specific recommendation regarding those eligible for free school meals and any forthcoming proposals will contain detail that may require a full Equality Impact Assessment. This report does not require such an assessment.

## 11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

- 11.1 None.

## 12. PROPERTY AND ASSETS

- 12.1 None.

## 13. ANY OTHER IMPLICATIONS

- 13.1 None

## 14. CONSULTATION

- 14.1 This report will be considered by the Children's Overview and Scrutiny panel on 15 November 2016. The government consultation is available to all for submission and the council has encouraged schools to express their specific opinions.

## 15. APPENDICES

- Appendix A: The Royal Borough response to government consultation – "Schools that work for everyone".
- Appendix B: Selective School Analysis

## 17. BACKGROUND INFORMATION

- 17.1 The historical data generated from recent school admissions years has been used to establish the demographic figures used in section 2 and the Governments “Schools that work for everyone” document, which can be downloaded from <https://consult.education.gov.uk/school-frameworks/schools-that-work-for-everyone>, is the source of the questions for the proposed responses.

## 18. CONSULTATION (MANDATORY)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
<b>Internal</b>				
Cllr N Airey	Leader Member for Children’s Services	21/10/16	24/10/16	Comments
Cllr D Evans	Deputy Lead Member for Children’s Services	21/10/16		
Russell O’Keefe	Strategic Director Corporate and Community Services	21/10/16		
Alison Alexander	Managing Director/ Strategic Director Adults, Children and Health	21/10/16	22/10/16 8/11/16	Comments
Simon Fletcher	Strategic Director Operations and Customer Services	21/10/16		

## REPORT HISTORY

Full name of report author	Job title	Full contact no:
Kevin McDaniel	Head of Schools and education Support	01628 683592

## **Appendix A: The Royal Borough response to government consultation - Schools that work for everyone**

The answers below are labelled by the paragraph number in the consultation paper which contains the questions. There is often more than one question per paragraph number

### **Families who are just about managing**

10 Q: How can we better understand the impact of policy on a wider cohort of pupils whose life chances are profoundly affected by school but who may not qualify or apply for free school meals?

*There is an existing IDACI measure for deprivation which identifies, in statistical terms, the relative deprivation in postcode areas based on a number of existing measures. It would be feasible to look at progress and attainment data by IDACI band and therefore assess the school's contribution to the lower bands. This device could be further used to direct the potential engagement of selective schools, independent schools or universities towards schools with higher levels of need.*

10 Q: How can we identify them?

*Many parents will not be comfortable with school having personal information about their family circumstances, (in particular their income). We believe therefore the use of address as a broad proxy would appear to be the most accessible way to identify a cohort.*

### **Independent schools**

12 Q: What contribution could the biggest and most successful independent schools make to the state school system?

*In the Royal Borough of Windsor and Maidenhead we have seen the success of Holyport College, a free school sponsored by Eton College. This school has generated a high quality school for local pupils, taken an active position to support disadvantaged pupils and contributes to the wider state-school network. We believe this is a great example of the most effective way for independent schools to make a contribution to the local area. Full bursaries are more challenging as we believe that there are more barriers to success in education than just the cost of school fees. If places are offered on a bursary basis then the success measure must relate to the progress and outcomes for those students, not just the offering of the place at a point in time.*

12 Q: Are there other ways in which independent schools can support more good school places and help children of all backgrounds to succeed?

*In addition to school place support as set out in the paper we believe the independent sector has a role to increase the social capital of the area by opening up opportunities that are typically beyond the state-funded sector and those disadvantaged families. This may be*

*creating extra-curricular activities that are open to all; holiday time opportunities for enrichment; and supporting local networks such as sport and drama*

13 Q: Are these the right expectations to apply to all independent schools to ensure they do more to improve state education locally?

*It is not clear that every independent school is a good school and there are some that would struggle to meet the demands made of a state-funded school. Where their quality is good enough however we would welcome their contribution. In addition to the proposals to build social capital through extra-curricular enrichment, we would suggest that these schools could take an active role in securing apprenticeship and other workplace opportunities in the area based on their typical network of supporters.*

13 Q: What threshold should we apply to capture those independent schools who have the capacity to sponsor or set up a new school or offer funded places, and to exempt those that do not?

*The threshold for sponsorship or funded places should relate to the financial capacity of the organisation to deliver its services. A combination of turnover and asset base would create a metric to assess the level of requirement on the school which should then feed into inspection.*

14 Q: Is setting benchmarks the right way to implement these requirements?

*Sponsorship decisions do not fit a simple benchmark / numeric threshold. We would support a more qualitative regime, assessed by the Independent School Inspectorate which is able to assess the capability a school has to make a contribution to state education.*

14 Q: Should we consider legislation to allow the Charity Commission to revise its guidance, and to remove the benefits associated with charitable status from those independent schools which do not comply?

*Yes, providing that it is recognised that any closure as a result might add to the school place pressures in a given area.*

14 Q: Are any other changes necessary to secure the Government's objectives?

*It is not uncommon for the pupils targeted by this policy to have 'additional needs'. The guidance needs to be explicit that independent schools are expected to meet those needs without increasing the demand on High Needs funding. This will need to be carefully handled so that costs are not comparable to independent special schools but the normal fees for state-funded mainstream schools.*

## **Universities**

11 Q: How can the academic expertise of universities be brought to bear on our schools system, to improve school-level attainment and in doing so widen access?

*The University Technical College model is one that works well in the case where an employer or University has some relevant expertise about which an 'upper' school can be created and embraced by local industry. These should compliment the range of high quality broad-based provision available for the community. Some Universities would be excellent sponsors of schools, however the assessment of teaching in others does not create a strong sense of capability to deliver the desired Good or Outstanding state-funded schools.*

11 Q: Are there other ways in which universities could be asked to contribute to raising school-level attainment?

*The most common criticism of schools that are **not** Good or Outstanding is that their staff do not have either the requisite subject knowledge or passion for their subject which transmits itself to the students. Universities should be asked to work within their local area to lead and inspire subject teachers of all phases to improve the quality of what goes on in the classroom. Measuring the number of teachers who take part and the coverage of schools will be important along with overall improvements in the success of students in those subjects. Further, Universities can do more to raise the understanding of the role of qualifications – GCSE, A Level, BTEC, Degree, professional body exams etc – with young people in their local area to improve the quality of careers advice and inspiration beyond the statutory duty that sits with schools.*

15 Q: Is the DFA guidance the most effective way of delivering these new requirements?

*We are not in a position to comment on this question as local authorities are not familiar with the workings of the DFA guidance to Universities.*

16 Q: What is the best way to ensure that all universities sponsor schools as a condition of higher fees?

*We are not in a position to comment on the best way to influence Universities.*

18 Q: Should we encourage universities to take specific factors into account when deciding how and where to support school attainment?

*Universities should be required to support all of their local area schools to prevent the direction of support only to those schools likely to feed them students directly. The success of the University should be tied to a local area measure which rewards partnership working to improve outcomes for disadvantaged pupils; reduces the NEET rate and grows employment.*

## **Selective Schools**

15 Q: How should we best support existing grammars to expand?

*Existing selective schools face the threat of legal challenge when attempting to meet the "single integrated school" definition. We can reduce these hurdles by enabling existing selective schools to expand without fear that the status of "single integrated school" can be challenged. The funding of "expansion of places upfront on the basis of estimates" must relate to revenue and reflects a common battleground between schools of all types. Such*

*funding would be welcome but should apply to all expansions not just selective schools if a balanced provision to meet the needs of the local residents is to be maintained.*

15 Q: What can we do to support the creation of either wholly or partially new selective schools?

*We should not try to go backwards. In our area we have a great deal of choice. We have both two- and three- tier admission arrangements, faith and community, mixed and single gender schools. This range gives real choice over type of school and timing of entry however 16% of our families sought an out of borough selective school in 2015 and such provision will further develop that choice. Selective entry must fit into that model by offering a range of pathways in including different age entry points and academic thresholds to match the demographic demands of the community they serve. It must also play it's part in a high quality system: 76% of pupils in our Borough attend a Good or Outstanding secondary school and in 2016, 72.2% of students achieved A\*-C GCSE grades in maths and English, the 9<sup>th</sup> highest ranking for an English local authority.*

*It is likely that a selective school will have a wider catchment area and therefore a requirement for travel support. In areas which do not run entrance testing for all pupils, access to a selective school is currently treated as parental choice and this could be a real barrier for those families who are just about managing. We would recommend that the local authority could be supported to provide transport assistance, with end of day flexibility, for such schools.*

15 Q: How can we support existing non-selective schools to become selective?

*The issues with changing admissions criteria are manifold and last for many years. It will be important to allow some flexibility in the admission arrangements for siblings and those who will have selected a location because of the ability to access a particular school. It is possible that schools making the transition will need to upskill the level of teacher they have (e.g. 3 top sets vs 3 tiers) so an investment and training programme to grow the appropriate staff could be required.*

17 Q: Are these the right conditions to ensure that selective schools improve the quality of non-selective places?

*Running an outstanding school is hard; running a group of outstanding schools with similar ethos and approach is harder; running outstanding schools with very different characteristics is the hardest of all. It should not be required that a selective school runs other schools, instead they should have targets to increase the proportion of lower income households attending and achieving in their schools. We would welcome proposals which support differential thresholds to support this ambition. They should similarly be asked to lead on the generation of aspiration in primary years so more of these families opt for selective education regardless of where it is delivered. We also believe that disadvantaged families don't believe the entrance tests are fair to their children. Selective schools should be*

*required to promote the fairness and resistance to “test coaching” of their admission arrangements.*

17 Q: Are there other conditions that we should consider as requirements for new or expanding selective schools, and existing non-selective schools becoming selective?

*There are relatively few children with additional needs in selective schools (often because taking a test is challenging) and it will be important that selective schools support those with strong mainstream ability wrapped up with complex needs. The planning of a coherent education offer is crucial to the overall standards in an area so that non-selective schools can maintain a mixed intake. It will matter therefore how the places are distributed and the overall balance of the areas school mix.*

17 Q: What is the right proportion of children from lower income households for new selective schools to admit?

*Selective schools should be expected to serve the wider community area they serve and their intake should mirror the demographic mix of that community. It is important that this is not just catchment area as we know that over time the financially advantaged secure property near the best schools. Where appropriate we would welcome a selective school which overtly seeks to take a high proportion of disadvantaged pupils and therefore would not support a ceiling.*

19 Q: Are these sanctions the right ones to apply to schools that fail to meet the requirements?

*The proposed financial sanctions can work, however we would like to see more.*

19 Q: If not, what other sanctions might be effective in ensuring selective schools contribute to the number of good non-selective places locally?

*Sanctions have to be financial otherwise they have no impact on the school, however we also believe that in state education, the judgement of the regulator is a crucial indicator to parents and for the reputation of the school. We would welcome the ability for Ofsted to inspect any school that falls short of its commitment, with a particular focus on the arrangements for that group of pupils.*

20 Q: How can we best ensure that new and expanding selective schools and existing non-selective schools becoming selective are located in the areas that need good school places the most?

*We need to build on the existing SCAP data system and ensure that there is joined up school place planning between LAs and the DFE / EFA so that every school offers a real choice to families.*

21 Q: How can we best ensure that the benefits of existing selective schools are brought to bear on local non-selective schools?



*All schools need to collaborate to secure the best outcomes for local pupils. In our role as the champion for children local authorities should be responsible for building effective local partnerships (as this is beyond the statutory role of Multi Academy Trusts) so that parents and pupils have access to the best that all schools have to offer.*

21 Q: Are there other things we should ask of existing selective schools to ensure they support non-selective education in their areas?

*The network of selective schools typically has access to a wider range of extra-curricular activities and individuals who are passionate about raising aspiration. We should expect selective schools to enable others to access such experiences through increased local sharing.*

21 Q: Should the conditions we intend to apply to new or expanding selective schools also apply to existing selective schools?

*Yes, in order for selective education to support the overall ambition the playing field must be level for all selective schools.*

## **Faith schools**

13 Q: Are these the right alternative requirements to replace the 50% rule?

*Unlike many of the free schools listed in the consultation, the 7000 Christian faith schools in England are a crucial part of local place planning. Local Authorities would like to see admission requirements which ensure local families have priority access to some places at any oversubscribed school with a religious character ahead of out of area families of faith.*

13 Q: How else might we ensure that faith schools espouse and deliver a diverse, multi-faith offer to parents within a faith school environment?

*We support the proposal for an Independent governor with a specific duty to ensure a diverse, multi-faith offer. Further we would recommend that these issues are monitored by Ofsted inspection to ensure faith teachings do not block crucial safeguarding education for all young people.*

16 Q: Are there other ways in which we can effectively monitor faith schools for integration and hold them to account for performance?

*Local Authorities already have to invest several thousand pounds a year in SACRE, for the teaching of religion. This body could be asked, through expanding statutory reach, to be accountable for integration and the cross-faith teaching needed to improve integration.*

16 Q: Are there other sanctions we could apply to faith schools that do not meet this requirement?

*Sanctions have to be financial otherwise they have no impact on the school, however we also believe that in state education, the judgement of the regulator is a crucial indicator to parents and for the reputation of the school. We would welcome the ability for Ofsted to inspect any school that falls short of its commitment, with a particular focus on the arrangements for that group of pupils.*

1st preference applications for grammar school places from RBWM residents

Data excludes Late Applications

		2007	2008	2009	2010	2011	2012	2013	2014	2015			Weighted Average		
		2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Trend	Average			
								Slough gives result of 11+ to parents before applications deadline							
								Bucks follows suit							
								Holyport College opens							
1st preference analysis															
A	1st preference applications for Grammar schools, by area of residence	Ascot	8	8	7	6	6	9	1	4	4		6	5	
		Maidenhead	144	171	165	151	171	177	201	126	106		157	126	
		Windsor	33	34	54	41	46	37	39	32	30		38	33	
		Datchet & Wraysbury	39	38	37	39	29	37	27	35	22		34	28	
		RBWM	224	251	263	237	252	260	268	197	162		235	192	
B	Total No. On Roll in Year 6 (in RBWM school) by area of residence  (rbwm school means any state maintained school in the borough, incl. free schools and academies) (January School CENSUS)	Ascot	117	112	113	119	103	117	117	119	122		115	119	
		Maidenhead	671	719	704	730	653	693	669	730	699		696	703	
		Windsor	296	341	321	335	323	322	330	305	369		327	344	
		Datchet & Wraysbury	73	73	78	88	65	77	64	87	87		77	84	
		RBWM	1157	1245	1216	1272	1144	1209	1180	1241	1277		1216	1251	
C	All 1st preference applications for Year 7, by area of residence  (incl. those made for non-selective schools)	Ascot	148	161	179	175	176	190	191	195	211		181	198	
		Maidenhead	553	678	673	706	701	739	724	801	780		706	759	
		Windsor	50	60	63	58	62	50	61	70	81		62	73	
		Datchet & Wraysbury	76	70	67	63	62	66	71	90	74		71	76	
		RBWM	827	969	982	1002	1001	1045	1047	1156	1146		1019	1105	
D	1st preference applications for Grammar schools, as a % of the 1st preference applications made  (i.e. A ÷ C)	Ascot	5%	5%	4%	3%	3%	5%	1%	2%	2%		3%	2%	
		Maidenhead	26%	25%	25%	21%	24%	24%	28%	16%	14%		23%	17%	
		Windsor	66%	57%	86%	71%	74%	74%	64%	46%	37%		64%	47%	
		Datchet & Wraysbury	51%	54%	55%	62%	47%	56%	38%	39%	30%		48%	37%	
		RBWM	27%	26%	27%	24%	25%	25%	26%	17%	14%		23%	18%	
E	Successful 1st preference applications for Grammar Schools as at National Offer Day  (The green bars represent the proportion of successful 1st preference applications)	Ascot	2	3	4	0	1	4	0	1	0		2	1	
			%	25%	38%	57%	0%	17%	44%	0%	25%	0%	26%	13%	
		Maidenhead	44	64	61	49	52	74	90	94	86		68	81	
			%	31%	37%	37%	32%	30%	42%	45%	48%	48%	41%	67%	
		Windsor	13	17	17	13	18	11	13	17	18		15	17	
			%	39%	50%	31%	32%	39%	30%	33%	53%	60%	38%	52%	
		Datchet & Wraysbury	24	11	16	20	6	14	8	13	11		14	12	
			%	62%	29%	43%	51%	21%	38%	30%	37%	50%	39%	44%	
		RBWM	83	95	98	82	77	103	111	125	115		99	111	
			%	37%	38%	37%	35%	31%	40%	41%	63%	61%	40%	59%	
F	1st preference applications made, by school and selected years	2010				2014				2015					
		Applications	Allocated	No Offer	% allocated	Applications	Allocated	No Offer	% allocated	Applications	Allocated	No Offer	% allocated		
		Sir William Borlase's Grammar S	Bucks	46	19	27	41%	60	46	14	23%	38	34	4	32%
		St Bernard's Catholic Grammar S	Slough	45	19	26	42%	30	11	19	37%	22	14	8	64%
		John Hampden Grammar Schoo	Bucks	46	2	44	4%	25	21	4	16%	16	13	3	19%
		Upton Court Grammar School	Slough	6	4	2	67%	17	5	12	29%	11	4	7	36%
		Wycombe High School	Bucks	18	9	9	50%	15	11	4	28%	12	10	2	17%
		Burnham Grammar School	Bucks	17	7	10	41%	13	10	3	23%	9	8	1	11%
		Beaconsfield High School	Bucks	3	1	2	33%	10	5	5	50%	5	1	4	20%
		Kendrick Girls Grammar School	Reading	21	6	15	29%	8	4	4	50%	13	9	4	39%
		Reading School	Reading	9	5	4	56%	6	5	1	83%	18	13	5	42%
		Langley Grammar School	Slough	12	5	7	42%	5	3	2	60%	12	5	7	42%
		The Royal Grammar School	Bucks	2	2	0	100%	3	1	2	33%	2	2	0	100%
		Herschel Grammar School	Slough	11	3	8	27%	2	2	0	100%	2	1	1	50%
		Tiffin School	Surrey	1	0	1	0%	2	1	1	50%	1	0	1	0%
		The Tiffin Girls' School	Surrey	0	0	0	0%	1	0	1	0%	0	0	0	0%
		Dr Challoner's High School	Bucks	0	0	0	0%	0	0	0	0%	1	1	0	100%
		TOTAL		237	82	155	35%	197	125	72	63%	162	115	47	41%
		2007	2008	2009	2010	2011	2012	2013	2014	2015			Weighted Average		
		2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Trend	Average			
Breakdown of the data in Table E into 'subareas'															
Ascot	Ascot	2	3	4	0	1	4	0	1	0		2	1		
		%	25%	38%	57%	0%	17%	44%	0%	25%	0%	23%	12%		
Maidenhead	Bisham and Cookham	17	17	20	10	21	19	18	14	10		16	13		
		%	52%	44%	65%	50%	49%	50%	46%	78%	67%	55%	65%		
	Central Maidenhead	5	3	7	7	9	5	12	7	10		7	9		
		%	31%	13%	33%	30%	38%	25%	55%	70%	67%	40%	58%		
	Maidenhead Villages	2	3	3	0	0	2	0	4	2		2	2		
		%	33%	30%	27%	0%	0%	18%	0%	80%	100%	32%	74%		
	North East Maidenhead	6	6	10	5	3	11	17	11	14		9	12		
		%	32%	25%	38%	21%	10%	38%	45%	55%	88%	39%	66%		
	North West Maidenhead	9	26	13	19	11	21	30	36	30		22	28		
		%	18%	59%	29%	40%	30%	48%	54%	82%	97%	51%	79%		
	South East Maidenhead	3	5	4	7	6	11	8	14	9		7	9		
		%	17%	28%	19%	32%	38%	46%	29%	82%	90%	42%	73%		
	South West Maidenhead	2	4	4	1	2	5	5	8	11		5	8		
		%	67%	33%	40%	14%	20%	45%	31%	67%	72%	45%	72%		
Windsor	East Windsor	4	4	3	4	3	3	8	3	6		4	5		
		%	57%	44%	21%	50%	30%	33%	67%	50%	67%	47%	57%		
	Eton	2	1	1	1	0	0	0	3	1		1	1		
		%	40%	33%	20%	20%	0%	0%	0%	75%	50%	26%	46%		
	Windsor North	2	3	8	0	4	0	2	4	3		3	3		
		%	50%	60%	42%	0%	33%	0%	22%	67%	60%	37%	53%		
	Windsor South	2	6	1	4	10	2	1	3	4		4	4		
%		22%	67%	10%	33%	71%	22%	20%	38%	57%	38%	47%			
Windsor Villages	3	3	4	4	1	6	2	4	4		3	4			
	%	38%	38%	67%	50%	13%	55%	20%	50%	57%	43%	51%			
Datchet & Wraysbury	Datchet and Wraysbury	24	11	16	20	6	14	8	13	11		14	12		
		%	62%	29%	43%	51%	21%	38%	30%	37%	50%	40%	45%		
H	1st preference applications for Grammar schools, as a % of the Year 6 numbers on roll  (i.e. A ÷ B)	Ascot	7%	7%	6%	5%	6%	8%	1%	3%	3%		5%	4%	
		Maidenhead	21%	24%	23%	21%	26%	26%	30%	17%	15%		23%	18%	
		Windsor	11%	10%	17%	12%	14%	11%	12%	10%	8%		12%	10%	
		Datchet & Wraysbury	53%	52%	47%	44%	45%	48%	42%	40%	25%		44%	34%	
		RBWM	19%	20%	22%	19%	22%	22%	23%	16%	13%		19%	15%	

Average = average (mean) of all years, 2007 to 2014  
Weighted Average = average calculated on years 2007 to 2014, but with more weight given to later years. It reflects more recent trends, whilst taking account of the overall average.

All applications for grammar school places from RBWM residents

Data excludes Late Applications

Analysis of all preferences made

This analysis looks at the number of applicants - not the number of preferences.


































A	Count of applicants who indicated any pref. for one (or more) grammar schools  (i.e. applicants with 2 or more prefs. for a grammar are only counted once)	Ascot	13	12	10	6	8	9	2	7	5		8	6
		Maidenhead	155	175	179	161	182	188	214	142	117		168	138
		Windsor	34	40	56	41	47	38	40	33	34		40	36
		Datchet & Wraysbury	44	41	39	41	31	41	29	36	25		36	31
		RBWM	246	268	284	249	268	276	285	218	181		253	211
B	On Roll in Year 6 (in RBWM school) by area of residence  (rbwm school means any state maintained school in the borough, incl. free schools and academies) (January School CENSUS)	Ascot	117	112	113	119	103	117	117	119	122		115	119
		Maidenhead	671	719	704	730	653	693	669	730	699		696	703
		Windsor	296	341	321	335	323	322	330	305	369		327	344
		Datchet & Wraysbury	73	73	78	88	65	77	64	87	87		77	84
		RBWM	1157	1245	1216	1272	1144	1209	1180	1241	1277		1216	1251
C	Count of all applicants for Year 7 places, by area of residence	Ascot	148	160	180	175	176	190	191	195	212		181	199
		Maidenhead	556	680	675	701	702	743	734	802	782		708	761
		Windsor	51	61	65	59	62	51	61	71	81		62	73
		Datchet & Wraysbury	78	70	68	65	60	67	72	90	75		72	76
		RBWM	833	971	988	1000	1000	1051	1058	1158	1150		1023	1109
D	% of applicants putting a grammar school down as any preference  (i.e. A ÷ C)	Ascot	9%	8%	6%	3%	5%	5%	1%	4%	2%		5%	3%
		Maidenhead	28%	26%	27%	23%	26%	25%	29%	18%	15%		24%	18%
		Windsor	67%	66%	86%	69%	76%	75%	66%	46%	42%		66%	51%
		Datchet & Wraysbury	56%	59%	57%	63%	52%	61%	40%	40%	33%		51%	40%
		RBWM	30%	28%	29%	25%	27%	26%	27%	19%	16%		25%	19%
E	All successful applicants for a place at a Grammar School, as at National Offer Day  (The green bars represent the proportion of successful applications)	Ascot	2	3	4	0	1	4	0	2	0		2	1
		%												
		Maidenhead	59	78	77	72	69	83	110	104	90		82	90
		%												
		Windsor	15	17	20	15	25	18	27	23	22		20	22
		%												
		Datchet & Wraysbury	26	17	18	22	18	23	13	18	16		19	17
		%												
		RBWM	102	115	119	109	113	128	150	147	128		123	130
		%												

Average = average (mean) of all years, 2007 to 2014  
Weighted Average = average calculated on years 2007 to 2014, but with more weight given to later years. It reflects more recent trends, whilst taking account of the overall average.

		2010					2014					2015				
All applications made (all preferences), by school and selected years		Applicants	Allocated	Not Req'd	No Offer excl. not req'd	% allocated /not req'd	Applicants	Allocated	Not Req'd	No Offer excl. not req'd	% allocated /not req'd	Applicants	Allocated	Not Req'd	No Offer excl. not req'd	% allocated /not req'd
Sir William Borlase's Grammar S		Bucks	84	26	19	39	130	46	62	22	60%	107	35	57	15	69%
St Bernard's Catholic Grammar S		Slough	54	23	4	27	62	13	20	29	53%	47	14	19	14	60%
John Hampden Grammar Schoo		Bucks	71	2	15	54	62	25	27	10	64%	47	13	27	7	65%
Upton Court Grammar School		Slough	23	4	13	6	39	6	15	18	54%	36	5	21	10	62%
Wycombe High School		Bucks	29	12	4	13	43	13	26	4	71%	33	10	17	6	62%
Burnham Grammar School		Bucks	74	17	26	31	82	16	53	13	68%	56	12	39	5	71%
Beaconsfield High School		Bucks	13	1	4	8	32	7	19	6	61%	33	1	26	6	62%
Kendrick Girls Grammar School		Reading	24	6	1	17	16	4	6	6	43%	20	9	7	4	60%
Reading School		Reading	14	6	1	7	13	7	4	2	69%	31	13	12	6	60%
Langley Grammar School		Slough	27	7	4	16	38	4	28	6	64%	50	6	33	11	68%
The Royal Grammar School		Bucks	7	2	2	3	28	1	24	3	67%	28	5	18	5	62%
Herschel Grammar School		Slough	30	3	8	19	34	4	23	7	79%	40	4	28	8	68%
Tiffin School		Surrey	2	0	0	2	6	1	2	3	50%	1	0	0	1	0%
Dr Challoner's Grammar School		Bucks	0	0	0	0	4	0	4	0	100%	1	0	1	0	100%
Chesham Grammar School		Bucks	0	0	0	0	3	0	3	0	100%	0	0	0	0	0%
The Tiffin Girls' School		Surrey	0	0	0	0	2	0	0	2	0%	0	0	0	0	0%
Dr Challoner's High School		Bucks	0	0	0	0	1	0	1	0	100%	1	1	0	0	100%
Sir Henry Floyd Grammar Schoo		Bucks	0	0	0	0	1	0	0	1	0%	0	0	0	0	0%
Aylesbury Grammar School		Bucks	0	0	0	0	0	0	0	0	0%	1	0	1	0	100%
King Edward VI Grammar Schoc		Essex	0	0	0	0	1	0	1	0	100%	0	0	0	0	0%
TOTAL			452	109	101	242	597	147	318	132	71%	532	128	306	98	62%

Table F Note: This table does include all preferences made, so that a complete picture is given for each school. 'Not Required' means that the applicant obtained a place at a higher ranked school.

G Breakdown of the data in Table E into 'subareas'

		2007	2008	2009	2010	2011	2012	2013	2014	2015		Average	Weighted Average	
		2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Trend			
G Breakdown of the data in Table E into 'subareas'	Ascot	2	3	4	0	1	4	0	2	0		2	1	
	%	15%	25%	40%	0%	13%	44%	0%	29%	0%		18%	11%	
	Maidenhead	Bisham and Cookham	22	17	23	10	24	19	18	14	10		17	13
		%	35%	44%	36%	50%	60%	49%	45%	30%	63%		117%	82%
		Central Maidenhead	6	6	10	14	13	6	14	8	11		10	10
		%	30%	26%	43%	56%	52%	29%	58%	47%	78%		48%	64%
		Maidenhead Villages	2	4	3	1	0	3	0	4	2		2	2
		%	29%	36%	25%	14%	0%	23%	0%	57%	100%		32%	70%
		North East Maidenhead	9	10	12	7	6	13	19	13	15		12	14
		%	43%	40%	44%	25%	18%	42%	43%	57%	68%		44%	68%
		North West Maidenhead	12	29	17	24	15	24	37	41	32		26	31
		%	24%	64%	37%	48%	37%	53%	63%	68%	60%		55%	72%
		South East Maidenhead	6	8	8	14	8	12	13	16	9		10	11
		%	33%	40%	30%	64%	42%	43%	46%	60%	69%		50%	65%
		South West Maidenhead	2	4	4	2	3	6	9	8	11		5	9
%		50%	33%	40%	22%	27%	55%	53%	47%	79%		47%	66%	
Windsor	East Windsor	4	4	3	4	6	5	10	5	8		5	7	
	%	57%	40%	21%	50%	55%	56%	69%	60%	64%		59%	78%	
	Eton	3	1	2	2	2	1	1	4	1		2	2	
	%	60%	25%	40%	40%	100%	25%	33%	100%	50%		53%	59%	
	Windsor North	2	3	9	1	5	0	6	5	3		4	4	
	%	50%	60%	45%	14%	42%	0%	47%	69%	50%		46%	54%	
	Windsor South	3	6	2	4	10	3	4	4	4		4	4	
Datchet & Wraysbury	%	33%	47%	20%	31%	78%	33%	60%	44%	50%		48%	48%	
	Windsor Villages	3	3	4	4	2	9	6	5	6		5	5	
	%	33%	25%	57%	50%	25%	75%	55%	63%	67%		50%	60%	
	Datchet and Wraysbury	26	17	18	22	18	23	13	18	16		19	17	
	%	59%	41%	46%	54%	58%	56%	45%	50%	64%		53%	58%	
H All preference applications for Grammar schools, as a % of the Year 6 numbers on roll (i.e. A ÷ B)	Ascot	11%	11%	9%	5%	8%	8%	2%	6%	4%		7%	5%	
	Maidenhead	23%	24%	25%	22%	28%	27%	32%	19%	17%		24%	20%	
	Windsor	11%	12%	17%	12%	15%	12%	12%	11%	9%		12%	11%	
	Datchet & Wraysbury	60%	56%	50%	47%	48%	53%	45%	41%	29%		48%	37%	
	RBWM	21%	22%	23%	20%	23%	23%	24%	18%	14%		21%	17%	

Applicants who chose a grammar, but not as a 1st preference	Grammar, but not 1st pref.	22	17	21	12	16	16	17	21	19
	Altwood Church of England	1	1	1	-	2	-	-	-	-
	Charters School	8	5	3	-	2	-	2	3	2
	Churchmead Church of Eng	-	-	-	-	-	1	-	-	-
	Colchester County High Sch	1	-	-	-	-	-	-	-	-
	Cox Green School	-	-	-	-	1	2	1	-	-
	Denefield School	-	-	-	-	-	-	1	-	-
	Desborough College	1	1	2	1	-	-	-	1	4
	Furze Platt Senior School	3	1	3	1	3	2	2	3	3
	Guru Nanak Sikh Secondary	-	-	-	-	1	-	-	-	-
	Holyport College	-	-	-	-	-	-	-	2	4
	Magna Carta School	2	2	1	-	1	1	1	-	1
	Newlands Girls' School	5	2	6	6	5	5	6	6	2
	Piggott CE Controlled Seco	-	2	-	-	-	1	-	1	-
	Queen Elizabeth's School, B	-	-	-	-	-	-	1	3	1
	Ranelagh Church of Englan	-	-	1	-	-	-	1	-	-
	Salesian School, Chertsey	-	3	-	-	-	-	-	-	2
	St Joseph's Catholic High Sc	-	-	1	-	-	-	-	-	-
The Langley Academy	-	-	-	-	-	1	-	1	-	
The Matthew Arnold School	-	-	-	1	-	-	-	-	-	
No 1st preference school	1	0	3	3	1	3	2	1	0	

Report for: INFORMATION



<b>Contains Confidential or Exempt Information</b>	NO - Part I
<b>Title</b>	<b>Financial Update</b>
<b>Responsible Officer(s)</b>	Russell O'Keefe, Strategic Director of Corporate and Community Services, 01628 796521
<b>Contact officer, job title and phone number</b>	Rob Stubbs, Head of Finance, 01628 796341
<b>Member reporting</b>	Councillor Saunders, Lead Member for Finance
<b>For Consideration By</b>	Cabinet
<b>Date to be Considered</b>	15 December 2016
<b>Implementation Date if Not Called In</b>	Immediate
<b>Affected Wards</b>	All

## REPORT SUMMARY

1. This report sets out the Council's financial performance to date in 2016-17. In summary there is a projected £435,000 underspend on the General Fund (see Appendix A) which is an improvement of £5,000 from the November financial monitoring report. This is due to a net increase in the underspend forecast in a number of service budgets, see section 4 for details.
2. The Council remains in a strong financial position, with the Council's combined General Fund Reserves of £6,495,000 (7.24% of budget) in excess of the £5,270,000 (5.88% of budget) recommended minimum level set at Council in February 2016.

## If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which they can expect to notice a difference
Assurance that the Council is making effective use of its resources and that budgets are reviewed regularly.	24 November 2016

## 1. DETAILS OF RECOMMENDATIONS

**RECOMMENDED:** That Cabinet:

- i) **Notes the Council's projected outturn position.**

## 2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 As this is a monitoring report decisions are not normally necessary but may occasionally be required.

## 3. KEY IMPLICATIONS

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date delivered
General Fund Reserves Achieved	Below £5,000,000	£5,000,000 to £5,490,000	£5,490,000 to £6,000,000	Above £6,000,000	31 May 2017

- 3.1 The General Fund Reserve is £5,291,000 and the Development Fund balance is £1,204,000, see Appendix B for a breakdown of the Development Fund. The combined reserves are £6,495,000. The 2016-17 budget report recommended a minimal reserve level of £5,270,000 to cover known risks for 18 months.

## 4. FINANCIAL DETAILS

- 4.1. The Strategic Director of **Adults, Children & Health Services** reports a projected outturn figure for 2016-17 of £57,397,000 against a controllable net budget of £57,200,000, an overspend of £197,000. This is an increase of £39,000 on the overspend reported to Cabinet in November. The most significant changes in the last month are:
- A reduction £25,000 in the underspend projected in the fostering and leaving care budget following two new fostering placements.
  - An overspend of £30,000 due to the use of agency staff to cover for vacant posts in the family placement team.
- 4.2. Changes in forecast spend for Dedicated Schools Grant (DSG) funded budgets are:
- A reduction of £345,000 in estimated cost of meeting commitments including the funding of 'early years' support following a review of annual commitments.
  - An increase of £811,000 in the estimated cost of meeting the needs of children with high needs following a review of current actual and committed placements. See paragraph below.
  - The above two items contribute to a net charge of £429,000 to DSG reserves.

4.3. The increase in the cost of providing education to children and young people with high needs arises for the following reasons:

- Legislative Change – The Children & Families Act introduced a requirement for councils to continue to fund education provision from the ages 19 to 25 if relevant outcomes are identified. This was introduced in September 2014 however it is over recent months that the impact of this legislation is becoming apparent. There are now 64 young adults between 19 to 25 with Statements or Education, Health and Care Plans (EHC) receiving support, whereas in September 2015 there were 21, this represents an increase of 200%.
- Demography - The number of children under 19 with statements or EHC plans has increased 11% from 697 to 775, an increase of 78 children over the last year.
- Migration – over the past 12 months there have been 23 families with children requiring support move into the area, 9 have moved out of the area.
- Complex Placements – a small number of high cost placements have had a significant impact on the budget in the current year.

4.4. The net cost of these placements will impact upon the dedicated schools grant (DSG) reserves for the current year. The impact of high needs funding requirement is being reviewed alongside other changes in the remit of this grant. A strategy is being drawn up for the future allocation of DSG which will encompass all elements of this grant.

4.5. There remain significant pressures and savings, as reported to Cabinet in November, continuing to impact on the budget position:

- A projected overspend of £343,000 on the home to school transport budget. This is the full year effect of the increase in high needs SEN pupils in the last academic year and to the cost of new transport contracts for SEN pupils in this academic year.
- The budget for supporting residents into temporary accommodation is projecting an overspend of £470,000. This relates to funding more residents with housing benefit following the change in legislation and the introduction of the subsidy loss and the benefit cap.
- Pressures in the provision of services to those with a learning disability and mental health problems - projected overspend of £384,000. The pressure arises from the changing care requirements of a small number of residents with high needs, a delay in the de-registration of homes, and a Secretary of State adjudication of an Ordinary Residence dispute.
- An underspend of £597,000 in the care costs of children with disabilities, internal fostering and children leaving care mainly due to fewer than expected numbers requiring high cost support.

4.6. There are no projected variances<sup>39</sup> report within the HR budget.

- 4.7. In addition to the variances reported above there are a number of financial risks which will potentially impact on the budget position this year. These include: two high cost cases where the liability of the council to meet their costs is uncertain either due to their ordinary residence or due to their eligibility for Continuing Health Care funding. The maximum additional cost this year to the council should these cases both be decided against the council is estimated at £165,000, and the maximum saving if both cases were settled in favour of the council is estimated at £558,000 this year.
- 4.8. The Strategic Director of **Corporate and Community Services** maintains a projected underspend position for 2016-17 at £28,000, on a net budget of £4,234,000.
- 4.9. The Strategic Director of **Operations and Customer Services** reports a projected underspend of £599,000 on the directorate's 2016-17 approved budget of £21,675,000, £44,000 up on the figure reported to Cabinet in November. The improvement derives from a strengthened position on full year parking income, from car parks and enforcement, partly reduced by potential pressure on benefits subsidy.

#### **Revenue budget movement**

- 4.10. Revenue budget movements this month are shown in table 1. An expanded full year Movement Statement has been included in the report in Appendix C.

**Table 1: Revenue budget movement.**

<b>Service expenditure budget reported to October Cabinet</b>	<b>£83,092,000</b>
Redundancy payment	£17,000
<b>Service expenditure budget this month</b>	<b>£83,109,000</b>

#### **Cash Balances Forecast**

- 4.11. Appendix D provides details of the Borough's cash balances. There has been very little change to the cash flow forecast reported to November Cabinet. There is still an expectation of requiring a short term loan or overdraft with further borrowing being necessary later in the new financial year.

#### **Capital Programme**

- 4.12. The approved 2016-17 capital estimate is £47,039,000, see table 2. The projected outturn for the financial year is £42,250,000. This is an increase on the capital outturn in 2015-16 of £27,421,000. See appendices E and F for further details. Table 3 shows the status of schemes in the capital programme.

**Table 2: capital estimates**

	<b>Exp</b>	<b>Inc</b>	<b>Net</b>
<b>Approved estimate</b>	£47,039,000	(£19,499,000)	£27,540,000
Variances identified	(£647,000)	£649,000	£2,000
Slippage to 2017-18	(£4,142,000)	£300,000	(£3,842,000)
<b>Projected Outturn 2016-17</b>	<b>£42,250,000</b>	<b>(£18,550,000)</b>	<b>£23,700,000</b>



**Table 3: Capital programme status**

	<b>Report Cabinet Dec 2016</b>
<b>Number of schemes in programme</b>	<b>532</b>
Yet to Start	17%
In Progress	56%
Completed	22%
Ongoing Programmes e.g. Disabled Facilities Grant	5%
Devolved Formula Capital Grant schemes budgets devolved to schools	0%

**5. LEGAL IMPLICATIONS**

- 5.1 In producing and reviewing this report the Council is meeting its legal obligations to monitor its financial position.

**6. VALUE FOR MONEY**

- 6.1 Service monitoring ensures a constant review of budgets for economy, efficiency and effectiveness.

**7. SUSTAINABILITY IMPACT APPRAISAL**

- 7.1 N/A

**8. RISK MANAGEMENT**

Risks	Uncontrolled Risk	Controls	Controlled Risk
None			

**9. LINKS TO STRATEGIC OBJECTIVES**

- 9.1 Residents can be assured that the Council is providing value for money by delivering economic services.

**10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION**

- 10.1 This is a monitoring report with no actions related to staff or service provision. An Equality Impact Assessment (EQIA) has not, therefore, been completed for the production of this report. An EQIA would be required should this report generate any changes to policy.

**11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS**

- 11.1 None.

**12. PROPERTY AND ASSETS**

- 12.1 None.

**13. ANY OTHER IMPLICATIONS**

- 13.1 None.

## 14. CONSULTATION

14.1 Overview & Scrutiny meetings are scheduled prior to this Cabinet. Any comments from those meetings will be reported verbally to Cabinet.

## 15. TIMETABLE FOR IMPLEMENTATION

15.1 N/A.

## 16. APPENDICES

- 16.1 Appendix A Revenue budget summary  
Appendix B Development fund analysis  
Appendix C Revenue movement statement  
Appendix D Cash flow forecast  
Appendix E Capital budget summary  
Appendix F Capital variances

## 17. BACKGROUND INFORMATION

17.1 Budget Report to Council February 2016.

## 18. CONSULTATION (MANDATORY)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
<b>Internal</b>				
Cllr Saunders	Lead Member for Finance	15/11/2016		
Cllr Rankin	Deputy Lead Member for Finance	15/11/2016		
Alison Alexander	Managing Director	14/11/2016		Throughout
Russell O'Keefe	Strategic Director of Corporate and Community Services	15/11/2016	15/11/2016	Throughout
Simon Fletcher	Strategic Director of Operations and Customer Services	15/11/2016	15/11/2016	
<b>External None</b>				

## REPORT HISTORY

Decision type:	Urgency item?
For information	No

Full name of report author	Job title	Full contact no:
Richard Bunn	Chief Accountant	01628 796510

SUMMARY	2016/17		
	Budget	Approved Estimate	Projected Variance
	£000	£000	£000
Adult, Children's & Health Commissioning	7,636	7,114	474
Schools and Educational Services	2,914	2,923	193
Health, Early Help & Safeguarding	10,411	10,438	(42)
Health and Adult Social Care	32,408	33,030	(389)
Human Resources	1,167	1,537	0
A,C&H Management	834	932	(39)
<b>Total Adult, Children &amp; Health</b>	<b>55,370</b>	<b>55,974</b>	<b>197</b>
Better Care Fund-Expenditure	9,915	10,956	0
Better Care Fund-Income	(8,485)	(9,730)	0
<b>Total Better Care Fund</b>	<b>1,430</b>	<b>1,226</b>	<b>0</b>
Maintained Schools	42,127	39,553	0
Early Years Education and Childcare Provision	7,154	6,407	(27)
Admissions and Pupil Growth	545	381	0
Support Services for Schools and Early Years	1,714	1,602	(251)
High Needs and Alternative Provision	13,430	13,637	1,127
Dedicated Schools Grant	(64,970)	(61,580)	(849)
<b>Total Schools Budget (DSG)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Adult, Children and Health Services</b>	<b>56,800</b>	<b>57,200</b>	<b>197</b>
Director of Operations & Customer Services	(27)	377	0
Revenues & Benefits	816	757	49
Highways & Transport	6,125	6,378	75
Community, Protection & Enforcement Services	6,957	7,223	(590)
Customer Services	1,704	1,813	40
Technology & Change Delivery	2,915	2,687	(200)
Library, Arts & Heritage Services	2,316	2,440	27
<b>Total Operations &amp; Customer Services</b>	<b>20,806</b>	<b>21,675</b>	<b>(599)</b>
Director of Corporate & Community Services	85	151	0
Planning, Development and Regeneration Service	(813)	(726)	(51)
Corporate Management	433	574	0
Performance	429	454	(9)
Democratic Services	1,955	1,895	14
Elections	261	263	0
Legal	104	98	(47)
Finance	2,353	2,383	0
Building Services	40	26	0
Communities and Economic Development	(801)	(884)	65
<b>Total Corporate &amp; Community Services</b>	<b>4,046</b>	<b>4,234</b>	<b>(28)</b>
<b>TOTAL EXPENDITURE</b>	<b>81,652</b>	<b>83,109</b>	<b>(430)</b>

2016/17			
SUMMARY	Budget	Approved Estimate	Projected Variance
	£000	£000	£000
<b>Total Service Expenditure</b>	<b>81,652</b>	<b>83,109</b>	<b>(430)</b>
Contribution to / (from) Development Fund	1,133	555	0
Pensions deficit recovery	2,115	2,115	0
Pay reward	500	5	(5)
Transfer to/(from) Provision for the clearance of Shurlock Road		(180)	0
Transfer to/(from) Provision for Redundancy		(422)	0
Environment Agency levy	150	150	0
Capital Financing inc Interest Receipts	5,128	5,258	0
<b>NET REQUIREMENTS</b>	<b>90,678</b>	<b>90,590</b>	<b>(435)</b>
Less - Special Expenses	(981)	(981)	0
Transfer to / (from) balances	0	88	435
<b>GROSS COUNCIL TAX REQUIREMENT</b>	<b>89,697</b>	<b>89,697</b>	<b>0</b>
<b>General Fund</b>			
Opening Balance	4,681	4,768	4,856
Transfers to / (from) balances	0	88	435
	<u>4,681</u>	<u>4,856</u>	<u>5,291</u>
NOTE Service variances that are negative represent an underspend, positive represents an overspend.			

<b>Memorandum Item</b>	
<b>Current balance on the Development Fund</b>	
	£000
Opening Balance	649
Transfer (to) / from other reserves	
Transfer from General Fund - sweep	
Transfer (to) / from General Fund - other initiatives	555
	<u>1,204</u>

Corporate Development Fund (AE35) £000		
<b>Balance B/F from 2015/16</b>		<b>649</b>
<b>Transacted amounts in 2016/17</b>		
<b>To/From Capital Fund</b>		0
<b>To/From General Fund</b>		
Transition Grant (2016/17 budget - February Council)	1,278	
Restructure of the Development and Regeneration service (2016/17 budget - February Council)	-56	
Minerals and Waste Strategy (2016/17 budget - February Council)	-61	
Adjustment to contribution due to revised New Homes Bonus (2016/17 budget - February Council)	-28	
Delivering Children's Services (March Cabinet)	-200	
Additional Transport Model costs (April CMT)	-43	
Heathrow Expansion (March Cabinet)	-30	
Delivering Operations Services (March Cabinet)	-100	
Road & Streetworks Permit scheme (March Cabinet)	-120	
Review of Sunday Parking charges (April Council)	-81	
Forest Bridge Contingency (CMT June 2016)	-100	
Dynamic Purchasing System (March Cabinet)	-4	
Forest Bridge Contingency no longer required - revenue budget removed	100	
		555
		<b>1,204</b>

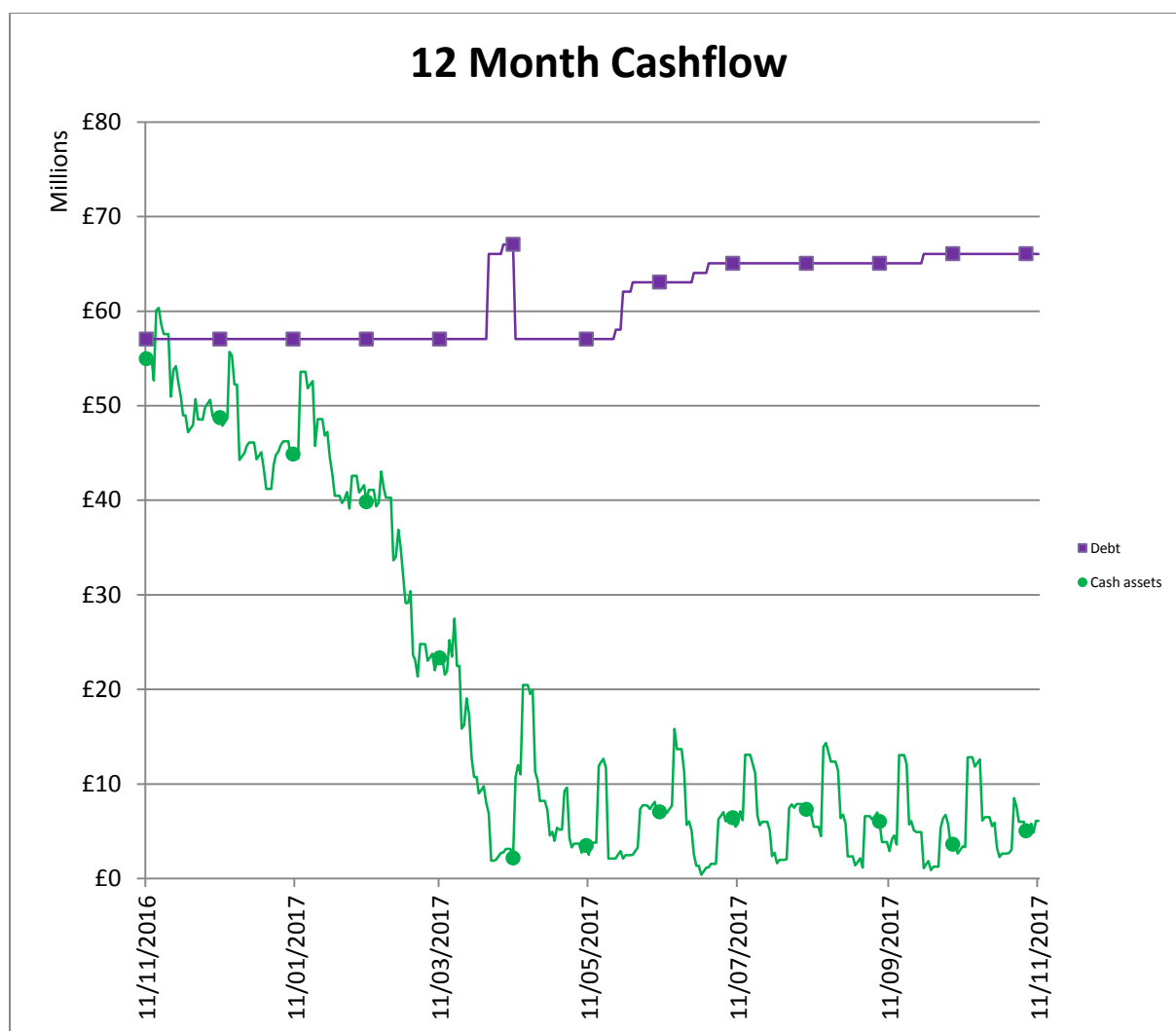
## Appendix C

## Budget Movement Statement 2016-17

		Funded by Development Fund (1)	Funded by the General Fund (2)	Funded by Provision (3)	Included in the original budget (4)	Total	Approval
		£'000	£'000	£'000	£'000	£'000	
	<b>Original Budget</b>					<b>81,652</b>	
1	Transforming Services	200				200	Cabinet March
2	Disabled Facilities Grant				(302)	(302)	Council Feb.
3	Transport model	43				43	CMT April
4	Heathrow Expansion	30				30	Cabinet March
5	Redundancy cost			73		73	Cabinet May
6	Redundancy cost			92		92	Cabinet May
7	Desborough improvements		50			50	Cabinet March
8	Transforming Services	100				100	Cabinet March
9	NRSWA parking scheme	120				120	Cabinet March
10	Sunday parking	81				81	Cabinet April
11	Cleaning & maintenance costs at Cox Green Youth Centre		20			20	Council Feb.
12	Redundancy cost			96		96	Cabinet May
13	Forest Bridge Contingency	100				100	CMT June
14	Pay reward				191	191	Council Feb.
15	Pay reward				173	173	Council Feb.
16	Pay reward				131	131	Council Feb.
17	Dynamic purchasing system	4				4	Cabinet March
18	Redundancy cost			25		25	Cabinet May
19	Bus contract		44			44	Cabinet May
20	Loss of rental income		50			50	Cabinet June
21	Transforming Services		100			100	Cabinet June
22	Redundancy cost			18		18	Cabinet May
23	Redundancy cost			101		101	Cabinet May
24	Removal of Forest Bridge Contingency	(100)				(100)	Cabinet November
25	Redundancy cost			17		17	Cabinet May
	<b>Changes Approved</b>	<b>578</b>	<b>264</b>	<b>422</b>	<b>193</b>	<b>1,457</b>	
	<b>Approved Estimate December Cabinet</b>					<b>83,109</b>	

## NOTES

- 1 When additional budget is approved, a funding source is agreed with the Lead Member of Finance. Transactions in column 1 have been funded from a usable reserve (Development Fund).
- 2 If additional budget is approved but no funding is specified, the transaction would, by default, be funded from the General Fund Reserve. Transactions in column 2 are funded by the General Fund.
- 3 A provision for future redundancy costs is created every year and this is used to fund additional budget in services for the costs of redundancy they incur during the year. Transactions in column 3 are redundancy costs funded by the provision for redundancy.
- 4 Transactions in column 4 are amounts approved in the annual budget which for various reasons need to be allocated to service budgets in-year. An example would be the pay reward budget. Pay reward payments are not approved until June. The budget therefore has to be re-allocated.



Note 1 – Reduced Council Tax and Business Rates collections in February and March coupled with the commitment to pay out £20m of LEP funding in March 2017 is forecast to cause the decrease in cash balances towards the end of the financial year 2016/17.

Note 2 – An increase in borrowing by £9m is forecast in March 2017 to fund the cash shortfall created by the commitment to pay out LEP funding during the month. This is a short term requirement with the intention to repay the loan when the 2017/18 instalment of LEP funding is received in early April 2017. Further borrowing will be required later in the year with the first instalment of borrowing forecast towards the end of April 2017, coinciding with the April payroll date.



**Portfolio Summary****Community & Corporate Services**

SMILE Leisure
Community Facilities
Outdoor Facilities
Property & Development
Governance, Policy, Performance_Partnerships
Regeneration & Economic Development

**Total Community & Corporate Services****Operations & Customer Services**

Technology & Change Delivery
Revenues & Benefits
Customer Services
Green Spaces & Parks
Highways & Transport
Community,Protection & Enforcement Services
Libraries, Arts & Heritage

**Total Operations & Customer Services****Adult, Children & Health**

HR
Adult Social Care
Housing
Non Schools
Schools – Non Devolved
Schools – Devolved Capital

**Total Adult, Children & Health****Total Committed Schemes**

2016/17 Original Budget			New Schemes – 2016/17 Approved Estimate			Schemes Approved In Prior Years			Projections – Gross Expenditure				
Gross	Income	Net	Gross	Income	Net	Gross	Income	Net	2016/17 Projected	2016/17 SLIPPAGE Projected	TOTAL Projected	VARIANCE Projected	VARIANCE Projected
£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	(£'000)	(£'000)	(£'000)	(£'000)	(%)
428	(120)	308	1,003	(120)	883	46	(14)	32	809	240	1,049	0	0%
155	0	155	355	(200)	155	17	0	17	372	0	372	0	0%
370	(100)	270	593	(154)	439	760	(486)	274	1052	300	1,352	(1)	0%
0	0	0	30	0	30	512	0	512	436	107	543	1	
588	0	588	340	0	340	406	0	406	746	0	746	0	0%
6,377	(185)	6,192	8,218	(495)	7,723	4,812	(1,075)	3,737	10,206	2,822	13,028	(2)	0%
7,918	(405)	7,513	10,539	(969)	9,570	6,553	(1,575)	4,978	13,621	3,469	17,090	(2)	(0)
0	0	0	0	0	0	335	(6)	329	334	0	334	(1)	
0	0	0	162	0	162	48	0	48	210	0	210	0	
0	0	0	0	0	0	276	0	276	276	0	276	0	
343	(308)	35	436	(322)	114	269	(136)	133	705	0	705	0	0%
9,609	(3,155)	6,454	10,519	(3,555)	6,964	2,117	(892)	1,225	11,964	673	12,637	1	0%
890	(380)	510	960	(380)	580	992	(721)	271	1,953	0	1,953	1	0%
367	(295)	72	367	(295)	72	468	(147)	321	835	0	835	0	0%
11,209	(4,138)	7,071	12,444	(4,552)	7,892	4,505	(1,902)	2,603	16,277	673	16,950	1	0
0	0	0	0	0	0	0	0	0	0	0	0	0	
41	0	41	48	0	48	217	(185)	32	267	0	267	2	5%
0	0	0	0	0	0	2,397	(2,017)	380	1,897	0	1,897	(500)	
0	0	0	89	(89)	0	305	(233)	72	394	0	394	0	
4,550	(4,190)	360	5,732	(3,767)	1,965	2,192	(2,192)	0	7,773	0	7,773	(151)	–3%
250	(250)	0	933	(933)	0	1,085	(1,085)	0	2,021	0	2,021	3	1%
4,841	(4,440)	401	6,802	(4,789)	2,013	6,196	(5,712)	484	12,352	0	12,352	(646)	(0)
23,968	(8,983)	14,985	29,785	(10,310)	19,475	17,254	(9,189)	8,065	42,250	4,142	46,392	(647)	0

	(£'000)	(£'000)	(£'000)
<b>Portfolio Total</b>	<b>23,968</b>	<b>47,039</b>	<b>42,250</b>
<b>External Funding</b>			
Government Grants	(7,890)	(12,512)	(12,363)
Developers' Contributions	(933)	(5,920)	(5,120)
Other Contributions	(160)	(1,067)	(1,067)
<b>Total External Funding Sources</b>	<b>(8,983)</b>	<b>(19,499)</b>	<b>(18,550)</b>
<b>Total Corporate Funding</b>	<b>14,985</b>	<b>27,540</b>	<b>23,700</b>

**Capital Monitoring Report - November 2016-17**

At 30 November 2016, the approved estimate stood at £47.039m

	Exp	Inc	Net
	£'000	£'000	£'000
Approved Estimate	47,039	(19,499)	27,540
Variances identified	(647)	649	2
Slippage to 2017/18	(4,142)	300	(3,842)
Projected Outturn 2016/17	42,250	(18,550)	23,700

**Overall Projected Expenditure and Slippage**

Projected outturn for the financial year is £42.250m

Variances are reported as follows.

**Governance, Policy, Performance & Partnership**

CY07	Challenge Prize Scheme	(10)	0	(10)	Revised Estimate
CY09	Superfast Broadband in Berkshire (2014/16)	10	0	10	Unforeseen Costs

**Schools - Non Devolved**

CSDW	Prep work for future expansion schemes - 2013-14	(28)	28	0	Budget no longer required
CSEU	Riverside (Ellington) Primary expansion 2014-15	(37)	37	0	Final account now agreed
CSGM	Dedworth Green Drainage Improvements-2015-16	(14)	14	0	Budget no longer required
CSGU	Holy Trinity Sunningdale Bulge Classroom	(70)	70	0	Final account agreed.
CSFF	School Kitchens	(150)	150	0	Revised Business Case
CSGF	Woodlands Park School Roof-2015-16	(20)	20	0	Revised Business Case
CSHA	Woodlands Park School Internal Remodelling	170	(170)	0	Revised Business Case

**Adult Social Care**

CT43	Courthouse Road Conversion of Garage	2	0	2	Final cost of Gas Main
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**Housing**

CT51	Affordable Home Ownership Capital Investment	(500)	500	0	Budget no longer required. S106 funding will be used to fund the Brill House project in 2017/18
		(647)	649	2	

Slippage is reported as follows

**SMILE Leisure**

CZ44	Charters L.C. Expansion	(240)	0	(240)	Scheme at design stage
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**Outdoor Spaces**

CZ49	P&OS - Victory Field Pavilion Centre	(300)	300	0	Project review to be undertaken by Parish
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**Highways & Transport**

CD15	Bridge Strengthening Scheme	(65)	0	(65)	Victoria Bridge waterproofing scheme - slipped to next financial year due to other works in area.
CD72	Preliminary Flood Risk-Assessments	(18)	0	(18)	PFRA due 2017. Awaiting government guidance.
CD42	Maidenhead Station Interchange & Car Park	(500)	0	(500)	Scheme still in feasibility stage.
CD79	A329 London Rd/B383 Roundabout-Scheme Development	(90)	0	(90)	Slippage to supplement 'scheme delivery' budget in 2017-18 (if approved)

**Property & Development**

CX22	St Mary's Hse-External replace/decor roof 2014-15	(64)	0	(64)	Scheme to progress in 2017/18.
CX28	Ray Mill Road Residential Development	(43)	0	(43)	Project has commenced. The remaining budget will be required next year.

**Regeneration**

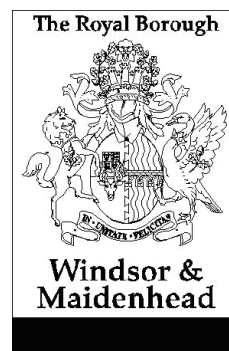
CI29	Broadway Opportunity Area-Nicholsons CP 2015-16	(2,700)	0	(2,700)	The construction of the extended car park is currently on hold and being reviewed. The project will not commence this financial year.
CI48	Development Manager, Maidenhead Regeneration	(100)	0	(100)	Reform Road feasibility work has been paused while the JV procurement progresses.
CX20	Ross Road - repairs & redecoration	(22)	0	(22)	Project to commence during 2017/18.
		(4,142)	300	(3,842)	

**Overall Programme Status**

The project statistics show the following position:

Scheme progress	No.	%
Yet to Start	92	17%
In Progress	296	56%
Completed	115	22%
Ongoing Programmes e.g.. Disabled Facilities Grant	28	5%
Devolved Formula Capital Grant schemes budgets devolved to schools	1	0%
Total Schemes	532	100%

Report for:  
ACTION



<b>Contains Confidential or Exempt Information</b>	NO – Part I
<b>Title</b>	<b>Schools Capital Programme 2017-18</b>
<b>Responsible Officer(s)</b>	Russell O’Keefe, Strategic Director of Corporate and Community Services
<b>Contact officer, job title and phone number</b>	Rob Stubbs, Head of Finance, Kevin McDaniel, Head of Schools and Educational Services,
<b>Member reporting</b>	Councillor Saunders, Councillor Airey
<b>For Consideration By</b>	Cabinet
<b>Date to be Considered</b>	15 December 2016
<b>Implementation Date if Not Called In</b>	30 December 2016
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Schools; Capital Programme
<b>Report Summary</b> <ol style="list-style-type: none"> <li>1. Children’s Services 2017/18 capital programme is submitted to Cabinet, ahead of the February budget setting, for provisional approval. This enables the approved schemes to be planned and tendered to enable the work to be undertaken during the summer holidays – the key period for carrying out capital works on school sites.</li> <li>2. The Local Authority has a duty to ensure there are sufficient school places in the borough and to ensure buildings are maintained. The Local Authority receives an annual Basic Need grant from the Department for Education. The grant is awarded in December of each year.</li> <li>3. This reports sets out the schemes in schools to be funded through the ‘Basic Need’ grant in 2017/18, see Appendix A.</li> </ol>	

<b>If recommendations are adopted, how will residents benefit?</b>	
Benefits to residents and reasons why they will benefit	Dates by which they can expect to notice a difference
That the general condition of Community and Voluntary Controlled school buildings is maintained and improved.	On completion of the programme, in the main by September 2017.

## 1. DETAILS OF RECOMMENDATIONS

**RECOMMENDATION:** That Cabinet approves:

- i. The Children's Services 2017-18 capital bids, including them in the overall 2017-18 capital programme, subject to any changes that may be required to the Condition list of schemes following the grant allocation announcement and final approval at Council.
- ii. The listed schemes being put out to tender.
- iii. Variations to the list of condition schemes based on DfE grant allocation and requests the final allocation and schemes are reported to Cabinet in February 2017.
- iv. £60,000 for feasibility work on schemes.

## 2. REASON FOR DECISION AND OPTIONS CONSIDERED

Option	Comments
Approve the Children's Services Capital Programme as appended in this report.  <b>Recommended</b>	
Not approve a modified Capital Programme for Children's Services.  <b>Not Recommended</b>	Local authority does not meet its statutory duty.

## 3. KEY IMPLICATIONS

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered
Agreed schemes delivered by	1-4-2017	31-3-2017	31-1-2017 to 30-3-2017	30-1-2017	31-3-2018
Programme budget (under) / overspend	>+0.5 %	+0.5% to -2%	-2% to -6%	< -6%	31-3-2018

- 3.1 Schools capital works fall into two categories; basic need (enough places in the right places) and condition (properly maintained buildings). In recent years the Department for Education has made grant funding available which, when added to available s106 funds, has enabled continued investment in school infrastructure.

- 3.2 The Schools Condition Grant is based on a national formula which is revised annually according to actual pupil numbers. The actual amount RBWM receives reduces according to the number of schools that have converted to academy status. The allocation is only for use at Community and Voluntary Controlled schools and for 2016-17 was £941,000. The 2017-18 allocation will not be announced until Spring 2017. Appendix A sets out the schemes to be approved in order of priority.
- 3.3 The condition schemes in Appendix A total £1,194,000 – a little more than the likely grant available. Once the grant allocation is confirmed, scheme proposals will need to be tailored according to what can be afforded. Schemes that slip below the affordable budget line will become the first call for subsequent years' funding.
- 3.4 In order to begin preparing the schemes, some budget is required for feasibility work in 2016-17. A budget of £60,000 should be sufficient.
- 3.5 This report has been presented to Cabinet early in order to design and tender early, to achieve better prices from contractors and to enable works to be carried out in the school holiday period. This is particularly relevant to maintenance work, where it is evident that several local authorities are approaching a similar range of contractors to carry out works within a relatively small window (school summer holidays). Early approval of this programme will enable the procurement process to start in good time so that tenders attract more competitive bids.
- 3.6 In February, Cabinet will consider two further years provisional programmes, for 2018-20 alongside a three year corporate capital programme.
- 3.7 The Basic Need Grant can be used to fund approved expansion work at any state funded RBWM school, including Community, Voluntary Controlled, Voluntary Aided, Academy, and Free schools. Basic Need Allocations are based on a national formula including a factor for RBWM pupil forecasting information. The allocation for 2017-18 is £2,348,000, but subsequent years have not been announced yet.
- 3.8 As most work needs to be completed during the summer break when school sites are less occupied, the preparation of schemes needs to begin as soon as possible. This will help ensure that tenders come in lower than if invited at the last minute. Waiting to approve the programme until allocations are known will be too late for many of the schemes.

#### **4. FINANCIAL DETAILS**

- 4.1 Cabinet approved, subject to final proposals being approved by Council, a programme of expansions for schools in July 2016. This totalled £29,600,000 over the period 2016-17 to 2018-19. Assuming that Basic Need allocation continues at a similar level, it is estimated that £10,100,000 of this will come from Basic Need Grant, with the remaining £19,500,000 being funded from Council funding, including S106 contributions which are continuing to increase.

Calls on Borough funding will only be made once sources of available grant and S106 funding are exhausted. The bids also include £1,200,000 needed for the expansion of primary schools in Ascot, starting with Cheapside Primary school in 2017-18.

- 4.2 The report identifies school condition schemes estimated to cost £1,194,000. As these are normally fully funded by grant, the list will need to be adjusted according to available funding once the confirmed grant allocation is known. This is expected to be about £1,000,000. This means there are likely to be fewer schemes achievable than currently shown in the in draft 2017-18 programme with unaffordable schemes at the bottom of the list being postponed to later years.

## **5. LEGAL**

- 5.1 The Council is required to produce a balanced budget that provides Service Directors with sufficient resource to meet their own statutory requirements.

## **6. VALUE FOR MONEY**

- 6.1 Early approval of this element of the capital programme is sought in a bid to obtain tenders earlier than would otherwise be the case from a wider range of contractors

## **7. SUSTAINABILITY IMPACT APPRAISAL**

- 7.1 No measures arising directly from this report have been identified as requiring a Sustainability Impact Appraisal.

## **8. RISK MANAGEMENT**

Risks	Uncontrolled Risk	Controls	Controlled Risk
Current modelling is based on anticipated funding only	Medium/High	Adjust schemes if funding is insufficient	Low/Medium

## **9. LINKS TO STRATEGIC OBJECTIVES**

- 9.1 Residents can be assured that the Council is providing value for money by delivering economic services.

## **10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION**

- 10.1 Where specific actions impact on staff or the way that services are delivered an EQIA has been prepared.

## **11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS**

None.

## **12. PROPERTY AND ASSETS IMPLICATIONS:**

12.1 Property and asset implications will be addressed as the necessary planning approvals are sought as the programme is delivered.

## **13. ANY OTHER IMPLICATIONS**

13.1 None.

## **14. CONSULTATION**

14.1 Children's Services O&SP have seen this report prior to the Cabinet meeting.

## **15. TIMETABLE FOR IMPLEMENTATION**

15.1 This section is not applicable.

## **16. APPENDICES**

Appendix A – Capital proposals for 2016-17 in Children's Services

## **17. Background Information**

## **18. Consultation (Mandatory)**

<b>Name of consultee</b>	<b>Post held and Department</b>	<b>Date sent</b>	<b>Date received</b>	<b>See comments in paragraph</b>
<b>Internal</b>				
Chief Executive's Management Team (CMT)	All Strategic Directors, Heads of Legal Services and Policy & Performance.	14/11/16	16/11/16	Comments
Cllr Saunders	Lead Member for Finance	14/11/2016	15/11/2016	Comments
Cllr Airey	Lead Member for Children's Services			

## **19. Report History**

<b>Decision type:</b>	<b>Urgency item?</b>
For information	No

Full name of report author	Job title	Full contact no:
Richard Bunn	Chief Accountant	01628 796510

# Capital Bids 2017/18 - Schools schemes

Ref no	Scheme Name	Directorate	Rank	Ward	Description	Proposed Costs(£k)	S106	Devolved Formula Capital	School Condition Grant	Basic Need Grant	NET	Cumulative Net Expenditure (£k)
						Total (£k)	Income(£k)	Income(£k)	Income(£k)	Income(£k)	(£k)	(£k)
<b>Expansion schemes previously approved by Cabinet subject to final proposals being approved by Council</b>												
<b>CB002441</b>	The Windsor Boys School expansion	Adult, Children & Health Services	<b>1</b>	Old Windsor	Project Costs for expansion	<b>1,120.0</b>	<b>370.0</b>			<b>750.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CB002440</b>	Windsor Girls' school expansion	Adult, Children & Health Services	<b>2</b>	Castle Without/ Clewer East	Expansion of school by one form of entry - 30 places per year.	<b>1,800.0</b>	<b>75.0</b>			<b>1,725.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CB002304</b>	Charters School Expansion	Adult, Children & Health Services	<b>3</b>	Sunningdale	Expansion of Charters school to provide 30 places	<b>3,420.0</b>	<b>952.0</b>			<b>2,000.0</b>	<b>468.0</b>	<b>468.0</b>
<b>CB002305</b>	Cox Green School expansion	Adult, Children & Health Services	<b>4</b>	Cox Green	Expansion of Cox Green to provide 30 places	<b>3,780.0</b>	<b>127.0</b>			<b>2,000.0</b>	<b>1,653.0</b>	<b>2,121.0</b>
<b>CB002312</b>	Furze Platt Senior school expansion	Adult, Children & Health Services	<b>5</b>	Furze Platt	Expansion to provide 60 spaces	<b>6,750.0</b>	<b>212.0</b>			<b>2,000.0</b>	<b>4,538.0</b>	<b>6,659.0</b>
<b>CB002314</b>	Dedworth Middle school expansion	Adult, Children & Health Services	<b>6</b>	Clewer North	Expansion of school to provide 60 spaces	<b>3,780.0</b>	<b>81.0</b>			<b>2,000.0</b>	<b>1,699.0</b>	<b>8,358.0</b>
<b>CB002317</b>	Newlands Girls' school	Adult, Children & Health Services	<b>7</b>	Pinkneys Green	Additional classrooms and dining area	<b>770.0</b>	<b>770.0</b>			<b>0.0</b>	<b>0.0</b>	<b>8,358.0</b>
<b>Schemes to be approved</b>												
	Schools Devolved Formula Capital	Adult, Children & Health Services	<b>8</b>		Schools Devolved Formula Capital 2017-18 for the general maintenance of community schools (final figure TBC)	<b>223.0</b>	<b>0.0</b>	<b>223.0</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CB002315</b>	Ascot primary school expansion	Adult, Children & Health Services	<b>9</b>	Ascot & Cheapside	Expansion to provide additional primary school places in the Ascot area including at Cheapside Primary school.	<b>1,200.0</b>	<b>200.0</b>			<b>1,000.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CB002316</b>	Secondary Expansions risk contingency	Adult, Children & Health Services	<b>10</b>	Clewer North/ Cox Green/ Furze Platt/ Sunningdale	Sum to be used for design risk contingency across the whole secondary expansion programme.	<b>4,100.0</b>	<b>0.0</b>			<b>1,068.0</b>	<b>3,032.0</b>	<b>3,032.0</b>
<b>CB002364</b>	Feasibility and scheme preparation	Adult, Children & Health Services	<b>11</b>	All Wards	Programme feasibility and scheme preparation work.	<b>180.0</b>	<b>0.0</b>		<b>90.0</b>	<b>90.0</b>	<b>0.0</b>	<b>3,032.0</b>
<b>CB002318</b>	Furze Platt Infant school boiler replacement	Adult, Children & Health Services	<b>12</b>	Furze Platt	Renew boiler system	<b>85.0</b>	<b>0.0</b>		<b>85.0</b>	<b>0.0</b>	<b>0.0</b>	<b>3,032.0</b>
<b>CB002369</b>	School Kitchen Refurbishments	Adult, Children & Health Services	<b>13</b>	Old Windsor	Kitchen refurbishments, including replacement of life-expired equipment, to ensure continuing delivery of Universal Free School Meals and providing a quality meal to children during the school day. King's Court and a rolling programme of others require upgrades to meet current standards and regulations.	<b>25.0</b>	<b>0.0</b>		<b>25.0</b>	<b>0.0</b>	<b>0.0</b>	<b>3,032.0</b>
<b>CB002349</b>	Urgent Safety works various schools	Adult, Children & Health Services	<b>14</b>	All Wards	Continuing programme of works to reduce safety risks, such as fire / asbestos.	<b>60.0</b>	<b>0.0</b>		<b>60.0</b>	<b>0.0</b>	<b>0.0</b>	<b>3,032.0</b>
<b>CB002368</b>	Wessex Primary gutters and soffits	Adult, Children & Health Services	<b>15</b>	Cox Green	Replacement soffits and rainwater goods to prevent damp penetration into the supporting walls. Possible asbestos removal.	<b>35.0</b>	<b>0.0</b>		<b>35.0</b>	<b>0.0</b>	<b>0.0</b>	<b>3,032.0</b>
<b>CB002348</b>	Furze Platt Junior School hall extension	Adult, Children & Health Services	<b>16</b>	Furze Platt	Extension to the school hall, including replacement of poor condition windows. Hall size links to previous expansion of the school. The school only has one hall space, with no separate dining area. This scheme can be funded partially by S.106 monies that can be spent at this school or that can be allocated to this scheme from the north West Maidenhead Sub-Area Pot.	<b>150.0</b>	<b>86.0</b>		<b>64.0</b>	<b>0.0</b>	<b>0.0</b>	<b>3,032.0</b>



## Capital Bids 2017/18 - Schools schemes

Ref no	Scheme Name	Directorate	Rank	Ward	Description	Proposed Costs(£k)	S106	Devolved Formula Capital	School Condition Grant	Basic Need Grant	NET	Cumulative Net Expenditure (£k)
						Total (£k)	Income(£k)	Income(£k)	Income(£k)	Income(£k)	(£k)	(£k)
CB002330	Bisham House refurbishment	Adult, Children & Health Services	17	Bisham & Cookham	Repairs and redecoration works internally and externally, to hand the building back to the trustees, if the lease from them is not to be renewed, or if we wish to renew the lease and continue to use the property. Works to be agreed with trustees, so budget only indicative.	75.0	0.0		75.0	0.0	0.0	3,032.0
CB002334	Maidenhead Nursery School structural improvements	Adult, Children & Health Services	18	Furze Platt	Structural repairs to the building to ensure integrity of the walls. Risk of exceptional weather conditions causing a dangerous situation.	40.0	0.0		40.0	0.0	0.0	3,032.0
CB002372	Larchfield Nursery Refurbishment	Adult, Children & Health Services	19	Oldfield	Refurbishment of Larchfield Nursery toilets and flooring.	35.0	0.0		35.0	0.0	0.0	3,032.0
CB002320	Education Capital Emergency Fund	Adult, Children & Health Services	20	All Wards	Budget in case of emergencies or unexpected accessibility needs arise - only to be used if essential.	50.0	0.0		50.0	0.0	0.0	3,032.0
CB002360	Roofing replacement at various schools	Adult, Children & Health Services	21	All Wards	Programme of roof replacements / major repairs. Locations to be confirmed following further professional checks and recommendations.	300.0	0.0		300.0	0.0	0.0	3,032.0
CB002378	Waltham St Lawrence window replacement	Adult, Children & Health Services	22	Hurley & Walthams	Further window replacements, some of which are large and specialised.	50.0	0.0		50.0	0.0	0.0	3,032.0
CB002319	All Saints Junior school boiler replacement	Adult, Children & Health Services	23	Boyn Hill	Replacement of boiler and pipework to ensure heating during the winter and to prevent a potential school closure.	85.0	0.0		85.0	0.0	0.0	3,032.0
CB002377	King's Court School heating system	Adult, Children & Health Services	24	Old Windsor	Replace radiators.	35.0	0.0		35.0	0.0	0.0	3,032.0
CB002377	Wessex Primary School heating	Adult, Children & Health Services	25	Cox Green	Replacement of external heating mains.	68.0	0.0		68.0	0.0	0.0	3,032.0
CB002376	Eton Wick School boiler and heating replacement	Adult, Children & Health Services	26	Eton Wick	Replace boiler and associated equipment and pipework.	97.0	0.0		97.0	0.0	0.0	3,032.0

\*\*

**Previously approved by Cabinet subject to final proposals being approved by Council Schemes Subject to Approval Total**

21,420.0	2,587.0	0.0	0.0	10,475.0	8,358.0
6,893.0	286.0	223.0	1,194.0	2,158.0	3,032.0
<b>28,313.0</b>	<b>2,873.0</b>	<b>223.0</b>	<b>1,194.0</b>	<b>12,633.0</b>	<b>11,390.0</b>

\*\* £10.1m of Basic Need grant funding is confirmed, the balance is subject to DFE confirmation.

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Report for: ACTION



<b>Contains Confidential or Exempt Information</b>	Yes – Appendix 1 only - <b>Not for publication by virtue of paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972.</b>
<b>Title</b>	<b>Delivery of Adult Services</b>
<b>Responsible Officer(s)</b>	Alison Alexander, Managing Director/Strategic Director Adults, Children and Health Services
<b>Contact officer, job title and phone number</b>	Hilary Hall. Head of Commissioning – Adults, Children and Health
<b>Member reporting</b>	Cllr David Coppinger, Lead Member for Adult Services, Health and Sustainability
<b>For Consideration By</b>	Cabinet
<b>Date to be Considered</b>	15 December 2016
<b>Implementation date if not called In</b>	29 December 2016
<b>Affected Wards</b>	All

## REPORT SUMMARY

1. Following Cabinet approval in October 2016, a full business case for the delivery of the Royal Borough's Adult Services in partnership with Wokingham Borough Council through Optalis Limited, has been developed, see appendix 1.
2. This report summarises the business case, the progress on implementation and the identification of the level of support services functions that should transfer to Optalis by April 2018.

<b>If recommendations are adopted, how will residents benefit?</b>	
Benefits to residents and reasons why they will benefit	Dates residents can expect to notice a difference
Residents should receive a higher quality service with few delays, delivered for the same investment.	April 2017

## **1. DETAILS OF RECOMMENDATIONS**

### **RECOMMENDATION: That Cabinet:**

- i. Notes the content of the full business case and implementation timelines to enable safe transfer of adult social care services to Optalis Limited on 1 April 2017.**
- ii. Approves the Council representatives on the Optalis Holding Limited Board as Cllr Quick, Cllr Saunders and Cllr Story.**
- iii. Notes the progress on identification of the level of resource required for support functions to support Adult Services within Optalis Limited.**

## **2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED**

### **Background**

- 2.1 In October 2016, Cabinet approved the Royal Borough becoming an owner and shareholder in Optalis with an initial 45% ownership share at a cost of £771,302. Providing the partnership proves successful, the Shareholder Reference Group will broker a move towards an equal 50% shareholding within two years.

### **Business case and implementation**

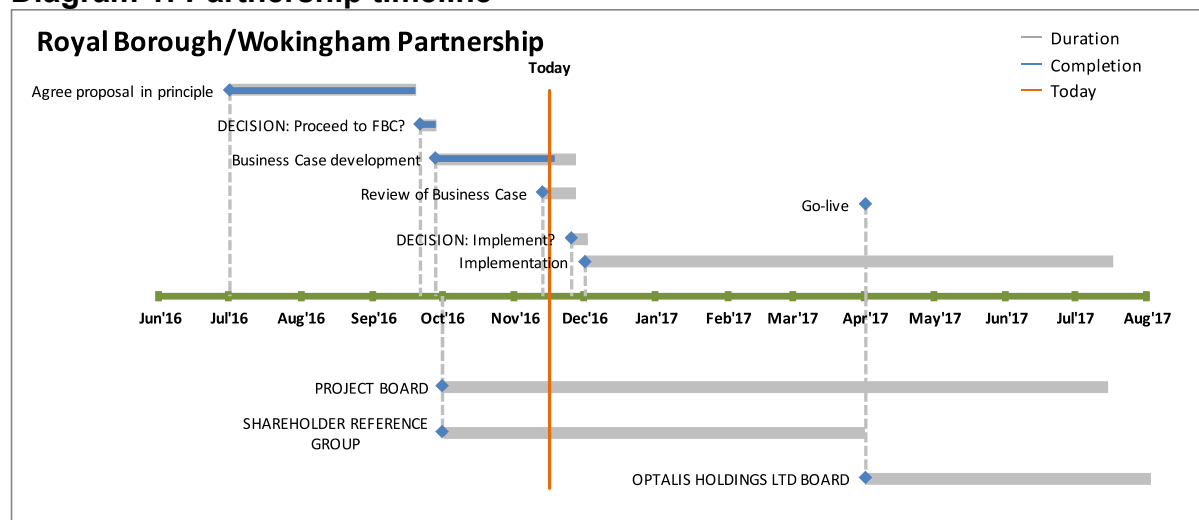
- 2.2 The full business case has been drawn up in partnership with Wokingham Borough Council, see Appendix 1. It will be implemented between December 2016 and April 2017 with the transfer completed by the end of the first quarter of 2017-2018. The business case covers:
- Strategic rationale.
  - The Optalis Partnership.
  - Governance.
  - Financial appraisal.
  - Due diligence.
  - Future business opportunities.
  - Risks and risk management.
  - Implementation.

### **Partnership and implementation process**

- 2.3 The timeline for the formation of the partnership and implementation is October 2016 and continues beyond April 2017, see diagram 1. The partnership is governed by the Shareholder Reference Group comprising Members and officers from both councils who have knowledge and experience in adult social care and finance. The Group are and will continue to drive implementation, provide guidance and advice and ratify decisions on behalf of each council.
- 2.4 The Reference group is supported by an Implementation Board. The board is made up of senior officers with specialist knowledge in adult social care, finance, human resources and governance, together with the Lead Member for Adult Services, Health and Sustainability. It meets regularly and is responsible for the successful delivery of the partnership and the enlarged Optalis.
- 2.5 The implementation board is supported through a workstream projects. The workstreams are lead by officers undertaking the work required for the safe and

successful implementation of the partnership. The workstreams leads meet together regularly to inform of progress, risks, interdependencies and highlight decisions requiring ratification, they are responsible to the Implementation Board and ultimately the Shareholder Reference Group.

**Diagram 1: Partnership timeline**



## Governance

- 2.6 The Royal Borough services will be transferred to Optalis Ltd under the Teckal exemption rules. The rules require a significant degree of control by the owning authorities. This will be exercised through a Group Holding Board structure. The Optalis Holding Ltd company, the holding company, will be owned by the two Councils in the agreed proportions of 45/55 on go-live, moving towards 50/50 ownership within two years or when another partner joins. Each council will have three Members on the holding company Board as directors and it is proposed that Cllrs Quick, Saunders and Story are the Royal Borough's representatives.

## Progress on identification of the level of resource required for support functions to support Adult Services in Optalis.

- 2.7 Heads of Service for support functions have applied the methodology developed by the Head of Finance, Section 151 Officer. The methodology identifies time spent by officers supporting Children's Services and the associated cost, see section 11.
- 2.8 Optalis has requested to buy back some support services for a period of up to 12 months, including parts of finance and human resources; therefore TUPE transfers for these services will not be fully implemented until April 2018.

**Table 1: Options**

Option	Comments
Note the business case and progress on support staff resource being identified for transfer.  <b>RECOMMENDED</b>	The business case builds on the merger model provided in October 2016 and further details the governance, operational and strategic elements of the partnership with Wokingham Borough Council for delivering the Royal Borough's Adult services through Optalis Limited.
Not to support the	Without the business case, the transfer to Optalis

Option	Comments
business case.	cannot take place.

### 3. KEY IMPLICATIONS

3.1 The key implications of the recommendations are detailed in table 2.

**Table 2: Defined outcomes**

Defined outcomes	Unmet	Met	Exceeded	Significantly exceeded	Date they should be delivered by
Full implementation complete	July 2017	30 June 2017	31 May 2017	N/A	30 June 2017

### 4. FINANCIAL DETAILS

#### **Financial impact of the recommendations on the budget**

4.1 There are no specific financial implications attached to this report.

#### **Efficiencies**

4.2 The Council has identified a required to reduce spend in the wider adult services by £2m over the next three years, 2017-2020, which will need to be met regardless of the delivery model. Indicative saving areas for the next three years have been identified and discussed and agreed with Wokingham Borough Council and Optalis. The savings areas for the next two years are set out in the business case. Optalis has the opportunity, if managed effectively, to deliver efficiencies in excess of those expected should the service remain 'in-house'. This is due to economies of scale, the sharing of best practice and expertise between the partner authorities whilst increasing resilience.

### 5. LEGAL IMPLICATIONS

5.1. The recommendations in this report are in line with The Care Act 2014 which sets out how:

- People's care and support needs should be met.
- The right to an assessment for anyone, including carers and self-funders, in need of support.
- Eligibility for services will be the same across England.
- The 'wellbeing principle' puts a duty on local authorities to ensure people's wellbeing is at the centre of all it does. The focus of service has to be on residents' outcomes and helping people to connect with their local community.

5.2. Section 79 of the Care Act 2014 enables councils to delegate and contract out any Care and Support care functions in Part 1 of the Act and the degree of delegation. Any action delegated to Optalis will be treated to be the action of the Royal Borough as if the Borough had performed that action. . This means that the Borough isn't absolved from ultimate responsibility for ensuring the function is

carried out properly and in accordance with its obligations. This does not prevent the Borough from performing that action itself.

- 5.3. Local authority trading companies must be 'Teckal' compliant which allows councils to transfer services to the company without having to comply with the Public Contract Rules (PCR) 2015. The Contract Rules state that a council must exercise control over the local authority trading company which is similar to that which they exercise over their own departments: more than 80% of activities must be supplied to the Council, or jointly to one or more councils, and there must not be any private sector involvement that exerts any influence or control on the company. Control means influence over the strategic and significant decisions.
- 5.4. There is no requirement to comply with procurement regulations, other than Regulation 12 of the PCR, where services are commissioned through a local authority trading company. It is a flexible method of delivering services and the structure and governance arrangements can be tailored to suit the council. The company is governed by normal company law and must pay tax in usual way. The Council must produce a business case before setting up a local authority trading company (under Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009).
- 5.5. The cost of providing any services to the local authority trading company by the Council, such as accommodation, staff etc., must be recovered in full.
- 5.6. The Best Value Duty requires the Royal Borough to undertake a consultation exercise with service users and residents on any impacts of changes to delivery of services. This requirement is concerned with residents having an opportunity to comment on the services they use, want or need.

#### **Director of Adult Social Services**

- 5.7. Guidance issued by the Department for Health in 2006 makes it clear that the Director of Adult Social Services is accountable for the delivery of the local authority's social services functions, as listed in Schedule 1 of the Local Authority Social Services Act 1970 (other than those for which the Director of Children's Services is responsible). The guidance also provides that the Director of Adult Social Services should be directly accountable to the Chief Executive of the Local Authority.
- 5.8. Where the delivery of adult social care services is to be undertaken through a local authority trading company, the Director of Adult Social Services must remain an employee of a local authority for the full range of social services responsibilities. This is because the local authority needs to be able to discharge its statutory duty as a 'provider of last resort', and to do so needs to retain effective control over key adult social care provider services.

## **6. VALUE FOR MONEY**

- 6.1. The full business case has used best value considerations to ensure the partnership secures the best value for the council

## **7. SUSTAINABILITY IMPACT APPRAISAL**

- 7.1. Not applicable.

## 8. RISK MANAGEMENT

8.1. Risk associated with the recommendations have been identified, see table 3.

**Table 3: Risks and controls**

<b>Risks</b>	<b>Uncontrolled Risk</b>	<b>Controls</b>	<b>Controlled Risk</b>
Decline in service performance and resident outcomes during phases 2 and 3.	Medium	Focus of senior managers on service performance and support of dedicated project team to oversee the project.	Low
Failure to secure wider stakeholder agreement and risk of challenge under best value.	High	Implement a stakeholder engagement plan throughout the process. Focus of senior managers and elected Members on securing stakeholder agreement.	Low
Loss of staff during the implementation.	High	Robust communications and engagement plan involving Royal Borough managers and Optalis. Clear communications throughout the process.	Medium

## 9. LINKS TO STRATEGIC OBJECTIVES

9.1. The recommended approach, if adopted, strongly supports all four of the council's strategic objectives; putting residents' first, value for money, delivering together and equipping ourselves for the future. Focusing on the need to sustain improved outcomes puts residents first, and collaborating with another borough to deliver services through a new model demonstrates commitment to deliver with others and enable staff and key partners to deliver more innovative and integrated services to residents.

## 10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

10.1. An Equality Impact Assessment has been completed.

## 11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

11.1. Total staffing numbers directly affected by the proposal are around 270 headcount (230FTE). A formal programme of staff engagement has commenced and will continue through to April 2017 and beyond.

11.2. Legal opinion has been received regarding the transfer of staff under Transfer of Undertakings (Protection of Employment) regulations (TUPE), in relation to those directly employed within the service and also those employed in a support service function, providing a support service to Adult services.



**Box 1: Staff employed in a support function, not within Adult Services:**

Those staff employed in a central support function and not directly within Adult Services are not generally in scope to transfer as they are not there primarily to provide the services which will be transferring. An example would be finance staff. However, where a central support employee can be directly linked to the services being carried out, in this case a Finance Partner solely supporting Adult Services, it is likely the employee will be in scope for transferring to the new employer. In such situations, a detailed analysis of each specific role, and a decision on each individual case, will need to be undertaken.

- 11.3. Accordingly, dependent on the scope of activity/duties of each employee within support function, will determine whether the employee would transfer to the company. Where TUPE does not apply, then an equivalent budget transfer could occur or transfer can occur with agreement of the parties. Principles have been developed on qualifying criteria for TUPE transfers and Employment Panel will consider on 29 November 2016. The principles are:
- Do they spend the majority of their time (75% or more) carrying out the work or supporting the work that will be transferring and are they organised in such a way that they are deliberately assigned to the grouping of employees carrying out the work for that service? If yes, they are in scope, subject to final confirmation from the Head of Service and HR.
  - Where a number of employees spend some of their time (less than 75%) carrying out the work or supporting work that will be transferring volunteers will be sought to combine duties to make up the required FTE to transfer. Transfer will be subject to agreement with the receiving organisation and final confirmation from the Head of Service and HR.
  - If suitable arrangements cannot be agreed the equivalent budget will be transferred and the remaining team reduced accordingly which may result in redundancies although every effort will be made to keep these to a minimum.
- 11.4. Given the new delivery model, the Royal Borough will continue to develop the remaining workforce's capability in strong contract management as part of the annual organisational development programme and calendar.

**12. PROPERTY AND ASSETS**

- 12.1. Given the outline indications regarding the workforce as well as the frontline nature of some of the services being considered, impacts on the Royal Borough's property and assets could include:
- Changes in the patterns of static/non-static staff working bases and the effects on existing council offices.
  - Negotiation of lease agreements with Optalis on existing council properties where Adult Services are currently delivered.

**13. ANY OTHER IMPLICATIONS**

- 13.1. None.

## 14. CONSULTATION

14.1. Consultation has taken place with:

- The Lead Member for Adult Services, Health and Sustainability weekly.
- The working group comprising senior managers in Adult, Children and Health Services, finance, HR with meetings held fortnightly Wednesday since May 2016.

## 15. TIMETABLE FOR IMPLEMENTATION

Date	Details
December to March 2016	Implementation
1 April 2017	Adult Services delivered through Optalis
30 June 2017	Full implementation completed

## 16. APPENDICES

- Appendix 1: Optalis/RBWM Business Case

## 17. BACKGROUND INFORMATION

- Delivery of Improved Adult Services, RBWM Cabinet Paper, May 2016.
- Delivery of Improved Adult Services, RBWM Cabinet Paper, October 2016.

## 18. CONSULTATION (MANDATORY)

Name of consultee	Post held and Department	Date sent	Date received	Comments
<b>Internal</b>				
Cllr Coppinger	Lead Member for Adult services, Health and Sustainability	16/11/16	17/11/16	
Russell O'Keefe	Strategic Director Corporate and Community Services	16/11/16		
Alison Alexander	Managing Director/ Strategic Director Adults, Children and Health services	16/11/16	17/11/16	
Simon Fletcher	Strategic Director Operations and Customer Services	16/11/16		
Sean O'Connor	Shared Legal Solutions	16/11/16	17/11/16	
Terry Baldwin	Head of HR	16/11/16		
Rob Stubbs	Head of Finance	16/11/16	17/11/16	

<b>Name of consultee</b>	<b>Post held and Department</b>	<b>Date sent</b>	<b>Date received</b>	<b>Comments</b>
<b>External</b>				
Andy Couldrick	Chief Executive, Wokingham Borough Council	17/11/16		

## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item</b>
Key decision 26 October 2016	No

<b>Full name of report author</b>	<b>Job title</b>	<b>Full contact no:</b>
Hilary Hall	Head of Commissioning – Adults, Children and Health	01628 683893

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