

CHILDREN'S SERVICES OVERVIEW AND SCRUTINY PANEL

20 OCTOBER 2015

PRESENT: Councillors David Evans, Charles Hollingsworth, Lynne Jones, Wesley Richards, Edward Wilson and Marion Mills.

CO-OPTED MEMBERS: Heidi Swidenbank and Mr Louden.

ALSO PRESENT: Councillor N Airey.

OFFICERS: Alison Alexander, David Scott, Ann Domeney, Edmund Bradley, Michaela Rizou and David Cook.

PART I

23/15 APOLOGIES FOR ABSENCE

Apologies were received by Councillor McWilliams, Cllr Bicknell, Margaret Brown and Tanya White (Heidi Swidenbank attended as a substitute).

24/15 DECLARATIONS OF INTEREST

No declarations of interest were received.

25/15 MINUTES

The Part I minutes of the meetings held on 15 September 2015 were approved as a true and correct record subject to under Secondary Expansion the basic needs grant be added as one of the funding streams.

Councillor Hollingsworth raised concern about the status of minutes and promises made to the Panel; it was in relation to the call in of the School Expansion report where the criteria for expansion funding was explained and reassurances given to the Panel. The criteria was changed and the Panel were not informed.

It was agreed that an update be provided under the minutes at the next meeting.

26/15 FAIR FUNDING

The Chairman informed the Panel that the Fair Funding Group had been invited to this meeting to give their views on the allocation of education S106 funding in preparation of the S106 Education funding report being presented to Cabinet in November 2015. In his invitation letter the Chairman had posed three questions that the Panel may ask when they consider the report; they were:

- How do we strike a balance between the need to respond to planning applications quickly and involving schools in any decisions?

- How do we strike a balance between treating schools fairly and ensuring that education S106 developer contributions are spent in accordance with regulations?
- How do we decide between competing school projects?

Mrs Osborne represented the Fair Funding Group and in response to the first question informed that they were doubtful that there would ever be an urgent planning application which had S106/CIL implications. These applications, particularly the larger developments which generate the substantial S106 opportunities were weeks, months or even years in the preparatory phases, hence the Borough should not find itself caught out by an unexpected Planning application.

The Borough employed a S106 Specialist Planning Officer who is responsible for managing the S106 implications of any Planning Application being submitted to RBWM and it is for RBWM to resource this role appropriately if the position is unable to respond in a timely fashion to the demands created by Planning applications received.

From an observer's perspective the key overarching principles were fairness and transparency. If the Borough holds the data about school populations and schools' assets and capabilities then it can respond to Planning Applications and s106 opportunities in a timely manner.

The Fair Funding Group suggested that all the Borough heads of department and Chairs of Governors with their School Business Managers sit around the table for a briefing about developer funding for education at which you could discuss the challenges of CIL and new S106 (pooling issue) and let them know what they need to have already in place and what they might be required to deliver at short notice in order to have the best chance of success. Outline the criteria that they will have put together as a result of Cllr Simon Werner's motion at the July meeting.

Make it the schools' responsibilities to update the Borough on asset plans / costings but also make it the Borough's responsibility to call in School Asset Management Plans on a regular basis and at the time of potential s106 funding being available. They did not agree with the Directors assertion that it was "not her job to chase" schools' Asset Management Plans – in the interests of fairness and equity it was her department's obligation and if her team can chase a Free School then it could treat Academies in the same manner.

It was recommended that the Council put together email templates and receiver lists so that when the opportunities arise, they can contact schools quickly and at the same time. They noted that the e-mail list of recipients for the communication sent out on 6th March 2015 was not comprehensive.

In a response from a question from the Chairman Mrs Osborne replied that they were not suggesting officers visit all schools to explain S106 criteria but that this could be done at a conference with the appropriate school staff attending.

Cllr Wilson reported that about 86% of schools had received funding from S106 and that schools had the responsibility to talk to the borough on projects. Cllr Wilson

agreed that smaller schools may not have the knowledge base on S106 and thus the S106 officers contact details should be made available and be put on the RBWM website.

Heidi Swidenbank reported that schools needed clarity on how S106 money was to be allocated and that developer contributions had been discussed by the Schools Forum.

In response to the second question the Fair Funding Group felt that all schools should have the same chance to apply for the funds and then the pre-published criteria should be applied which, presumably, were already fair and in accordance with the regulations. They felt that when planning applications come in, email every school in the borough, even those miles away from the development, at the same time and ask them to confirm receipt – require Nil Returns to be made. Outline the location, scale and likely award from the development. Reiterate the success criteria. Give them a deadline to respond and send a reminder.

Inform all schools of the result, including their weightings against the criteria, to allow them to improve their chances the next time round. If it seems like the same schools are always coming out on top, review the criteria. All stakeholders should be consulted on the policy.

Cllr Jones raised that the schools should be sending in their asset management plans so the borough has a list of planned projects.

In response to question three the Panel were informed that the Fair Funding Group provided what they felt should be included in any criteria these were:

- Proximity to development being given high priority. But any weighting given to proximity needs to be balanced against the chances of a child at the development getting into the school.
- Over-subscription that should be calculated by a simple subtraction. eg. number of applications minus number of places, as this gives a clearer indication of the number of places needed. Percentage per place should not be used as this gives smaller schools undue weighting.
- Number of first preferences should be given a higher weighting than Ofsted rating, given that the council is keen to promote parental choice.
- If Ofsted ratings are to be used then the usage needs to be clearly defined. If the Borough has a view about 'Requires Improvement' ratings then it also needs to have a published stance on 'No Ofsted' rating available.
- The existence of costed plans would indicate a commitment to the development, so for instance a costed plan for a new Science Block to enable increased admissions versus a general thought that to enable expansion "we need to improve our changing rooms, kitchen and/or library" would indicate that the school with the costed plan was more deserving of s106 funding when the opportunity arose.
- The school's ability to expand in terms of available land and/or existing planning restrictions.
- In the interests of sustainability and environmental concerns a school which is miles away from the development and has no hope of supporting children on

the development should be out of the running unless there are exceptional circumstances, which the Scrutiny and Overview Panel, not just an Officer with delegated responsibility can adjudicate.

They also felt that the criteria should be analysed and reviewed annually in view of the community's changing demographics and as yet unknown national legislative changes.

Mrs Osborn informed the Panel that they were grateful to have been given the opportunity to present to the Panel; however over the past 6 months their experience of trying to engage with the Council had not been a good one.

The Chairman and other Panel Members re-iterated that the public and interested parties were always welcome to attend Panel meetings, engage with Members and express their views. The views of the Fair Funding Group would be circulated to officers.

27/15 BISHAM PRIMARY SCHOOL

David Scott informed the Panel that the Headteacher and interim Head had been invited to the Panel meeting to provide an update on the school.

Helen Daniels, Executive Head, informed the Panel that the HMI monitoring visit in May 2015 concluded that the School was making reasonable progress towards the removal of special measures. However, a number of areas were identified for improvement:

- Standards, pupils progress remained patchy however clear development plans were in place for each child.
- Quality of teaching, however it was recognised that this was as a result of recent staff changes and training teaching was starting to improve.
- Quality of leadership and management in the school, this has been addressed and there has also been updates to the schools website, systems for formally monitoring teaching and learning have been introduced and a school development plan has been established.

The Panel were also informed that a significant programme of building and maintenance works had been carried out over the summer holidays to make the school fit for purpose.

In response to questions from the Members the Panel were informed that there were currently 44 pupils on role with the school having capacity for 105, that the school had the support of the community however the small minority who portrayed negative views still existed and that the school was in a great location and improving and thus this message needed to be circulated to the wider community.

The Panel as a whole were pleased to hear the improvements being made in the school and it was recommended that an article could be placed in Around the Royal Borough.

OFSTED IMPROVEMENT PLAN

Hillary Hall gave a presentation on the report that provided an update on progress against the Ofsted Improvement Plan implemented in Children's Services following the Ofsted inspection, March 2015.

The Panel were informed that Ofsted made 16 recommendations that were grouped into the following areas:

- Quality of social work practice.
- Partnerships and commissioning.
- Performance management and processes.
- Management development.
- Corporate parenting.

Progress to September 2015 on the recommendations were:

- Seven rated Green = completed or on track for delivery with evidence of sustained improvement.
- Five rated Amber 1 = underway but timescales slipped – all actions are on track in line with revised timescales identified.
- Four rated Amber 2 = completed or on track for delivery but further evidence is required of sustained improvement.

The report and appendix 1 provided the Panel with details of the activity undertaken against each of the 16 recommendations. Much of the work had been around strengthening practice, by updating procedures and rolling out mandatory training. Evidence of impact continued to be tested through monthly case auditing and there was evidence of improvement, for example, in relation to Children in Need cases, adoption and corporate parenting. Areas where the council was looking for more evidence of sustained improvement included consistency of frontline decision making, permanence plans for children in care and engagement, particularly of younger children in care in Kickback, the Children in Care Council.

Moving forward the Panel were informed that as they were unlikely to be inspected for another three years the authority had asked for a Local Government Association Safeguarding Peer Review for March 2016. There would also be further update reports.

In response to questions the Panel were informed that it was expected that improvement would be seen every year and that although the POD system had helped improve staff retention there was currently a small increase in leavers from newly qualified social worker; all leavers had exit interviews. It was also noted that the use of agency staff had decreased.

The Chairman raised concern that children in care performed well during the early years of education but the number going to university were proportionately low. Cllr Natasha Airey reported that with regards to corporate parenting there was a lot that

Councillors could do to help and support children that do not have the support of a family network; these children had potential but were disadvantaged and the Council were looking at how they could be helped.

29/15 FINANCE UPDATE

The Panel considered the latest financial update. Edmund Bradley, Finance Partner, reported that the report showed a projected overspend of £849,000 however, following transfers from NNDR and MRP, this would result in an underspend of £187,000. Reserves remained strong with the development fund totalling £2.213m.

The Panel were informed that the Children's Services Directorate were reporting a projected year-end overspend of £80k against the net controllable budget of £18.185m. As previously reported, the cost pressures relating to social care agency staff in key vacant posts (even though the use of agency staff was falling) and to changes in the needs of mainly high needs pupils requiring transport, these pressures were largely being covered by cost savings from high cost residential placements.

It was noted that the main pressure on the authority came from Adult Services and that Council was to approve an additional £500k being allocated to the directorate. Cllr Jones mentioned that the use of additional funding to support a directorate should be reflected in next years budget build so sufficient resources are allocated.

RESOLVED UNANIMOUSLY: The Children's Service O&S Panel reviewed the report and fully endorsed the recommendations.

30/15 SATELLITE GRAMMAR SCHOOL PROVISION IN RBWM

The Children's Services Overview and Scrutiny Panel considered the urgent item - Satellite grammar school provision in RBWM. Because this item was added to the agenda after it had been published the Panel did not have sufficient time to consider the report circulated on the day of the meeting. The Panel received a verbal update on the report and agreed that it would be circulated by email for members to make individual responses.

The Panel were informed that the report asked for approval for officers to work with Sir William Borlase's Grammar School to undertake due diligence on options for expanding through a satellite site in Maidenhead, and carry out relevant consultation with residents.

During Cabinets consideration on secondary expansion it had been noted that there had been no decision from the Secretary of State for Education about the proposals to open a satellite site in Kent, and thus Cabinet had decided to await that decision before taking any further action. Since Kent had now received a positive decision this urgent report was due to be considered by Cabinet. The Panel were informed that any decision made regarding a satellite grammar school would have no impact on the £20m already allocated for secondary expansion.

Comments circulated to the clerk and passed to Cabinet were as follows:

Comments emailed from the Chairman:

1. I sensed that the main concern expressed by the Panel centred on the fact that the paper authorises the expenditure of up to £200k whilst the Kent decision is still open to legal challenge. We were assured by Officers that in fact there would be limited expenditure before the Cabinet update in April. I would recommend that a clear project plan is developed and agreed before expenditure is undertaken. The level of expenditure should be limited before the outcome of the judicial challenge is known.
2. Although not discussed at Panel, the TLP report recommends the establishment of a Project Board and Team. I think this should be the first step. It would be appropriate for Scrutiny to have some input into its composition - maybe this could be considered at our meeting in November.
3. Any proposed satellite needs to include all of Maidenhead in the catchment area. Before any significant expenditure SWBGS needs to agree that they would amend their catchment area.

Collective response from secondary head teachers in RBWM:

Dear Chair of Overview and Scrutiny Panel,

We write following the Overview and Scrutiny Panel meeting dated the 20th October 2015 and the request that £200K should be spent to continue dialogue with Sir William Borlase Grammar School and proceed with the due diligence regarding the opening of a grammar school annex in RBWM.

It is our belief that the spend of £200k does not represent, at this time, best value for money or acting in line with the public interest or the policy, as stated by the Secretary of State for Education. The reasons and recommendations are outlined below.

1. The Kent decision is highly likely to go to judicial review within a three month period – to spend public money on due diligence / further discussions with Sir William Borlase Grammar School until the review is complete does not represent good value for the public purse. If the Weald School is not permitted a grammar expansion, it is reasonable to expect no further grammar expansions will be considered legally viable. We believe there is sufficient time to wait until the outcome of any judicial review and to be able to set up a school to open in 2021.

Recommendation: Hold off further spending on this project for three months to allow for judicial review proceeding to be actioned. If a judicial review takes place, it would be sensible to delay the £200k spend until the outcome of the review is known.

2. The Secretary of State identified clearly that the decision in Kent is not to be seen as a precedent for further grammar school expansions. Therefore, unless there is a clear change of recently stated Government policy, it is pointless to undertake further costly feasibility work on this project.

Recommendation: RBWM should seek clarification from the Secretary of State as to whether she is minded to change such an explicit policy statement about no further grammar expansion. Without clarification, we consider the recommendation to spend 200K to be an unreasonable use of public funds.

3. Kent is also already a selective authority with grammar and secondary modern schools and therefore the Weald School is being recommended by the Secretary of State as a one-off expansion within a selective borough. RBWM is a non-selective authority – unlike Kent, it does not have secondary moderns and grammar schools. Therefore, even if there is a change of policy and Kent's expansion is rolled out to other selective boroughs, it is a step further to consider a school can expand across borough boundaries. It is a further step to consider whether grammar expansion will be considered legal across borough boundaries into currently non-selective borough.

Recommendation: RBWM should seek clarification from the Secretary of State as to whether such a change of policy will allow (i) cross borough expansion and then (ii) expansion into a non-selective borough. Again, without this confirmation, spending £200K at this point, appears a questionable use of public money.

4. Given the forthcoming Spending Review in November 2015, which is likely to tighten Local Authority budgets further, this money may be required for other RBWM priorities.

Recommendation: Confirm that the forthcoming Spending Review has been reviewed and consider its impact on current services: Can they and will they continue to meet the existing requirements of the young people in the authority? Would it not be better to hold this £200k in reserve until the full impact of the Spending Review is known?

5. The paper presented at the Overview and Scrutiny Panel shared the findings from the public consultation, showing that the majority of parents who wanted to send their children to a grammar school wanted a single sex grammar school. Sir William Borlase Grammar School is a mixed grammar school. In addition, the public consultation did not indicate the reasons why the grammar school places were not taken up by parents.

Recommendation: Hold further discussions with other grammar schools who may be more interested now in developing an annex or indeed who could take students from RBWM. For example, Slough grammar schools have and are continuing to expand and there are surplus places which could meet the demands of the 100+ parents who may select a grammar school. Such discussions could lead to better solutions being found locally and to the saving of £200K.

Recommendation: Research why parents are not taking up grammar school places: is it because of travel, their child not passing the exams or over-subscription in the selective authorities? Again, this research would not cost 200k.

6. The statistical information presented by RBWM on student numbers indicates that there is not a need for a new school with 4 forms of entry after 2025. If a new school opened in 2021 this means £20+million (for setting it up) plus the cost of purchasing of the land would be spent on a school that would only be needed for 4 years. This does not represent good value for money. In addition, if a new school were to open, then the capacity would be far in excess of the 10% surplus that Councillors have asked for to enable parental choice. Again, this is not a good use of public funds.

Recommendation: Officers to review the statistical information (as there was an indication at the meeting that the data now may be out of date) and to see where the need is, before committing to any funds. Publishing the Borough Plan would also help in the decision-making process.

7. The timetable for the decision was inappropriate, given the need for the considerations from all stakeholders to be collated and considered. The Overview and Scrutiny Panel was :
 - a) Given the paper with the recommendation in it at the beginning of the meeting;
 - b) Asked to discuss the recommendation when time had not been given to fully read the paper;
 - c) Asked for responses via email as further reflections were needed by 28th October 2015.

Recommendation: Delay this going to Cabinet until the Overview and Scrutiny Panel has received a response to the above questions and recommendations, and has had time to review any subsequent information. At least one more session to further discuss this at the Overview and Scrutiny Panel should be given.

We look forward to your response.

Regards

Berkshire Association of Secondary Heads: Tanya White, Paul Frazer , Neil Dimbleby, Ania Hildrey, Louise Ceska, Walter Boyle, Gill Labrum, Gavin Henderson, Richard Pilgrim, Martyn Parker, Sharon Yardley, Chris Tome, Philip Clarke, Stuart Muir, Heidi Swidenbank, Rod Welsh.

**Comments regarding paper on Satellite Grammar provision in RBWM.
(Cllr Lynne Jones)**

In the interests of transparency I would appreciate the responses to my questions and comments to be minuted and not just 'noted'.

1. There is nothing in the paper that explains the urgency behind the need to make a decision to spend up to £200k. The decision to bring a paper as an 'urgent item' to Overview and Scrutiny did not allow a full debate between members of the panel as the report was published on the day of the meeting. This did not facilitate members to be able to read the paper or question aspects of the paper with officers. Why is this an 'urgent' item.

2. The decision taken by the Secretary of State regarding a Kent Grammar school is not a precedent for future schools (Nicky Morgan). It has been said that Local Authorities that have not maintained grammar schools will not be able to accommodate a satellite.

“This is one particular application with one particular set of circumstances. Why would I deny a good school the right to expand?” she said last week. “I don’t think this will open any kind of precedent or floodgates.”

<http://www.theguardian.com/politics/2015/oct/18/grammar-schools-nicky-morgan-subverting-law-approving-labour>

The guardian reported

‘If the new school survives the expected judicial review, a flood of similar applications to open expansion sites is expected, although the loophole is only possible in local authorities and boroughs that have maintained grammar schools since their attempted abolition in the 1970s.’

<http://www.theguardian.com/education/2015/oct/15/conservatives-green-light-first-selective-state-school-50-years>

3. Decision in Principal - There has been a report of a Council asking for 'a decision in principle' before committing funds to the project. Surely this is a path that we should consider?

‘Central Bedfordshire Council has asked the Department for Education for a “decision in principle” to set up a new grammar school annexe. If permission is granted, the council will contact existing schools to gauge interest.’

<http://schoolsweek.co.uk/grammar-school-expansion-plans-in-at-least-ten-10-new-areas/>

4. Financial - We have already committed £80k to researching the possibility of a satellite grammar. I do not believe that allocating another £200k before:

- the outcome of any judicial review
- confirmation that non-selective areas will be considered for satellites
- or achieving a 'decision in principal, is good financial management.

It is a significant sum of money that should only be spent if the principals of expansion of a satellite based within a non-selective area is agreed with central government.

Other comments (From Cllr Jones)

It would have been pertinent to see research as to how having a selective school within a comprehensive system would affect the existing schools.

The proposed satellite would be equal in size to the existing school and therefore could be seen as a new school not a satellite.

Despite the appointment of TLP as a consultant we have not ascertained the demand.

The paper states

2.5 In July 2014, Cabinet considered a consultation on expansion of school expansion. 67% of the 396 respondents agreed that the borough should investigate providing new schools and a satellite grammar site

This is an ambiguous percentage as the question did not determine between agreement for new schools and agreement for a satellite grammar (agreed by directorate that this is the case). There has been no consultation on whether the residents actually want a satellite grammar or whether they would prefer it to a comprehensive education.

Margaret Brown - Representative of Secondary Governors

I feel this is rushed and would have liked to have more input from our current schools at the OS panel and more time to debate and discuss. The council should be considering and valuing the education of all the children in the borough not just a small minority who would be able to attain against Grammar School criteria.

A Grammar school in the borough would effectively make all other schools Secondary Moderns and could become socially divisive. At present parents - that can afford tuition - now regularly have their children tutored for two years prior to taking the 11 plus, is this a system we want to support?

We are spending an enormous amount to improve our current schools - which when transparent and fair, is I feel the correct way to spend the electorates money - every child should make progress whatever their starting point - this is the measure that Ofsted values.

Who were the sample of 365? Is it a large enough sample to justify spending a further 200K of resident's money A simple letter to all parents of year 6 in primary schools will be more cost effective and will give the council a strong indication of the electorates wishes.

Finally, the furore over S106 funding shows that borough residents are keenly interested in how budgets are spent and involving more people at the outset of future plans before decisions are made, is surely the most democratic path to take .

Finally I would like to quote Greg Hurst The Times Saturday 24th October 'All the evidence shows selective education is terrible for social mobility' with even Kent county council admitting yesterday grammar schools fail disadvantaged children'

31/15 CHILDREN'S SERVICE RESTRUCTURE

The Panel were provided with the new Children's Service re-structure following staff consultation. The main changes were:

- Drawn commissioning expertise together, including placements for children in care.
- Strengthened link between Alternative Provision and the Virtual School.
- Strengthened schools support and wellbeing.
- Further consolidation of early help and safeguarding services.

It was noted that David Scott was changing directorates and Ann Domeny would be leaving the authority after the excellent work she had undertaken especially around service improvement.

32/15 WORK PROGRAMME

The work programme was approved.

33/15 MEETING

The meeting, which began at 6.30pm, ended at 9.50pm.

Chairman.....

Date.....