



**CHILDREN AND YOUNG PEOPLE
SCRUTINY COMMITTEE
9 SEPTEMBER 2011**

PRESENT: COUNCILLOR S F WILLIAMS (CHAIRMAN)

Councillors P A Carpenter, C J Davie, M Exton, M W Gilbert, Miss A M Jenkyns, B W Keimach, C R Oxby, R B Parker, R A Shore, M Smith, C J Underwood-Frost and C N Worth.

Added Members: Dr B Roberts and Mr S Rudman.

Councillor Mrs P A Bradwell (Executive Councillor for Children's Services and Adult Learning) was also in attendance.

Officers in attendance: Debbie Barnes (Assistant Director, Children's Services), Keith Batty (Principal Advisor 11 – 19, School Improvement Service), Andy Breckon (Assistant Director of Children's Services and Director of the School Improvement Service), Jill Chandar-Nair (Inclusion and Attendance Manager), Stephanie Douglas (Head of Service – Birth to Five), Tracy Johnson (Scrutiny Officer), Meredith Teasdale (Head of Service – Children with Disabilities), Tony Warnock (Head of Finance for Children's and Specialist Services), Graham Watts (Democratic Services Officer) and Chris Wrench (Pupil Services Manager).

17. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J R Hicks and R B Singleton-McGuire.

Mrs E French, Mrs J Pilsworth and Mrs G Wright (Added Members) also submitted their apologies for absence.

The Chief Executive reported that, having received notice under Regulation 13 of the Local Government (Committees and Political Groups Regulations 1990), he had appointed Councillor R B Parker as a replacement Councillor on the Committee in place of Councillor J D Hough, for this meeting only.

It was reported that a letter of resignation had been received from Mrs K Seddon, who was appointed to the Committee as a Parent Governor Representative Added Member.

18. DECLARATIONS OF MEMBERS' INTERESTS

No declarations of Members' interests were made at this stage of proceedings.

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19. MINUTES OF THE MEETING OF THE CHILDREN AND YOUNG PEOPLE
SCRUTINY COMMITTEE HELD ON 24 JUNE 2011

RESOLVED

That the minutes of the meeting of the Children and Young People Scrutiny Committee held on 24 June 2011 be confirmed and signed by the Chairman as a correct record.

20. MINUTES OF THE EXTRAORDINARY MEETING OF THE CHILDREN AND
YOUNG PEOPLE SCRUTINY COMMITTEE HELD ON 26 JULY 2011

RESOLVED

That the minutes of the extraordinary meeting of the Children and Young People Scrutiny Committee held on 26 July 2011 be confirmed and signed by the Chairman as a correct record, subject to the inclusion of Councillor C R Oxby's name in the list of apologies for absence and the amendment of Councillor C J Davie's declaration of interest to read as follows under minute number 15: -

'Councillor C J Davie declared a personal interest in minute number 16 as his wife was employed as a teaching assistant at a primary school in his electoral division'.

21. IMPROVING ACCESS TO POST-16 LEARNING PROVISION IN
LINCOLNSHIRE – DRAFT FINAL REPORT

A report by the Committee's Scrutiny Officer was considered, which invited Members to consider the draft final report arising from the scrutiny review into improving access to post-16 learning provision in Lincolnshire.

The scrutiny review was carried out between December 2010 and August 2011, during which time the Task and Finish Group had undertaken the following: -

- interviews with relevant staff in Children's Services and the School Improvement Service;
- meetings with 44 vulnerable people who were either care leavers, not in education, employment or training or were learners with learning difficulties and/or disabilities;
- holding two focus groups, one with business representatives and the other with representatives of post-16 learning providers;
- a visit to George Farmer Technology and Language College in Holbeach;
- conducting an online survey through schools, colleges and work based learning providers which generated 772 responses from young people.

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The Task and Finish Group, in completing its scrutiny review, had produced a draft report containing fifteen recommendations. A copy of this document was appended to the report and the recommendations were discussed and noted by the Committee.

The Chairman, on behalf of the Committee, thanked those Members of the Task and Finish Group and the officers that supported the group's work throughout the scrutiny review for their valuable contributions.

RESOLVED

- (1) That the Task and Finish Group's draft report into improving access to post-16 learning provision in Lincolnshire be approved.
- (2) That the report be submitted to the Council's Executive on 4 October 2011 for its consideration and response to the fifteen recommendations contained within the document.

22. STRATEGIC PRIORITIES FOR 16 – 19 (25) EDUCATION AND TRAINING FOR 2012/2013

A report by the Principal Advisor 11 – 19 from the School Improvement Service was considered, which set out the current situation in relation to post-16 education and training and established the changes to the mix and balance of provision that would be required to achieve full participation to the age of 17 by 2013 and age 18 by 2015.

It was noted that the Council's statutory responsibilities under the Apprenticeship, Skills, Children and Learning Act 2009 were laid out in the Young People's Learning Agency Statutory Guidance: Funding Arrangements for 16 – 19 Education and Training. The guidance was revised in July 2011 and set out the arrangements for 2012/2013, a copy of which was appended to the report. Subject to the passage of the Education Bill, an executive agency of the Department for Education known as the Education Funding Agency would take forward the responsibilities set out in the document.

A number of key issues were highlighted in the report, which the following priorities sought to address: -

- increasing the number of young people age 16 – 18 participating in post-16 education and training in line with the requirement to raise the participation age;
- increasing the availability of provision within independent providers to meet the needs of the more vulnerable young people and those at risk of disengaging in learning;
- increasing the number of available Apprenticeship places in particular in priority sectors;
- increasing the number of available Apprenticeship frameworks at levels three and four to secure progression routes, particularly in priority sectors;
- discouraging growth in overall numbers of A level places in school sixth form and academies beyond current levels;

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- reducing the number of young people failing to progress from AS to complete A2 qualifications;
- encouraging further collaboration between school sixth forms to maintain niche and specialist A level provision that is vulnerable due to low numbers of participants;
- increasing availability and range of opportunities for learners with learning difficulties and/or disabilities to enable more young people to access learning with their own community;
- increasing the number of programmes with flexible start dates in particular in general further education colleges.

Discussion ensued and the following observations were noted by the Committee: -

- as part of raising the participation age, employers would be required to provide the equivalent of two days of training per week for young people. Part of this training also had to be devoted to attaining Maths and English at grade C GCSE level if the young person had not already achieved such grades. The Committee expressed its concerns and questioned the monitoring of this training. It was noted that government guidance on this aspect of the new requirements had not yet been published. Members suggested that small businesses in particular, who employed people to undertake specific roles, would not necessarily have the resources available to commit to the training requirements and, consequently, could employ more adults;
- concerns were expressed in relation to the priority to discourage growth of overall numbers of A level places, as Members perceived its message to mean that the authority did not want to achieve excellence. In response, an explanation was given that the opening of new institutions offering similar provision could mean the closure of other establishments in the county due to their financial situation and inability to sustain provision. Officers agreed to amend the wording of this particular priority to more adequately reflect this explanation;
- Members shared their concerns that young people over the next few years would be very vulnerable in view of the current economic climate and various other factors;
- it was not clear how schools would be able to provide independent careers advice and guidance and how, in practice, this would be monitored. In addition, it was unclear what the consequences would be for schools if they failed to provide such advice and guidance. The County Council was currently developing a traded offer for schools in respect of careers advice and guidance, which schools would be able to purchase. It was noted that the responsibility to provide advice to vulnerable people would remain with the Local Authority as a statutory duty;
- it was agreed that Apprenticeships would be paramount. These were currently being delivered at level two but there was a drive to grow Apprenticeships to a higher level.

It was noted that the current Minister of State for Further Education, Skills and Lifelong Learning was Member of Parliament for South Holland and the Deepings in Lincolnshire. In view of this, Members agreed to arrange a meeting between the Minister and representatives of this Committee so that they could express their concerns in relation to further education and the raising of the participation age in respect of the impact on local authorities, educational institutions and young people.

RESOLVED

- (1) That the strategic priorities for 16 – 19(25) education and training for 2012/2013 be agreed.
- (2) That Local Area Partnerships be recommended to review the mix of provision in their area and make adjustments to meet the priorities.
- (3) That a meeting be arranged between representatives of the Children and Young People Scrutiny Committee and the Minister of State for Further Education, Skills and Lifelong Learning, to enable Committee Members to express their concerns in relation to further education and the raising of the participation age in respect of the impact on local authorities, educational institutions and young people.

23. PERFORMANCE – QUARTER ONE 2011/2012

Consideration was given to a report by the Assistant Director, Children's Services, which provided the Children and Young People Scrutiny Committee with a summary of quarter one 2011/2012 performance for children and young people for each Performance Indicator that was significantly underperforming or overperforming.

The Committee discussed the following aspects of the performance report: -

- the percentage of Looked After Children with up-to-date health checks. Monthly meetings were being held with the Health Authority and all young people's assessments were monitored. These meetings had highlighted the need to review the existing procedures for completion of the health assessments process. This related to other indicators, namely the percentage of Looked After Children with up-to-date dental checks and the percentage of Looked After Children with up-to-date routine immunisations. It was reported that the County Council had established a joint working group with the Health Authority to address the issues reported in respect of these performance measures;
- care leavers in suitable accommodation. This performance was currently 8.17% below target, meaning that of 47 young people within this cohort three were not deemed to be in suitable accommodation. A report on this issue was scheduled to be submitted to the next meeting of the Corporate Parenting Panel, the outcome of which would be fed back to this Scrutiny Committee;
- percentage of children with disabilities who had transition plans. This was currently on the work programme for the Children and Young People Scrutiny Committee and would be considered at a future meeting.

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In closing, discussion ensued on the format of performance reporting. Members welcomed the new exceptional reporting format, but requested additional annual information alongside quarterly reports in order that any trends could be identified.

RESOLVED

- (1) That the report be noted.
- (2) That future quarterly performance reports include rolling annual performance information, in order that trends can be identified.

24. COUNCIL'S RESPONSE TO A CONSULTATION ON A REVISED EARLY YEARS FOUNDATION STAGE

A report by the Head of Service – Birth to Five was considered, which provided the Committee with an opportunity to consider the Council's response to a consultation on a revised Early Years Foundation Stage.

Officers met with Councillors M Smith and A P Williams over the summer recess period to consider the Council's response to the Department for Education's consultation on a revised Early Years Foundation Stage. A copy of the response was appended to the report for the Committee's consideration.

In closing, the Councillors and officers involved in collating a response on behalf of the County Council were thanked for their contributions.

RESOLVED

- That the report be noted.

25. DRAFT SCHOOL ADMISSION CODE

The Scrutiny Committee considered a report by the Pupil Services Manager, which provided Members with an opportunity to consider the Council's draft School Admission Code.

The School Admission Code was introduced in 1999 and had since undergone a number of revisions, the latest of which took place in February 2010. The coalition government had been consulting on changes to the code alongside its other education initiatives in this area. The latest draft had been written in the context of an increasing number of academies, which were independent of local authority control, and its aims were therefore to allow more freedom to all schools and academies, with academies able to determine their admission policies.

It was noted that admission to a school was something that parents often regarded as fairly simple, but it was now a highly regulated and complex area. The coalition government's draft School Admission Code was an attempt to simplify the process and reduce bureaucracy.

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The draft code was published by the Department for Education for consultation on 27 May 2011 until 19 August 2011. The report outlined the complexities of the draft School Admission Code and a copy of Council's comments that had been sent in response to the consultation exercise was appended, for consideration.

Following a request at the meeting, it was agreed that a copy of the original consultation document would be circulated to all Members of the Committee in due course.

RESOLVED

That the report be noted.

26. TRAVELLER EDUCATION POLICY AND ACTION PLAN UPDATE

Consideration was given to a report by the Inclusion and Attendance Service Manager, which provided the Committee with an opportunity to scrutinise progress made on the Council's Traveller Education Policy action plan.

A copy of the revised policy and action plan was appended to the report for consideration. It was highlighted that, due to changes in provision following the restructuring of Children's Services, there had been alterations to the content of the policy and changes in actions where appropriate. A key change included the Council's proposal to decommission traveller education services in view of the fact that this element would come under the responsibility of schools. The authority would therefore focus its resources on community cohesion, family support and those children and young people not attending school.

Members expressed their concerns in the reduction of services the Council offered as part of the proposed changes to its Traveller Education Policy. During discussion, the Committee agreed that the Executive Councillor for Children's Services and Adult Learning should be recommended to consider the County Council continuing to provide advice and guidance to schools on the education of Gypsy, Roma and Traveller children and young people in Lincolnshire.

RESOLVED

- (1) That the report be noted.
- (2) That the Executive Councillor for Children's Services and Adult Learning be recommended to consider the County Council continuing to provide advice and guidance to schools on the education of Gypsy, Roma and Traveller children and young people in Lincolnshire.

27. CHILDREN WITH DISABILITIES STRATEGY CONSULTATION

A report by the Head of Service – Children with Disabilities was considered, which provided the Committee with an opportunity to comment on the draft Children with Disabilities Strategy 2011 – 2016 as part of its consultation process. A copy of the document was appended to the report.

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It was noted that the Children with Disabilities Strategy was clarifying the work required to improve outcomes for children and young people with disabilities and support the bringing together of services to ensure a more seamless service.

The outcome of the consultation process would be reported back to the Children and Young People Scrutiny Committee at its meeting scheduled to be held on 13 January 2012.

Members were reminded that the consultation was scheduled to end on 15 September 2011 and were encouraged to respond to it on an individual basis if they had any particular comments to submit.

RESOLVED

That the report be noted.

28. PROPOSED MERGER OF THE LINCOLNSHIRE SAFEGUARDING ADULTS BOARD SCRUTINY SUB-GROUP WITH THE LINCOLNSHIRE SAFEGUARDING CHILDREN BOARD SCRUTINY SUB-GROUP

Consideration was given to a report by the Committee's Scrutiny Officer, which sought approval to merge the Lincolnshire Safeguarding Children Board Scrutiny Sub-Group with the Lincolnshire Safeguarding Adults Board Scrutiny Sub-Group.

The County Council, as part of its existing committee structure, had two Safeguarding Scrutiny Sub-Groups as follows: -

- the Lincolnshire Safeguarding Adults Board Scrutiny Sub-Group. This reported to the Adults Scrutiny Committee and considered the effectiveness of the Lincolnshire Strategic Safeguarding Adults and Dignity Board;
- the Lincolnshire Safeguarding Children Board Scrutiny Sub-Group. This reported to the Children and Young People Scrutiny Committee and considered the effectiveness of the Lincolnshire Safeguarding Children Board.

At the meeting of the Lincolnshire Safeguarding Children Board Scrutiny Sub-Group on 19 May 2011, it was suggested that the two Sub-Groups could be merged as it would represent the most effective use of member and officer time and ensure that there was a full agenda for each meeting. A report on the proposed merger was submitted to the Lincolnshire Safeguarding Adults Board Scrutiny Sub-Group at its meeting on 12 July 2011 where the proposal was supported. The same report was considered by the Lincolnshire Safeguarding Children Board Scrutiny Sub-Group at its meeting on 15 July 2011 and support was given in principle to the proposal, subject to it being introduced on a six month trial basis to see whether or not a merged safeguarding scrutiny body would work in practice.

The report outlined a proposed timetable for implementation and draft governance and terms of reference were appended to the report.

It was highlighted that the Lincolnshire Strategic Safeguarding Adults and Dignity Board and the Lincolnshire Safeguarding Children Board would continue to operate as separate entities.

The proposal to merge the two Scrutiny Sub-Groups would also require consideration by the Adults Scrutiny Committee. This was scheduled to be undertaken at its meeting on 28 September 2011.

RESOLVED

That the proposal to merge the Lincolnshire Safeguarding Children Board Scrutiny Sub-Group with the Lincolnshire Safeguarding Adult Board Scrutiny Sub-Group be approved, subject to it being introduced on a six month trial basis.

29. LINCOLNSHIRE SAFEGUARDING CHILDREN BOARD SCRUTINY SUB-GROUP UPDATE

The Chairman of the Lincolnshire Safeguarding Children Board Scrutiny Sub-Group introduced this item and referred Members to a report that informed the Committee of matters considered by the Scrutiny Sub-Group at its meeting on 15 July 2011. A copy of the draft minutes from that meeting were appended to the report.

RESOLVED

That the report be noted.

30. CORPORATE PARENTING PANEL – UPDATE

A report on behalf of the Executive Director for Children's and Adults was considered, which updated Members of matters considered by the Corporate Parenting Panel at its meeting on 21 July 2011. A copy of the draft minutes from that meeting were appended to the report.

RESOLVED

That the report be noted.

31. DEPARTMENT FOR EDUCATION'S CONSULTATION ON SCHOOL FUNDING REFORM: PROPOSALS FOR A FAIRER SYSTEM

The Committee considered a report by the Head of Finance for Children's and Specialist Services, which outlined the key aspects from the Department for Education's consultation on school funding reform and the main issues from the Local Authority's perspective.

It was reported that a number of announcements were made by the Secretary of State on 19 July 2011 relating to funding arrangements for schools. One related to the launch of the second consultation on the government's review of school funding,

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which sought the views on proposals for a new, fairer and more transparent school funding system. The consultation document set out the following: -

- proposals for the mechanics of a new funding system;
- the contents of a new national formula;
- future funding arrangements for the Pupil Premium, early years provision and High Needs Pupils;
- the responsibilities of local authorities, schools and academies in relation to central services.

The announcement also confirmed that the current funding system would continue for 2012/2013.

The consultation was scheduled to run for twelve weeks and would close on 11 October 2011. It posed 47 questions, the answers to which would be compiled over the remainder of the consultation period following further clarification that was sought from the Department for Education on a number of points. The report, therefore, did not propose to answer the questions set out in the consultation document, but identified key aspects from the consultation and outlined a number of key points from Lincolnshire's perspective. These were summarised within the report, but the following were particularly highlighted to Members at the meeting: -

Key aspects from the Department for Education's consultation

- the intention was to introduce a new formula that would provide funding to local authorities, schools and academies on a fair and transparent basis;
- it would require funding to be moved between schools and areas, but that would take some time as stability in school funding remained a key objective;
- the formula would determine the level of resource available to each local authority. Local authorities, working with their Schools' Forums, would then agree a formula to distribute the funding between schools and, possibly, academies;
- the rules around the local formula would be simplified to ensure greater consistency between areas. The Department for Education's preferred option was to restrict the number and scale of local formula factors that could be used;
- it was proposed that academies were funded at the same level as maintained schools, with more transparency over those calculations and reduced bureaucracy;
- local authorities would continue to be responsible for funding both high needs pupils and early years provision across all sectors using a single funding formula.

Key points from the Lincolnshire perspective

- the Local Authority would continue to have a significant role in school funding which would be similar to the present;
- a redistribution of funds between local authorities would take place, but over time, to ensure stability. In the fullness of time this may prove beneficial to

Lincolnshire because, currently, shire counties received some of the lowest levels of funding via the Dedicated Schools Grant. However, the outcome of this was not certain. It could be reasonable to expect some narrowing of the current funding differentials between local authorities, but more detail was needed on issues such as the area cost adjustment, protection of small schools and English as a second language. These aspects could have implications for the County Council;

- regulations on what could be allowed in the local formula would be tightened, so there were fewer formula factors. By comparison with other local authorities, Lincolnshire had few so there could be a very limited impact in this respect;
- there would continue to be ring fencing of school funding through the operation of the Dedicated School Grant. Whilst this offered protection to schools and some related budgets, it also reduced the capacity of local authorities to move funds between directorates to address local priorities and needs. This had been the case since the Dedicated School Grant was first introduced in 2006/2007;
- the Central Expenditure Limit would continue to operate. This prevented, without Schools' Forum approval, local authorities from increasing expenditure on central Dedicated Schools Grant budgets by more than schools' delegated budgets. Historically, this had not been a problem in Lincolnshire as the majority of proposals had been developed with and were supported by the Schools' Forum;
- the Minimum Funding Guarantee would continue to apply. This mechanism prevented local authorities from altering the local school funding formula in such a way that some schools lost a considerable sum of money. Whilst the Minimum Funding Guarantee provided stability, it also meant that it could take a considerable amount of time for changes to funding mechanisms, which often had widespread support, to be fully implemented. This situation could arise in Lincolnshire next year. The County Council would shortly be consulting on how the £67 million of grants that were streamlined into the Dedicated Schools Grant this year should be allocated in future. If the Minimum Funding Guarantee was set tightly, even fairly modest proposals to redistribute those funds could take considerable time to take full effect;
- at present, there appeared to be no plans to require local authorities to direct a specified level of funding to schools through local deprivation factors. The recently approved Pupil Premium achieved that and was scheduled to grow significantly. However, work undertaken several years ago highlighted significant differences between local authorities in the amounts they already distributed to schools via deprivation factors;
- both options presented for the funding of academies required money to pass from local authorities to the Education Funding Agency and both were based on the local funding formula. The current system for funding academies had a 17 month time lag built in. This would end and it would mean that there would be one less difference in funding between maintained schools and academies, compared to the present;
- three years budgets were planned. These had been used before but had been of limited value to schools in terms of forward planning because they were not rolling three year budgets. Instead, they were tied to the local

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government settlement and therefore gave funding cycles that provided three, two and then one year settlements, which was not ideal;

- the Department for Education believed its formula for funding local authorities should protect small schools, as they had higher unit costs, although it did not intend to apply this to secondary schools. A fixed lump sum or a sparsity factor could be used, the suggested figure for which was £95,000. It was not clear whether a modified sparsity factor would benefit rural counties such as Lincolnshire in terms of the funding it received from government. The Local Authority's current block allocation for primary schools was approximately £60,000 and if the proposals resulted in changes to the local funding formula, with the result that much smaller schools were able to survive financially, that could adversely affect value for money and the quality of education that some children and young people received;
- the Department for Education wished to minimise turbulence caused by the new funding formula. The Council knew following the Comprehensive Spending Review that, apart from growth in Pupil Premium, funding would remain flat. To stay within that spending envelope, and provide protection to school budgets, meant that there was little scope for moving swiftly to a new formula. The consultation asked whether the Department for Education should continue with a Minimum Funding Guarantee of -1.5% for 2013/2014 and then offer a lower level of protection thereafter to enable the impact of the new formula to be introduced earlier. Such an approach would be favoured by those local authorities that were likely to gain under the new formula;
- the Department for Education wished to simplify the calculation of additional funding for academies provided through the Local Authority Central Spend Equivalent Grant, which was long overdue. The current system was not designed for that purpose and it was quite widely accepted that it provided too much funding to academies. For those services within the Dedicated Schools Grant, this would be achieved by delegating all relevant services. The need for that element of Local Authority Central Spend Equivalent Grant would then disappear, as the funding for those services would be included in all school and academy budgets. In Lincolnshire, the impact of this may be less than elsewhere because, traditionally, the county had delegated many services to schools. However, this approach could still create some local difficulties if some support services were needed but could not be sustained through voluntary buy-back arrangements.

It was agreed that the proposals in the Department for Education's consultation were not as radical as some expected and were much more a refinement of the current system. Local authorities would continue to receive government funding and would have a key role in determining how that was distributed to schools and academies. Changes to the way that the government top sliced local authority budgets for academies was a significant risk in Lincolnshire. However, it was hoped that the government would respond positively to the representations that the County Council and other local authorities had made with respect to that separate consultation exercise.

RESOLVED

That the report be noted.

32. CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE WORK PROGRAMME 2011

A report by the Committee's Scrutiny Officer was considered, which provided Members with an opportunity to consider the work programme for the Children and Young People Scrutiny Committee.

Two additions to the work programme in respect of the Committee's meeting scheduled to be held on 13 January 2012 were reported, as follows: -

- Consultation on change from co-education to single sex education at Boston High School;
- Children with Disabilities Strategy.

During discussion, Members also requested that the following items be included on the work programme for consideration at a future meeting of the Committee: -

- a report on 'Team Around the Child';
- a report on how the reductions in the Council's budgets were affecting youth services, from the perspective of children and young people. It was suggested that a similar report, but from the perspective of the community, could be taken to the Communities Scrutiny Committee.

In closing, Members were informed that advice was currently being sought as to which meetings of the Children and Young People Scrutiny Committee would be most appropriate to consider the Council's budget report, prior to consideration at the meeting of the Executive scheduled to be held on 20 December 2011 and its approval at the County Council at its meeting scheduled to be held on 10 February 2012. These items would therefore be included within the Committee's work programme, once confirmation had been received on which meetings would be most appropriate to consider the budget reports.

RESOLVED

That the work programme for the Children and Young People Scrutiny Committee be approved, subject to the inclusion of the above amendments.

Meeting closed at 1.25 p.m.