

PRESENT: COUNCILLOR S F WILLIAMS (CHAIRMAN)

Councillors P A Carpenter, C J Davie, M Exton, A G Hagues, J R Hicks, J D Hough, B W Keimach, C R Oxby, R A Shore, C J Underwood-Frost and C N Worth.

Added Members: Mrs J E Pilsworth, Dr B Roberts, Mr S C Rudman and Mrs G Wright.

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

Councillors H R Johnson, Mrs M J Overton and Mrs S Woolley attended the meeting as observers.

Officers in attendance: Debbie Barnes (Assistant Director of Children's Services), Andy Breckon (Assistant Director of Children's Services and Director of the School Improvement Service), Tracy Johnson (Scrutiny Officer) and Graham Watts (Democratic Services Officer).

53. APOLOGIES FOR ABSENCE / REPLACEMENT MEMBERS

Apologies for absence were received from Councillors M W Gilbert, R B Singleton-McGuire and M Smith.

54. DECLARATIONS OF MEMBERS' INTERESTS

Councillor C J Davie declared a personal interest in minute number 56 as his wife was employed as a Teaching Assistant at a primary school in his electoral division.

Councillor J D Hough declared a personal interest in relation to minute number 56 as his partner was a Non-Executive Director for Lincolnshire Partnership NHS Foundation Trust and he was a Member of the Trust.

Councillor C R Oxby declared a personal interest in relation to minute number 56 as his wife escorted autistic children and young people across the county.

55. MINUTES OF THE PREVIOUS MEETING OF THE CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE HELD ON 2 DECEMBER 2011

RESOLVED

That the minutes of the previous meeting of the Children and Young People Scrutiny Committee held on 2 December 2011 be confirmed and signed by the Chairman as a correct record.

**CHILDREN AND YOUNG PEOPLE
SCRUTINY COMMITTEE
5 JANUARY 2012**

56. CHILDREN'S SERVICES BUDGET 2011/2012 AND 2012/2013

A report by the Assistant Director of Children's Services was considered, which provided the Children and Young People Scrutiny Committee with an opportunity to consider the Children's Services budget for 2011/2012 and 2012/2013.

It was reported that the County Council's Children's Services Directorate was on target to achieve budget reductions for this financial year due to the majority of staffing reductions having been implemented as part of the authority's overarching core offer restructure. In addition, most of the service's budget reductions for 2012/2013 had already been implemented. Details relating to the budget reductions in Children's Services for the next four years were outlined as part of the report.

The Committee was informed that Children's Services continued to face a number of budget challenges. These specific challenges were noted as follows: -

i) Changes to local authority grant due to the academy programme

There were some potential significant funding implications for the local authority as more schools converted to academy status and consequently moved out of local authority control. One effect of this was that academies ceased to receive a range of services from the local authority which they used to receive without being charged. The Department for Education therefore provided academies with the Local Authorities Central Services Equivalent Grant to cover the cost of those services that were previously provided by the local authority. To fund this grant to academies, a top slice from each local authority was made on a pro-rata national basis. Lincolnshire's formula grant had been reduced by £2.4 million in 2011/2012 and by a further £1.9 million in 2012/2013. Those local authorities with no academies had made a legal challenge, which resulted in a consultation being issued on the approach of funding for the additional services they were responsible for. The consultation paper proposed a value of £220 per pupil for the grant, however, the Local Government Association had countered this by identifying that the New Burden Doctrine stated that where services were transferred back to central government, the funding should only reflect general savings in local authorities' costs, which it suggested should range from £15 to £70 per pupil. It was emphasised, therefore, that the funding impact of academies to the local authority was currently not known.

ii) Raising of the participation age – including tracking and reducing numbers of young people not in education, employment or training

There were a number of pressures which were likely to negatively impact on the Council's performance for young people not in education, employment or training, namely the current economic position, the raising of the participation age to 17 in 2013 and 18 in 2015 and the transfer of statutory responsibilities for universal career guidance to schools. Children's Services originally expected to have continuing responsibility for vulnerable young people in relation to those not in education, employment or training and had made necessary provision within locality teams. However, revised Government policy intentions indicated that local authorities would have continuing responsibility for tracking young people's participation in order to

**CHILDREN AND YOUNG PEOPLE
SCRUTINY COMMITTEE
5 JANUARY 2012**

identify those in need of support. In addition, it was noted that the Government considered that the presenting factor of young people not in education, employment or training as a single issue reached the threshold to make a young person vulnerable. Lincolnshire's Children's Services delivery model post the core offer did not reflect these duties as these were not known at the time.

In terms of a proposed solution, the Executive Councillor for Children's Services and Adult Learning had already confirmed political support for continuing to track young people and to maintain a service which encouraged young people who were not in education, employment and training to participate.

iii) Leaving Care Service – additional legal liability

As part of last year's budget setting process, Children's Services proposed a reduction in the Leaving Care contract as part of its budget savings. Further work to confirm projected numbers of young people leaving care had identified a rising population. In addition, changes to local authority duties following the Southwark judgement, as well as increasing duties for Unaccompanied Asylum Seekers, meant that this reduction was no longer proposed. It was therefore recommended that the previously agreed budget reductions in this area were met through alternative strategies.

iv) Local authority responsibilities for young people on remand

The Justice Green Paper published in December 2010 outlined a proposal to create a Single Remand Order with transference of the cost of remands away from central government and towards local authorities. The Government also proposed to transfer a proportion of the current custodial budget directly to local authorities as a non-ring fenced grant. The purpose of this was to incentivise local authorities to use alternative strategies to lessen the use of remands and in turn reduce the remand population. It was emphasised that the proposed Government grant had not been quantified at present. Under current arrangements the Government had paid two thirds of the remand costs regardless of the number of remands, therefore the local authority financial liability had been limited to one third of the total cost. Under the new proposals the financial burden would fall entirely upon the local authority for all young people held on secure remand.

Lincolnshire's Children's Services requested investment on an 'invest to save' basis, through the development of an intensive fostering service via a pilot scheme. It was also recommended that provision was accrued in corporate reserves to help manage this pressure.

v) Post-16 education for young people with learning disabilities

The County Council had responsibility for assessing the education needs of young people with learning disabilities and for making a recommendation on placement to the Young People's Learning Agency who funded the place. Although the Agency held the budget for placements, the County Council had a responsibility to work with the Young People's Learning Agency to effectively manage the budget. It was expected that this budget would transfer to local authorities in 2012/2013 but the

**CHILDREN AND YOUNG PEOPLE
SCRUTINY COMMITTEE
5 JANUARY 2012**

position remained unclear on this point. Traditionally, Lincolnshire had been allocated a disproportionate percentage of this budget and it was agreed at the regional group that Lincolnshire's allocation would reduce by £2.5 million to £3.5 million for the academic year 2012/2013. It was expected that the indicative budget set by the Education Funding Agency, to be replaced the Young People's Learning Agency in April 2012, would reflect this.

Lincolnshire's Children's Services proposed a series of activities to help further education providers to enhance their offer of high quality education which met the needs of this particular client group. This included workforce development and support to change the curriculum offer. There was also a need to enhance support for statutory needs assessments for learners with special educational needs in mainstream settings to undertake development work to help providers enhance provision, which would reduce reliance and expectations for residential provision in adult services.

In terms of capital, it was reported that Lincolnshire's Children's Services managed and maintained a comprehensive annual capital programme of individual projects, which was overseen by the Children's Services Programme Board. Children's Services faced considerable challenge in capital due to the increasing pressure on places, caused mainly by rising birth rates. Long-term forward planning to ensure sufficient school places were provided in sustainable school buildings was vital to meet the local authority's statutory duty for school place planning. Details were included in the report which outlined the rising number of demand for Reception places in urban schools, compared to the relatively low demand for places in rural schools. It was noted, however, that some schools on the outskirts of urban areas were also seeing significant pressure on places as they absorbed the overspill.

Although the Government had confirmed a Private Finance Initiative project for school conditions and funding for basic need, the County Council did not expect to qualify for the Private Finance Initiative conditions money as it would not meet the criteria of 30% rebuild. The final announcement for the Department for Education capital grant funding expected in December 2011 had not yet been made, but confirmation was given that £3 million had been applied for towards the Lincoln North project. It was reported, however, that £16 million had been awarded to the County Council by the Secretary of State as grant funding for basic need and conditions, including repair and maintenance.

A number of points were made by the Committee during discussion, as follows: -

- it was extremely difficult to set budgets, accurately project budgets and plan on a long-term basis when so many changes were imposed nationally on the service areas that came under the responsibility of the Children's Services Directorate. A number of examples had been reported as part of this item whereby levels of funding the County Council would receive from central government had not yet been confirmed, which added to the challenge of setting this year's budget;

**CHILDREN AND YOUNG PEOPLE
SCRUTINY COMMITTEE
5 JANUARY 2012**

- in terms of transport, other than the changes to the Council's policy around post-16 following a decision earlier this year, no additional policy changes were proposed as part of this budget setting process;
- it was agreed that a report on the community budget pilot for families with complex needs would be submitted to the Children and Young People Scrutiny Committee for consideration at a future meeting;
- it was agreed that an update report on the pilot into payment by results for Children's Centres would be submitted to the Children and Young People Scrutiny Committee for consideration at a future meeting, however, it was noted that this pilot was in the very early stages of its implementation;
- it was agreed that an update report on sufficiency of places at schools would be submitted to the Children and Young People Scrutiny Committee for consideration at a future meeting.

RESOLVED

- (1) That the report be noted.
- (2) That the reports requested for consideration at future meetings of the Children and Young People Scrutiny Committee for consideration, as identified above, be added to the Committee's work programme.

57. EDUCATION ACT 2011 – SUMMARY

Consideration was given to a report and presentation by the Assistant Director of Children's Services and Director of the School Improvement Service, which provided Members with a summary of the main implications of the Education Act 2011.

The Education Act 2011 received Royal Assent on 15 November 2011, the day after it finished its last Parliamentary stage reflecting the Government's need to implement several provisions without delay. The Department for Education had not issued a timetable containing information of the Act's implementation at this stage. Although some provisions were immediately implemented, some would be implemented on 15 January 2012 as, for legal reasons, two months consultation was required. Other provisions would take effect on 31 March 2012 and most of the remaining would be implemented at the start of the next academic year.

The Committee noted that the Act was wide-ranging, far-reaching and amended or repealed 47 separate issues relating to education and children law, affecting 19 other Education and Children Acts. The document itself consisted of 83 Schedules over ten Parts. The report and supporting presentation provided Members with a detailed overview on the following aspects of the Act: -

- four main themes that framed the legislation as set out by the Department for Education: -
 - good behaviour and discipline;
 - sharper accountability;
 - freeing up professionals;
 - using resources fairly.

**CHILDREN AND YOUNG PEOPLE
SCRUTINY COMMITTEE
5 JANUARY 2012**

- notes and reference to the Education Act 2011: -
 - early years provision;
 - discipline;
 - school workforce;
 - qualifications and the curriculum;
 - education institutions: other provisions;
 - academies;
 - post-16 education and training;
 - direct payments;
 - student finance;
- key changes for local authorities. The Act would: -
 - enable a new entitlement for disadvantaged two-year-olds to 15 hours of free early years education;
 - replace independent appeals panels for exclusions with independent review panels;
 - remove the duty on local authorities to appoint a School Improvement Partner for every school;
 - give precedence to academy proposals, where a local authority identified the need for a new school, and expanded the academies programme to allow 16 – 19 and alternative provision academies;
 - extend the Secretary of State's powers to intervene in underperforming schools;
 - provide for the closure of the Local Government Ombudsman's school complaints service and removed the duty to consider complaints about the curriculum from local authorities. General complaints about schools would now be made to the Secretary of State;
 - allow for pilots of direct payments for special educational needs services;
 - make changes to local authority powers over sixth form colleges;
 - provide for the abolition of five arm's length bodies.

Discussion ensued throughout the presentation and a number of points were noted, as follows: -

- the early years provision to be offered to two-year-olds from disadvantaged families was welcomed by the Committee and supported the views of its Scrutiny Review into narrowing the gap in deprived areas of Lincolnshire;
- in respect of discipline and greater powers for school staff to search pupils, the Committee recommended that schools should continue with current practice relating to staff searching young people of the same sex. This followed reference in the Act to members of staff, in urgent circumstances, now being able to dispense with the need for the presence of another member of staff of the same sex as the pupil before carrying out a search of a pupil's clothing or possessions. Furthermore, the Act stated that if school rules prohibited electronic devices the devices themselves could have files removed by members of staff before they were returned. Concerns were expressed in relation to members of staff accessing individual pupils' personal electronic devices to delete files and questioned the legalities of this approach from the perspective of other legislation or rights, such as the Data Protection Act. The

**CHILDREN AND YOUNG PEOPLE
SCRUTINY COMMITTEE
5 JANUARY 2012**

Committee agreed that confiscation of the electronic device was a sufficient enough punishment;

- there were elements of the Act, such as the examples in the previous bullet point, that exposed staff at schools to risk. It was noted that the County Council had an obligation to advise schools of the changes in the law, but would also issue guidance to suggest or recommend how it should be implemented locally. A suggestion was put forward by Members to utilise the Council's County News publication to ensure that parents were informed and understood the main implications of the Education Act 2011;
- the requirement to give 24 hours notice before a pupil was detained outside of school hours as punishment had been repealed as part of the Act. The Committee agreed that, in view of the rural nature of the county, schools in Lincolnshire should continue with the current practice of providing 24 hours notice, however, a number of Councillors disagreed with this approach;
- schools judged as outstanding by Ofsted would be exempt from further inspections. They would remain, in effect, as outstanding schools and would only be inspected again if they specifically requested an inspection or if there was a significant decrease in performance;
- a pilot was currently taking place in respect of direct payments for children with special educational needs and Lincolnshire County Council had representation on the pilot's steering group.

In closing, Members agreed that a report on changes to the national curriculum should be considered at a future meeting of this Scrutiny Committee. The Assistant Director of Children's Services and Director of the School Improvement Service would update the Committee on any further changes relating to education and children law and ensure that Members received copies of guidance issued to schools in respect of the Education Act 2011.

RESOLVED

That the report and presentation be noted.

58. PROPOSAL FOR A SCRUTINY REVIEW ON SCHOOL ADMISSIONS AND EXCLUSIONS IN LINCOLNSHIRE

A report by the Committee's Scrutiny Officer was considered, which set out a proposal for a scrutiny review on school admissions and exclusions in Lincolnshire to be undertaken via a Task and Finish Group.

The Children and Young People Scrutiny Committee, at its meeting on 2 December 2011, expressed concerns in relation to admissions policies and exclusions, and in particular how children with special educational needs were included within this. It had been suggested that a scrutiny review could be held to look into the wider issues around school admissions and exclusions across all schools in Lincolnshire. A review into these issues was timely in view of the increasing number of academies in Lincolnshire as a result of the Academies Act 2010, a new School Admission Code which came into force on 1 February 2012 and the Education Act 2011 which had recently been published. Each of these national

8
CHILDREN AND YOUNG PEOPLE
SCRUTINY COMMITTEE
5 JANUARY 2012

changes would have an impact on how families were supported to apply to a school of their choice and how schools managed pupils who were at risk of exclusion.

A draft of section one of the scoping document for the proposed scrutiny review was appended to the report, which outlined the purpose and benefits of undertaking this piece of work. Reference was made to the 'is there anything excluded from the review?' section of the scoping document, as it was felt that the wording suggested that individual schools' admission and exclusion policies would not be accessed as part of the proposed review. Members were reassured that this was not that case and that the wording would be revised, however, it was emphasised that the scrutiny review was wide-ranging and would not solely focus on individual schools.

The Committee agreed towards undertaking a scrutiny review on school admissions and exclusions in Lincolnshire, subject to approval by the Overview and Scrutiny Management Committee, further to which Councillors C J Davie, M Exton, J R Hicks, J D Hough, R A Shore and S F Williams and Mr S C Rudman (Added Member) expressed an interest to participate in the review.

RESOLVED

- (1) That the Children and Young People Scrutiny Committee agrees that the school admissions and exclusions proposal be deemed a suitable topic for a scrutiny review.
- (2) That section one of the scoping document for the proposed scrutiny review be revised, as outlined above, and submitted to the Overview and Scrutiny Management Committee for approval.
- (3) That, subject to approval by the Overview and Scrutiny Management Committee, the Councillors listed above be put forward to participate in the proposed scrutiny review.

59. CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE WORK PROGRAMME 2012

Consideration was given to a report by the Committee's Scrutiny Officer, which enabled members to discuss the work programme for the Children and Young People Scrutiny Committee for the coming year.

It was reported that there were no amendments to the work programme for the Children and Young People Scrutiny Committee, subject to the additional items agreed in minute numbers 56 and 57 above.

Members were informed that the government had recently launched a consultation on revised statutory guidance and regulations for exclusions from schools and pupil referral units in England. The closing date for comments to be submitted was 17 February 2012 and it was agreed that a working group would be established, consisting of those Members who expressed an interest in participating in the scrutiny

**CHILDREN AND YOUNG PEOPLE
SCRUTINY COMMITTEE
5 JANUARY 2012**

review in minute number 58 above, to consider and collate a response on behalf of the Committee.

The Lincolnshire Youth Cabinet elections were scheduled to be held in February this year and two candidates evenings had been arranged on 21 January 2012 in Lincoln and 4 February 2012 in Boston. Councillors were invited to attend and the Scrutiny Officer agreed to circulate details to all Members of the Committee.

RESOLVED

- (1) That the work programme for the Children and Young People Scrutiny Committee be approved, subject to the inclusion of the additional items agreed in minute numbers 56 and 57 above.
- (2) That a working group be established to consider and collate a response to the government's consultation on revised statutory guidance and regulations for exclusions from schools and pupil referral units in England, as detailed above.

The meeting closed at 12.20 p.m.