

## KENT COUNTY COUNCIL

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### **CHILDREN, FAMILIES & EDUCATION - RESOURCES AND INFRASTRUCTURE POLICY OVERVIEW AND SCRUTINY COMMITTEE**

MINUTES of a meeting of the Children, Families & Education - Resources and Infrastructure Policy Overview and Scrutiny Committee held at Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 24th November, 2010.

PRESENT: Mr C J Capon (Chairman), Mr T Gates (Vice-Chairman), Mr D L Brazier, Mr R L H Long, TD, Mr R J Parry, Mr K H Pugh, Mr K Smith, Mr B J Sweetland, Mr M J Vye, Mr M J Whiting and Mrs A D Allen (Substitute for Mrs J A Rook)

TEACHER ADVISERS: Mr T Desmoyers-Davies and Mrs J Huckstep

PRESENT: Mr G Cooke, Mrs S V Hohler, Mr L Christie and Mrs E Green

IN ATTENDANCE: Mr K Abbott (Director Resources and Planning Group), Mr G Ward (Director, Capital and Infrastructure Group), Mrs C A Singh (Democratic Services Officer), Mr B MacQuarrie (Head of Capital and Infrastructure Support), Mrs J Wainwright (Director Commissioning (Specialist Services)), Mr S Bagshaw (Head of Admissions & Transport) and Mr J Hawkins (Project Manager, Transformation)

#### **UNRESTRICTED ITEMS**

#### **41. Declarations of Interests by Members in items on the Agenda for this meeting (Item A3)**

Mr Vye declared an interest on Item B1 as he was the Chair of Governors at Kingsmead Community School, Canterbury, Mr Sweetland declared an interest as he was a Non Executive Member of the West Kent Primary Care Trust and Mr Cooke declared an interest as he was a governor of Bellwood Infant school, Maidstone.

#### **42. Minutes of the meeting held on 20 July 2010 (Item A4)**

RESOLVED that the Minutes of the meeting held on 20 July 2010 are correctly recorded and that they be signed by the Chairman.

#### **43. Verbal Update by the Deputy Cabinet Member and Group Directors (Item B1)**

*(Verbal Updates by Mr G Cooke, Deputy Cabinet Member (Resources Capital Programme & Infrastructure), Mr K Abbott (Director Resources and Planning Group) and Mr G Ward Director (Capital and Infrastructure Group))*

(1) Members received written updates on the New Academies, the Comprehensive Spending Review, School Organisation and Local Democracy Week accompanied by a verbal update which included the following:

(2) Mr Cooke updated Members on the current position of the schools converting to the new academy status, which revised the information in the written update, advising that 7 schools had now converted since September. Two schools would convert on 1 November, 3 schools on 1 December and 6 schools on 1 January as detailed in Item B2 on page 22 of the agenda.

(3) The Chairman then asked Mr Abbott to give his verbal update. Mr Abbott advised Members that following a meeting of the Funding Forum a consultation was agreed and set out to schools on the schools funding formula the consultation will conclude in December. In conjunction with this there were also meetings being held with headteachers to discuss ways of simplifying the formula and ways to handle with specific grants through the formula.

(4) Members were given the opportunity to ask questions and make comments which included the following:

(5) In response to a question by Mr Pugh, Mr Cooke explained with the funding for the building of the Isle of Sheppey Academy and until there was 100% certainty the County Council would not be prepared to sign a contract of £51m unless that money would be reimbursed by the government. KCC was committed to this project. Mr Ward added that Mr Gove, Secretary of State for Education had agreed to 600 BSF schools and a number of Academies moving forward, but in the settlement he has required Partnerships for Schools (PfS) to deliver them all within an overall 40% reduction. Nationally this was to save £6 billion. KCC anticipated that there would be no reduction for the Isle of Sheppey academy but to date there had been no confirmation from Partnerships for schools about what the funding would be. At present Keir had accepted KCC's assurances through Partnerships for Schools that the funding would be available and was still working with KCC to move this forward, there were other issues to be resolved before the signing of the contract but was on track for a financial close in February 2011, but the letter confirming the funding needed. After financial close the building work would begin and at that time the notion of the apprenticeships on the building work would start up.

(6) In response to a question by Mr Tolputt, Mr Cooke explained that advice was being given to schools on a district basis. The headteachers had received advice and as up to date information as available at the time which included financial advice provided by Mr Abbott on the implication of converting to academy status. On the services for schools to keep up the contact with the schools was to set up a trading facility where the schools were able to buy into the services that KCC provided. Mrs Hohler added that at the meetings with the schools' headteachers had said that whether they converted to academies or not they were keen to keep the partnerships they had with other schools and work with KCC.

(7) In response to a question by Mr Smith, Mr Cooke agreed to set up a briefing for all Members of the County Council, in the January, to include an update on the Education White Paper, KCC's relationship with Kent schools as requested by Mr Smith and school admissions as requested by Mr Long in Item B5(a) of the agenda.

(8) RESOLVED that:

(a) the comments and responses to questions by Members be noted;

(b) a briefing be set up in the January for all Members of the County Council, in the Spring, to include an update on the Education White Paper, KCC's relationship with Kent schools and school admissions; and

(c) the report and verbal updates be noted.

#### **44. Financial Monitoring**

*(Item B2)*

*(Mr K Abbott (Director Resources and Planning Group) and Mr G Ward Director (Capital and Infrastructure Group))*

(1) The Committee discussed a report on the forecast outturn against budget for the Children Families and Education (CFE) Directorate for 2010/11 financial year, which was based on the exception monitoring report presented to Cabinet on 11 October 2010.

(2) Mr Abbott advised that the next more detailed quarterly monitoring report would be submitted to the CFE Joint POSC meeting in January 2011. He then highlighted that there were still significant pressures in fostering and adoption and the 16+ services being offset by staff vacancies with some savings in home to school transport. There were reductions in the schools reserves of £3.4m, which mainly reflected the loss of reserves as schools that converted to academy status. This was an estimated figure until such time that there was confirmation on all the school converting to academies.

(3) Mr Ward then highlighted the key issues within the capital budget advising that it was anticipated that this would be a balanced budget although there were challenges.

(4) RESOLVED that:

(a) the responses to questions by the Members be noted; and

(b) the projected outturn figures for both the revenue and capital budgets for the CFE Directorate as at the August exception monitoring report be noted.

#### **45. Budget 2011/12 and Medium Term Financial Plan 2011/12 to 2012/13**

*(Item B3)*

*(Report by Mr K Abbott (Director Resources and Planning Group, Ms R Turner, Managing Director, Children, Families & Education Directorate and Mrs S Hohler, Cabinet Member for Children, Families & Education))*

(1) The Committee considered a report that identified the proposed strategy for determining next year's budget and the financial plans for the following years. This included an initial analysis of the Comprehensive Spending Review 2010, the likely impact on the overall funding for KCC, the indicative cash limit for the Children, Families and Education portfolio, and the latest indications of likely pressures facing the Children, Families and Education portfolio.

(2) The Chairman asked Mr Abbott to introduce the report. Mr Abbott highlighted that much of the detailed information was to come through the local government settlement in early December particularly information on specific grants and the dedicated schools grant which would be coming from the DFE following the Local government settlement. This was crucial as the £1.4b spent each year of which £1.2b was received through government grants. Many of the grants would be unringfenced and a lot of the specific grants to schools were being moved to the overall dedicated schools grant.

(3) In response to a question by Mr Vye about the staffing underspend in the monitoring and the impact on the MTP, Mr Abbott explained that the forecast underspend on staffing would be the level of vacancy saving on the staffing at year end. At the end of the last financial year there was a £3.7m underspend. All of the work carried out in particular in recruiting front line social workers was beginning to have an impact which was why the forecast was lower. One reason why that figure would not go down further in the current year was that a number of staff recruited had only recently taken up post and therefore there was a part year saving. As now all the money in that budget would be used for recruiting and funding front line social workers. There was an additional £4.8m in the revised budget and cash limit for the pressures of fostering and adoption and 16+ as it was recognised that they need funding and, in line with the policy of previous years we would not be relying on funding from the social worker vacancies as part of the MTP process. The current vacancies were actively being filled.

(4) Mr Cooke advised that as the pupil premium became clear advice would be given to Members and would be added to the items to be covered in the Members briefing in the Spring.

(5) In response to questions by Mr Tolputt, Mr Abbott advised that the pupil premium was a significant new income stream to schools depending on the circumstances. The Secretary of State was clear that the pupil premium would be a separate grant and would be an addition to the existing mechanisms. There was an issue in that the position had moved from saying that it was completely funded from outside the education budget to a position where only a third would be funded outside the education budget. The pupil premium was being phased in over a 4 year budget; therefore would not all appear next year. In respect of the specific grants, on which detail was waited for, the understanding was that a number would continue but be frozen at the cash level of the current year for each of the next 4 years, some of those would be stopped as a specific grant and/or put into the overall dedicated schools grant. A briefing note would be sent to schools as soon as the details were received to aid their planning. There may also be a need for an additional meeting with the Schools Funding Forum or its Executive.

(6) In response to a question on asylum seekers, Mr Abbott advised that following meetings with the UK Border Agency (UKBA), the Home Office, the Leader of the County Council and Officers, there were agreements reached. One of the concerns, raised at the meetings, for KCC was the number of asylum seekers who had exhausted all rights of appeal and were due to return to their country of origin but the UKBA was not doing that particularly quickly, that was where KCC picked up the cost. There was an agreement that the HO and UKBA agreed to fund KCC and the other "gateway" authorities for 3 months after an individual had got to the stage of all rights of appeal exhausted and at the same time they would speed up the process of returning those individual to their country of origin. They had

speeded the process up but not enough to avoid Kent incurring costs. This was being looked at with legal advice on what costs Kent should be picking up. Mr Abbott agreed to seek advice on the issue of asylum seekers that had been naturalized and report back to Mr Tolputt outside the meeting.

(7) In response to Mr Desmoyers-Davies, Mr Ward advised that carbon reduction was a national target and that originally businesses and authorities were being required to buy carbon credits and then get payments back based upon their delivery of carbon reductions. However, in the budget the Chancellor changed all this and the credits became a tax.

(8) In response to a question by Mr Christie, Mr Abbott explained that there were concerns regarding the national distribution of ringfenced grants. He advised that he had been in contact with the DFE who had indicated that there may be options given to the local authorities when the unringfenced grants were put in the dedicated schools grants. There still could be a degree of ringfencing for the first year but that may be down to a local decision, possibly of the Schools Funding Forum.

(9) In reply to a question regarding the Ofsted inspections of Children's Social Services, Mr Cooke stressed that there was an absolute commitment to ensure that the recommendations were complied with in the time given.

(10) Mr Smith, Chairman of the CFE Budget Informal Member Group (IMG) advised that the IMG had met to discuss the priority budget headings using the information available. Following the Local Government Finance settlement which was due to be received in early December the IMG would meet on 6 December to look at the broadbase budget. A report with recommendations would be submitted to the Joint CFE Committee in January to aid the Committees deliberations on its response to the Cabinet. Mrs Hohler suggested that it would be helpful if the IMG could give her a steer on the budget headings it was considering.

(11) RESOLVED that:

- (a) the responses to questions by Members be noted;
- (b) the latest information arising from the Spending Review 2010 be noted;
- (c) the proposed additional funding for pressures included in the indicative cash limits and outlined in paragraph 6.4 of the report be noted; and
- (d) the CFE Budget IMG agreed to submit a report at the meeting of the CFE Joint POSC on 14 January 2011 identifying priorities for delivering the indicative cash limits be noted.

#### **46. Change to Keep Succeeding**

*(Item B4)*

*(Report by Mr J Hawkins, Transformation Programme Manager)*

(1) The Committee received a covering report "Change to Keep Succeeding" that set out a proposed new structure for the senior management of Kent County

Council. This report had previously been presented to meetings of the Council's Cabinet, Scrutiny Board and Cabinet Scrutiny Committee in the week commencing 11 October 2010.

(2) Mr Hawkins referred to pages 74 and 75 explaining that in the case of Education, Learning and Skills and the Director of Children Services the structure remained the same. The structure created a directorate of Education, Learning and Skills to create capacity to deal with the issues coming from the government's Education White paper. Children's Social Services would be part of Families, Health and Social Care.

(3) Mr Vye raised a few issues which included; (1) that the Liberal Democrat Group did not agree with the proposed new structure for the senior management of KCC. (2) He referred to page 88 in particular paragraph 13.2 of the report that referred to the opinions of the staff and those that referred to a strong dislike of silos. He felt that it was counter intuitive that after a number of years where Education and Children's Social Services had been moved towards integration the proposal was to split them up again. He referred to the recent upsetting Ofsted report which indicated that within Children's Social Services information did not flow freely within one directorate. (3) He then questioned how the report on children's services in April 2009 signed off by the former Chief Executive, Peter Gilroy, was reconciled by the recent Ofsted report. (4) Mr Vye pointed out that the Children's Social Services would be moving into a department where teams/areas were not co-terminus. (5) He raised the issue of staff morale, where staff were put under immense pressure because of the increase in referrals and this would mean 3 restructures in the last 4 years. (6) Mr Vye then referred to the risk assessment within the report saying that it did not adequately assess the risk to come with another restructure in a department which was already under great pressure and where morale must be sustained at all costs.

(4) Mrs Hohler stated that the new structure reflected a change in ethos and that she agreed with the merging of Children and Adult Social Services and that it would aid the transition from child to adult services.

(5) RESOLVED that:

(a) the responses to questions by Members be noted; and

(b) the matters raised by Members at this and other Member meetings to which this matter is to be reported would be fully considered as part of the consultative process.

## **47. Admissions Reports**

*(Item B5)*

### **(a) 11+ Selection in West Kent**

*(Item B5a)*

*(Report by Mr G Ward Director, Capital Programme & Infrastructure, Ms R Turner, Managing Director and Mrs S Hohler, Cabinet Member for Children, Families & Education)*

*(Mr S Bagshaw, Head of Admissions and Transport, was present for this item)*

(1) The Committee received a report on information requested at the last meeting regarding the numbers of children assessed suitable for admission to grammar school in the Tonbridge, Tunbridge Wells and Sevenoaks areas in the academic year 2009-2010, and the schools they entered in September 2010.

(2) Members were given the opportunity to ask questions and make comments which included the following:

(3) In answer to questions on whether there was higher intelligence cohort in West Kent than East Kent in light of there being a rise from the 25% cohort going to grammar to 45% following appeals in West Kent and whether there was a fundamental flaw in the system, Mrs Hohler responded saying that this could not be measured by percentages as many other factors contributed to children wanting to succeed. It was key for successful education to strike a balance between those that do go to grammar school and those who do not. There were some disappointments but most of those assessed as grammar did get a place following the appeals process. The system may have flaws but the balance was right. Mr Bagshaw advised that that these issues were regularly looked at by the Area Education Officers.

(4) In reply to a question Mr Bagshaw advised that if a grammar school or any school wished to change its Pupil Admission Number (PAN) this would be a change of status to the school and they were required to consult. During the consultation the impact on the neighbouring schools in the area would be looked at. As the admissions authority KCC could object through the Secretary of State.

(5) In reply to a question, Mrs Hohler advised that the number of grammar school places was looked at all the time. Popular schools, whatever their designation, were always oversubscribed. She felt that it was important that a child went to a school appropriate to their ability. Mr Bagshaw explained that it was expected that there would be further information in the government's Education White Paper which was due to be published.

(6) There was agreement to include a presentation on admissions too at the Members' briefing in January 2011 on the Education White paper.

(7) RESOLVED that:

(a) a presentation on admissions be included during the Members' briefing in January 2011 be noted; and

(b) the replies to questions by Members and the report be noted.

**(b) Primary School Admissions**  
*(Item B5b)*

*(Report by Mr G Ward, Capital Programme and Infrastructure Group, Ms R Turner, Managing Director, Children, Families & Education Directorate and Mrs S Hohler, Cabinet Member for Children, Families & Education Directorate)*

*(Mr S Bagshaw, Head of Admissions and Transport was present for this item)*

(1) The Committee discussed a report that responded to a question raised by the Joint CFE POSC meeting in September concerning the commissioning, demographics and funding of Kent primary schools and their fitness for the future.

(2) Members considered that the information requested regarding commissioning should have been submitted to this POSC as well as the Learning and Development POSC so that they had the full picture. It was also felt that the report also did not answer questions. Mr Whiting asked whether there were any section 106 outstanding. Mr Bagshaw commented that there were difficulties in producing a report on primary schools, unlike secondary schools, as they tended to cater for their local community and the pressure on one primary school one year may be very different the next year based on the perception of the school or an Ofsted report therefore it was difficult to get a balanced measure of provision. The Area Education Officers did take into account the birth rates etc but primary was more difficult to plan for as the volume of children coming into an area may not come to light fully until the point of application for a school. There is current legislation for the local authority to work with schools to agree with a school to take over its admission number if there was a particular pressure in an area but if this was sustained for any length of time then there was the potential to increase the admission number through consultation. The difficulty of this was the legislation required the local authority to consult the new admission arrangement 18 months in advance.

(3) Mr Cooke advised that there were hotspots where primary school places were under pressure. He had requested from each of the Area Education Officers a report on primary school hotspots in terms of where there may be difficulties and where the thresholds were falling below what they should be with an aim to being more proactive rather than being reactive. Those reports would be submitted to the POSC.

(4) In response to a question on how hotspots were going to be addressed, Mr Cooke advised that he would be looking at alternative both short and long term.

(5) Referring to the comment on the section 106, Mr Cooke advised that there were problems matching the 106 contributions to where the need was. Where there was significant housing growth within the county and where there was a need for infrastructure, which would need to be approved, there was still the ability to request the 106 although in the current economic climate there was difficulties in getting the builders to meet the additional costs.

(6) In reply to a question, Mr Bagshaw said that he would seek advice on the statistical distribution and respond outside the meeting.

(7) RESOLVED that:

(a) the responses to questions by Members be noted;

(b) Mr Bagshaw seek advice on the statistical distribution and respond to Members outside the meeting; and

(c) the reports from each of the Area Education Officers on the primary school hotspots be submitted to a future meeting of this POSC.

**48. Children, Families and Education Directorate Risk Register 2010/2011**  
(Item B7)

*(Report by Ms R Turner, Managing Director and Mrs S Hohler, Cabinet Member for Children, Families & Education)*

- (1) The Committee received a report that presented the updated risk register for the Children Families and Education Directorate for 2010-2011.
- (2) RESOLVED that the contents of the updated risk register for 2010-2011 be noted

**49. Capital Maintenance Budget**  
(Item B6)

*(Report by Mr B MacQuarrie, Head of Capital and Infrastructure Support, Ms R Turner, Managing Director and Mrs S Hohler, Cabinet Member for Children, Families & Education)*

- (1) The Committee considered a report that provided information on school building maintenance and the arrangements that existed for the prioritisation of projects for inclusion within the capital programme and funding needs.
- (2) The Chairman invited Mr MacQuarrie to introduce the report. Mr MacQuarrie gave a brief introduction and Members were given the opportunity to ask questions and make comments which included the following:
- (3) In response to a question by Mr Vye, Mr MacQuarrie explained that the key priority was to keep schools open, safe and dry. Not all the backlog could be attended to in one year although the delivery of major projects over the last few years had made significant progress in reducing the backlog.
- (4) In reply to a question by Mr Brazier about work identified by a legionella survey that had to be funded by a school, Mr MacQuarrie explained that both KCC and schools had responsibility for funding maintenance repairs.
- (5) RESOLVED that:
  - (a) the information provided about maintenance spending and that pressures on this budget were likely to continue for the life of the Medium Term Plan be noted; and
  - (b) it be noted that the forthcoming announcements on the size of and arrangements for future capital funding together with the transfer of schools to academy status would have implications for this budget and the position would need to be reviewed.

**50. Children, Families and Education Annual Complaints report 2009/10**  
(Item B8)

*(Report by Mrs J Wainwright, Director Commissioning & Partnerships, Ms R Turner, Managing Director and Mrs S Hohler, Cabinet Member for Children, Families & Education)*

*(Mrs A Kitto, Customer Care Manager, was present for this item)*

(1) The Committee received a report that provided information on the complaints and representations received in 2009/10 about services provided by the Children, Families and Education Directorate.

(2) In reply to a question, Mrs Wainwright advised that the local authority had no statutory right to be involved in complaints made to the headteacher of a school. The original procedure was as follows: *Stage One* - Where a parent complained about the school this should be made to the headteacher in the first instance. *Stage Two* - If the parent felt that the complaint had been dealt with unsatisfactorily dealt with by the headteacher it would be referred to the governing body. *Stage Three* - If following the governing body's response the parent was unhappy that they had not followed due procedures then the local authority would be asked to take a view, but the local authority had no power of redress, and could only comment on the procedure. The new procedure was agreed through legislation that the Local Government Ombudsman (LGO) would take on the 'stage three' role rather than the local authority.

(3) Mr Parry requested that future reports have comparators for neighbouring authorities etc.

(4) RESOLVED that the report be noted.

## **51. Select Committee Update**

*(Item C1)*

*(Report by Mr P Wickenden, Overview Scrutiny and Localism Manager)*

(1) The Committee received a report that highlighted the current Select Committee topic reviews in the current topic review programme:

- Renewable Energy – which was due to submit its final report to the Cabinet in November 2010 and County Council in December 2010.
- Extended Services (previously called Extended Schools) – which was due to submit its final report to the Cabinet in November 2010 and County Council in December 2010.
- Educational Attainment of Pupils and Schools in Areas of High Deprivation – which was due to start its work in the Autumn of 2010.
- Dementia - which was due to start work in the Autumn of 2010 and report to County Council in April 2011.
- The Student Journey – a new Select Committee agreed at Scrutiny Board on 3 November 2010 which was due to start its work in Spring 2011.

(2) RESOLVED that:

(a) the current Select Committee topic review programme be noted; and

(b) Members agreed to advise the Democratic Services Officer of any items that they would like to suggest for inclusion in the Select Committee topic review programme be noted.