

KENT COUNTY COUNCIL

CHILDREN, FAMILIES AND EDUCATION POLICY OVERVIEW COMMITTEE

MINUTES of a meeting of the Children, Families and Education Policy Overview Committee held on Friday, 19 September 2008 in the Council Chamber, Sessions House, County Hall, Maidstone.

PRESENT: Mr C J Capon (Chairman), Mrs C Angell (Vice-Chairman), Mrs A D Allen (Substitute for Mr R Tolputt), Mr J Curwood, Mr R W Gough, Mrs E Green, Mr I T N Jones, DL, Mr W V Newman, DL, Mr M J Northey, Mr J D Simmonds, Mr M J Vye and Mr C T Wells

CHURCH REPRESENTATIVES: Nigel Genders, Simon Parr and John L Smith

TEACHER ADVISERS: Trevor Desmoyers-Davies and Sara Kemsley

ALSO PRESENT: Mark Dance and Leyland Ridings

IN ATTENDANCE: Graham Badman (Managing Director of Children, Families and Education), Carol Parsons (Director, Standards And Achievement), Sally Morris (Head Of Strategic Planning & Review), Keith Abbott (Director, Finance & Corporate Services), Joanna Wainwright (Director Commissioning (Specialist Services)), Joy Ackroyd (Trust Development Manager), Anthony Mort (Policy Manager), Alison Cambray (Climate Change Project Manager) and Christine Singh (Democratic Services Officer)

UNRESTRICTED ITEMS

120. Membership

(Item A1)

The Chairman announced the sad and untimely death of Mr J Law and as a mark of respect stood for one minute silence.

Members noted that Mr C Hibberd and Mr L R Ridings had been replaced by Mr R Gough and Mr J D Simmonds, respectively, and Mr C T Wells had filled the vacancy.

121. Minutes of the meeting held on 3 June 2008

(Item A4)

RESOLVED that the Minutes of the meeting held on 3 June 2008 are correctly recorded and that they be signed by the Chairman.

122. Matters arising

(1) Mr Ridings advised the Committee that he had spoken with Mr Dance about suggesting to the POC a pilot newsletter on current issues to be circulated between meetings of the POC.

(2) Members welcomed the suggestion and requested that if necessary any follow up could be either brought back to the POC at an appropriate meeting or pursued directly with the Cabinet Members.

(3) It was agreed that the newsletter would be passed to Members of the POC electronically with any necessary hyperlinks to larger documents.

(4) Members felt that the recent POC reports and appendices were too long and as it was vital to give each report fair consideration, Members would prefer to receive Strategy documents as soon as they were published to allow time for Members to read and digest the information well before the item came before the POC for debate.

(5) Members requested that the Policy Overview Co-ordinating Committee needed to review agenda items to ensure that this POC was fulfilling its function to monitor and scrutinise.

(6) RESOLVED that the comments and suggestions made by the Committee be noted.

123. Dates for Future Meetings 2009

(Item A5)

RESOLVED that the meeting dates reserved for 2009 for this Committee be noted as follows:-

Friday 16 January, Friday 27 March, Friday 10 July, Friday 18 September and Thursday 12 November.

(All meetings to commence at 10.00 am)

124. Children, Families & Education Business Unit Operating Plan and Financial Outturn Monitoring 2007/08

(Item B1)

(Report by Mr M Dance, Cabinet Member for Operations, Resources and Skills and Mr L Ridings, Cabinet Member for Children, Families and Educational Achievement and Mr G Badman, Managing Director, Children, Families and Education)

(Mr K Abbott, Director of Finance and Corporate Services was also present for this item)

(1) The Committee considered the final out-turn for the Children, Families and Education budget for 2007/08 and the provisional outcome analysis of the annual operating plans of each of the CFE Units.

(2) Following a brief introduction by Mr Abbott, Members were given the opportunity to make comments and ask questions which included the following:-

- In response to a question on whether there was a discrepancy regarding the target figures on page 19 which read “BVPI 41 80% but on page 35 read BVPI 67.3%”, Mr Abbott agreed to check the figures and report back to Members.
- In response to a question on what happened to late savings on extended schools, Mr Abbott advised that the savings were rolled forward. He also agreed to provide more detail outside the meeting.

(3) RESOLVED that the comments made by Members and the report be noted.

125. Children, Families and Education Budget Monitoring 2008/09

(Item B2)

(Report by Mr K Abbott, Director, Finance and Corporate Services and Mr G Ward, Director, Resources)

(1) The Committee considered the first report on the forecast out-turn against the budget for Children, Families and Education Directorate for 2008/09 which also included a detailed update on the position on school reserves which had been previously requested by the Committee.

(2) Mr Abbott introduced the report highlighting that the Directorate was projecting a balanced budget. This forecast excluded Asylum and assumed that the planned action would ensure that the forecast overspend could be offset. There was a projected £4.3m overspend in relation to support for unaccompanied asylum seeking children. He added that there was also an update on the current position on the 60 schools that had long standing reserves. Appeal meetings had already taken place with the first set of schools that had now been notified of the outcome and would be reported back to the Schools Funding Forum in October 2008.

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

- a) In response to two questions, Mr Abbott agreed to update Members on significant facts and provide a list of the 60 schools identified with high reserves following the meeting of Schools Funding Forum on 3 October.
- b) In response to a request Mr Abbott agreed to keep Members informed of grants to voluntary organisations.

(4) RESOLVED that the comments made by Members and the report be noted.

126. Managing Director's Update (verbal report)

(Item B3)

(1) Mr Badman gave a presentation using overheads on the National Child Poverty Pilots. He advised that Kent County Council would have to bid for all funds from the national £125m set aside by the government for the pilots between 2008-11. This funding would be used to cover key areas such as: childcare affordability, child development grants, improved housing for teenage parents and innovation. The results of the EOI would be available from 30 September. The full bid would be

notified on 28 November and the pilot would begin in 2009 when the mapping of the pilots can take place.

(2) Members made comments and asked questions which included the following issue:-

- a) In response to a question, Mr Badman agreed to provide more information to the Committee on the bid for funding the pilot for new local approaches to addressing child poverty at a later date.

(3) Ms Wainwright followed up with a verbal presentation on the Waltham Forest Judgement and the implications for Kent County Council.

The Judgement would affect Looked After Children attending schools in Kent. As this information was complex, Ms Wainwright agreed to prepare a detailed note to the Committee.

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

- A Member spoke about the anomalies in the funding stream for looked after children and asked what the figures were. How much does it cost against what KCC is allowed to recoup?
- Members felt that this information was very important and would have preferred a formal report to the POC on this matter.

(5) Following the meeting Members received the following note prepared by Ms Wainwright which also answered the Members Questions

Looked After Children (LAC) attending schools in Kent and Implications of the Waltham Forest Judgement

(Comments in italics relate to Member questions)

London Borough of Waltham Forest - v – Staffordshire County Council [2007] EWHC2060 (Admin)

Summary of Judgement

London Borough of Waltham Forest v Staffordshire County Council [2007] EWHC2060 (admin)

The case has decided that the responsible authority (i.e. the authority looking after the child) for a child with a statement is responsible for arranging the child's education provision rather than the host authority (i.e. the authority where the child is placed) as was the case prior to the judgement.

The judge recorded his view that the child would benefit if the **same** authority were responsible for arranging both the social care and the education placement for the child.

This judgement appears to be consistent with earlier judgements, which decided that the responsible authority retains responsibility, as would any good parent rather than transfer that responsibility to the host authority.

Numbers

There are **165** children with statements of SEN who are looked after by another local authority in Kent maintained schools. There are an additional **142** children in non-maintained schools for whom Kent Local Authority (LA) maintains a statement.

There are around **100** referrals for statutory assessment each year for LAC living in Kent.

There are **1,271** OLA LAC in Kent of school age in total.

The LAs do not report to DCSF the authority in which they place LAC. It is therefore not possible to say how many LAC from London are placed in other SE LAs. We could ask the LAs to disclose their data but this would be very time consuming.

Situation Prior to Judgement

For LAC children with statements the receiving authority (Kent) was responsible for arranging the statutory assessment and maintaining the statement, however. The cost of the school place could be recouped.

For children with special educational needs and without statements the receiving authority is responsible for arranging and funding school places and the cost of the child's education cannot be recouped.

DCSF Position

Nigel Foulton, Lead SEN Framework has confirmed that the judgement not only covers the maintenance of statements but also the statutory assessment process and all duties relating to LAC covered by the Education Act.

DCSF say that future Kent practice is a matter for Kent but it believes that the judgement is unhelpful to LAC and have drafted new Belonging Regulations, which will put the division of responsibilities back to education authorities as they were prior to this judgement. However they must first be approved by Parliament before they become law. They will be put out to consultation and Kent (and others) could make representations if it saw fit. There is no guarantee that they will become law nor can we be certain of a time frame, although DCSF is talking about 'some time next year'.

If proposed Belonging Regulations do become law they would apply to all LAC.

LGA Position

LGA will not be issuing any guidance.

Implications for Kent Local Authority

Following the High Court Judgement, we are entitled to return files of LAC with statements to the responsible authority.

The responsible authority would then be responsible for arranging statutory assessments, maintaining statements and arranging provision.

It is likely that there would be a disincentive to place children in Kent without consultation about school places.

A referral for statutory assessment will be made to the responsible authority and that authority would have responsibility for undertaking the full assessment.

Appeals to the Special Educational Needs and Disability Tribunal would be against the responsible authority and not Kent.

Judicial reviews would be against the responsible authority and not Kent.

Should the Judgement be reversed through new regulations, files would be returned to Kent. Kent maintains a log of where files are sent in the normal course of events so would be able to track them if necessary.

Funding Implications

Funding for schools comes to the LA from DCSF based on the number of children in Kent schools in January (Direct Schools Grant/DSG). If a LAC child is on the roll of a Kent school in January, Kent will receive the funding. However due to the extreme mobility of this group a child may come onto a school roll after the January PLASC and off it before the next, attracting no funding to Kent. The DSG varies across authorities with the amount paid to London authorities being higher than the amount paid to Kent. There is potential for London Boroughs to profit.

There is also an issue about the cost of additional services. A proportion of the LAC teams' time, estimated to be at least £120K (out of £340K) is dedicated to other LA LAC issues. As there are discrepancies between the Area Based Grant (ABG) received by Kent and London Boroughs there is again potential for London Boroughs to profit.

London Boroughs will also be benefiting from Standards Funds for extended schools.

Suggested Actions

1. Consider the return of all files of LAC with statements to the responsible authority in compliance with the judgement. This would support and be consistent with Kent's lobby to make the responsible authority responsible.
2. Request meeting with DCSF to clarify position with regard to the wider implications for non-statemented LAC.

(6) RESOLVED that the verbal presentations by Mr Badman and Ms Wainwright and comments made by the Members be noted.

127. JAR Action Plan

(Item B4)

(Report by Mrs M Hodges, Director of Strategy, Policy and Performance)

(Mrs S Morris, Strategy, Planning & Review Team was present for this item)

(1) The Committee considered the findings of the JAR inspection and the JAR action plan for improvement.

(2) Mrs Morris advised that the JAR inspection was a combined inspection that provided a comprehensive report on the outcomes for children and young people in Kent. The JAR inspection process focussed its investigations on how local services ensured children and young people:

- (a) at risk are effectively cared for;
- (b) who are looked after achieved the best possible outcomes; and
- (c) with learning difficulties and/or disabilities achieved the best possible outcome.

Investigations were also carried out on; the impact of the partners' strategy on reducing variability across the county in participation and attainment by the age of 19 years; and the impact of partners' strategy in reducing the teenage pregnancy rate in targeted areas.

(3) The findings of the investigations were summarised into five key judgements on the following areas:

Safeguarding and Looked After Children
Learning Difficulties and/or disabilities
Service Management and Capacity to Improve

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

- In response to a question, Mrs Morris assured Members that there would be further updates on this item.
- A Member advised that other authorities had adolescent units which the Member felt were in deficit in Kent and that there should be more effort put on those services.

(5) RESOLVED that:-

- (a) the JAR Action Plan be noted;
- (b) further updates on the JAR Action Plan be submitted to future meetings; and
- (c) the comments made by the Members be noted.

128. Local Children's Services Partnerships (LCSPs) - Proposal to establish a Sub-Committee

(Item B5)

(Report by Head of Democratic Services and Local Leadership)

(1) The Committee were presented with a report that set out a proposal to establish a Sub-Committee for Children, Families and Education Policy Overview Committee to have an overview of the Local Children's Services Partnerships (LCSPs).

(2) Members made comments and asked questions which included the following issues:-

- Following concerns raised by the Church and Teacher representatives, there was agreement that the Sub-Committee should get under way following the extensive negotiations made to set it up, then the Sub-Committee could decide on additional people to be represented on the Sub-Committee.
- The Committee agreed that the Chairman, Vice Chairman and Spokesman would discuss how this Sub-Committee should report back to the POC allowing time for a proper debate and scrutiny.

(3) RESOLVED that subject to approval by County Council at its meeting on 16 October 2008, a time limited Sub-Committee of the Children Families and Education Policy Overview Committee be establish to have an overview of the Local Children's Services Partnerships (LCSPs) on the terms set out in the report.

129. Kent Children and Young People's Plan 2008-2011 - Positive About Our Future

(Item B6)

(Report by Mr G Badman, Managing Director, Children Families and Education)

(Mrs S Morris, Strategy, Planning and Review Team was present for this item)

(1) The Committee considered a report that provided the updated Children and Young People's Plan 2008-2011 "Positive about our Future" which included the results from the extensive consultation exercise and had been endorsed by the Kent Children's Trust Board.

(2) RESOLVED that:-

- (a) the updated Kent Children and Young People's Plan 2008-2011 "Positive about our Future" to be published in October 2008 be noted; and
- (b) regular monitoring of the plans and a summary be submitted to this Committee and LCSP Sub-Committee be agreed.

130. Towards 2010 - Second Annual Report

(Item B7)

(Report by Mr G Badman, Managing Director, Children, Families and Education)

(Mrs S Morris, Strategy, Planning and Review Team was present for this item)

(1) Mrs Morris presented the report, which set out the process for finalising the second "Towards 2010 Annual Report" prior to approval by the County Council on 16 October 2008 and a draft of the report on progress against all 68 targets, which came within the remit of this Committee.

(2) RESOLVED that due to the late despatch of the Appendix to the report, Members agreed to forward any comments they had outside the meeting.

131. June Report to Cabinet Members 2008 - Monitoring of Attainment in Schools

(Item B8)

(Report by Mrs C Parsons, Director – Standards and Achievement)

(Mrs P Harris, Head of Service Development was present for this item)

(1) The Committee received a report that provided an update from the Standards and Achievement Division for the period January to May 2008 at the request of the Members Monitoring Group.

(2) Mrs Parsons advised that over the past four years, Kent had been supporting schools to achieve the existing floor targets of 30% 5 A*-C GCSE by Summer 2008. Projections indicated that all Kent schools should meet the target on time. The new measure was more exacting and would require pupils to achieve Grade C or above in both English and Mathematics within the 5 A*-C measure. Kent had developed a number of support programmes which had improved 5 A*-C results. 18 high schools and 5 wide ability schools had been working in partnership with Advisory Service Kent (ASK) to improve achievements. This group of schools improved performance at 5 A*-C from 23.5% to 28.2% in the year 2007, 3.2% more than the overall increase for Kent schools and were expected to continue this improvement in 2008. She concluded that the performance of Kent students had consistently been above the national average for this measure, improving year on year.

(3) Members wished to express their thanks to Mrs Parsons and her team for their work on raising standards.

(4) RESOLVED that the report be noted.

132. Annual Complaints Report 2007/08

(Item B9)

(Report by Mrs M Hodges, Director Strategy, Policy and Performance)

(Mr A Mort, Policy Manager – Customer Care was present for this item)

(1) The Committee received a report on information about the number and type of complaints received by the Children, Families and Education Directorate and highlighted key issues affecting the operation of the complaints procedures during the past year.

(2) In response to a question that referred to page 304, paragraph (b), Mr Mort agreed to forward information on how many complaints had been upheld to the Committee.

(3) RESOLVED that the action in the paragraph above and the report be noted.

133. Climate Change - next steps for Children, Families and Education

(Item B10)

(Report by Cabinet Working Group on Climate Change, Cabinet Members for Children Families and Education and Mr G Badman)

(Miss A Cambray, Climate Change Project Manager was present for this item)

(1) The Committee considered a report on progress and the next steps for the CFE Directorate to contribute to the next phase of the programme.

(2) Following a brief introduction, Members were given the opportunity to make comments and ask questions which included the following:-

- In response to a question, Miss Cambray agreed to forward a breakdown on which Eco-Schools in Kent had received Bronze, Silver or Gold awards and the targets set within those awards.
- In response to a question, Miss Cambray agreed to forward to Member the capital cost for a green-roof Eco-build and the capital cost for an ordinary build.

(3) RESOLVED that:-

- (a) the progress to date and the general shape of the Climate Change Action Plan going forward be noted;
- (b) the proposed next steps for the CFE Directorate, in particular as outlined at paragraphs 3(3), 4(3), 5(7) and 6(3) of the report be agreed; and
- (c) a progress report be submitted to the POC at six monthly intervals starting at March 2009 be agreed.

134. Select Committees - Update

(Item C1)

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

(1) The Committee received a report that gave an update on Select Committees for Accessing Democracy, Autism Spectrum Disorder and Transition.

(2) The Democratic Services Officer advised the Committee that a new Select Committee: Provision of Activities for Young People had met and was currently gathering evidence.

(3) The Committee received a verbal update on the outcomes of the Policy Overview Co-ordinating Committee meeting held on 10 September 2008 which included the following:-

- (a) a draft protocol for publicising Select Committee Topic Reviews was approved, this would be submitted to Selection and Members Services for approval to pass it to the County Council so that it can be embedded in the Constitution;
- (b) they suggested a process for launching Select Committee Topic Reviews via County Council was agreed and was to be discussed with the Chairman of the County Council and Cabinet prior to consideration at Selection and Members Services Committee; and
- (c) the Chairman and Spokesman agreed to meet informally to discuss Member capacity to cover the number of ad-hoc Member Committees and Select Committees which were not part of the agreed work programme and report back to the February 2009 meeting of the Policy Overview Co-ordinating Committee.

(4) Members of the Committee hoped that the Select Committee reports going to the Selection and Members Group would not cause delay in the reports being published.

(5) Members requested a follow up report on Schools Transport and an update on the PSHE Informal Member Group to a future meeting of this Committee.

(6) RESOLVED that:-

- (a) the Members requests outlined in paragraphs (4) and (5) above be noted; and
- (b) the report and verbal update be noted.