

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 19 April 2016.

PRESENT: Mr R J Parry (Chairman), Mr J E Scholes (Vice-Chairman), Mr R H Bird (Substitute for Mrs T Dean, MBE), Mr H Birkby, Mr G Cowan, Mr E E C Hotson, Mr A J King, MBE, Mr R A Latchford, OBE, Mr L B Ridings, MBE, Mrs P A V Stockell, Mr R Truelove, Mr D Brunning, Mr P Garten, Mr N Morgan (Substitute for Mr Q Roper) and Mr A Tear

ALSO PRESENT: Dr Bamford and Mr R W Gough

IN ATTENDANCE: Mr P Leeson (Corporate Director Education and Young People's Services), Mr K Abbott (Director of Education Planning and Access), Mr D Adams (Area Education Officer - South Kent) and Mrs A Taylor (Scrutiny Research Officer)

UNRESTRICTED ITEMS

98. Minutes of the meeting held on 8 March 2016

(Item A4)

RESOLVED that the minutes of the meeting held on 19 January 2016 were an accurate record and that they be signed by the Chairman.

99. Kent Education Trust - verbal update on progress

(Item C3)

- 1) The Chairman declared that this item would be withdrawn since Kent County Council was no longer pursuing the concept of a Kent Education Trust.

100. Academies - successes and challenges in Kent

(Item C1)

- 1) The Cabinet Member for Education and Health Reform introduced this item, it had been requested by the Committee and was an issue of Policy on which the County Council had made its views clear. KCC was not opposed to academies, and worked well with the many across Kent. Mr Gough considered that both academies and free schools could bring additional qualities to the Educational system with Multi-Academy Trusts being an important part. There were, however, objections over the compulsion to convert schools to academy status. KCC did not consider that there was a significant evidence base to support the proposal to convert all schools to academy status. There were further questions around capacity needed to undertake the conversion with significant costs both in time and financially. The local authority would continue to have a fairly significant role particularly in relation to place planning, the admissions system and children with special educational needs (SEN). The County Council would adapt to emerging legislation, however there was considerable opposition to forced academisation.

KCC would seek to maintain responsibility for creating challenge in relation to school standards.

- 2) A Member commended the Cabinet Member for his clear and honest response, it was an ongoing situation and pleasing to see that the leaders of all parties had raised objections – had there been any discussions with Kent MPs? It was felt that the White Paper proposals could be amended if there was enough political opposition. Concerns were raised about the role of the local authority in relation to admissions, particularly where there were difficult relationships between the Council and the Academy Trusts and the removal of the role in school improvement.
- 3) In relation to school capacity Mr Gough explained that the Council worked with academies on this issue and this would continue. In reality, if a maintained school did not wish to expand it was difficult for the Council to insist so this was a complex issue whether the system was academised or not.
- 4) In relation to school improvement the suggestion was that the Local Authority should 'step back' from school improvement during summer 2017. However many schools would not become academies until 2022. The Cabinet Member recalled the weekly improving Ofsted ratings of many of Kent's primary schools. In response to the previous question the Council had been communicating with Kent MPs.
- 5) Other Members thanked the Cabinet Member for a clear brief; it was heartening that all parties were in agreement over the opposition to the proposal. In response to a question about the costs to the local authority in the process of conversion, since 2010 180 schools had converted and there were more than double that number remaining still to be converted. The legal cost to the County Council of the schools which had transferred to academy status already was £1.1-£1.2 million. Staffing costs were also being considered, there was no reserve within the Education Directorate budget for the additional costs and planning work was beginning.
- 6) Concerns were raised about the diminution of the role of Parent Governors in schools, it was thought that those schools which had good support from Parent Governors performed well. Concerns had been raised through the Select Committee on Grammar Schools and Social Mobility about Multi-Academy Trusts and the ability of children within the academy system to make the best choice for their future education. A Member stated that there was a better chance of a school improving standards if it was a KCC controlled school rather than an academy. There were serious concerns about failing or underperforming academy trusts and KCC's role in supporting the children in these schools. The Cabinet Member confirmed that the White Paper removed the obligation to have Parent Governors at schools. With regards to the options available for young people and secondary schools this was ultimately the choice and responsibility for the family and KCC was working to ensure children and their families were aware of the options available. With regards to standards, there were instances where academies were a route to improvement, however the evidence base for the proposals was weak and the Council would continue to monitor and raise concerns with the Education Commissioner.

- 7) It was asked if KCC would monitor Academy Trusts and receive reports on where they were proving successful or where there were problems. It was thought that KCC would wish to take on this role; however it was unclear whether the proposals would provide for such monitoring. The Council did wish to support the sharing of information and continue to be a champion of standards in schools.
- 8) There continued to be strong support for the Cabinet Member in opposing the proposed academisation of all schools from all political groups on the Scrutiny Committee. It was thought that all local authorities opposed total academisation by 2022. It was considered that the remaining role of KCC was a duty of care to the children in Kent and that KCC would be left to support children when Academy Schools failed. Kent's primary schools were doing extremely well, there were concerns about how Academy Trust sponsors would approach failing schools and how they would work to improve failing schools. Would Looked After Children (LAC) have priority in applying for schools under academisation?
- 9) The Cabinet Member explained that it was not confirmed that LAC would have priority in the admissions process under academisation however there were guidelines which underpinned the admissions system. It was suggested that the White Paper should not be seen in isolation it was linked to the School Funding Consultation and these documents outlined the role of the Local Authority in relation to, for example, vulnerable students, co-ordinating and overseeing the admissions process and school transport. It remained unclear how this would be funded but the Council was making strong representation on these developments.
- 10) In relation to the increase in housing in Kent and the demand for education places a Member asked for further information comparing increased demand on schools places with funding received from Council Tax. The Cabinet Member explained that expansion of schools was paid for, in part, by Government through the basic need formula. In relation to new housing, developer contributions also contributed to school funding. The Cabinet Member confirmed that within the Commissioning Plan any gaps in funding would be set out, however there were unknowns for the future, for example the Freeschools programme and how they would be delivered.
- 11) A Member commented on the excellent relationship of one of his local Multi-Academy Trusts with the County Council. This Multi-Academy Trust had a policy of the best education, fairest education and choice.
- 12) A Member commented on the inevitable decline of the role of the elected Member of the Council in the school system, there were concerns over the increased difficulties in involvement of local members in the academisation process.

RESOLVED that the Scrutiny Committee:

- thank the guests for attending the meeting and for answering Members' questions
- was unanimous in its support of the actions of the Cabinet Member and the Leader in asking that Government withdraw the proposed academisation programme

- wished to ensure that the role, in schools, of elected members and parent governors continues
- ask the Chairman to send a letter to the Secretary of State for Education expressing the concerns of the Committee (provide copy to Committee Members) and additionally write to all Kent MPs requesting their support and enclosing a copy of the Secretary of State letter
- request the support of the Local Authority Leaders with responsibility for Education through the County Council network.

101. Ensuring the provision of sufficient denominational school places in Kent (Item C2)

- 1) The Corporate Director introduced this report and explained that the Kent Education Commissioning Plan was an ongoing plan which was updated yearly and reviewed every 6 months. Its primary purpose was to identify the need for additional school places in Kent to meet the statutory obligation to ensure every child in Kent had a good quality school place. On the recent primary school allocation day 97% of parents had received their 1st, 2nd or 3rd choice of primary school in Kent with only 500 parents not getting their preferred choice of school. Parental satisfaction had gone up with an increasing percentage of good and outstanding schools in Kent, this was 54% in 2011 to 86-87% currently. The Council wanted to ensure it was meeting all the principles in the Education Commissioning Plan which included meeting parental preferences and a commitment to ensuring a balance of school provision in Kent. The Council's capacity to control school expansion and school places had reduced, and it was extremely important to maintain a close relation with Kent schools. The Council had successfully engaged with schools across Kent with a willingness to expand where needed. There were restrictions on the Council, however, the Council was unable to develop a new school, it had to be an Academy/Free school and the Council would have to rely on new schools rather than expanding existing schools. There were also restrictions on the cost of the work with an extensive capital programme and insufficient funding from Government, cost-effectiveness was vital. At September 2016 the Corporate Director was confident that all school places needed for children to be placed would be available. 18,000 children had applied for a primary school place in Kent for September 2016.
- 2) In response to a question the Cabinet Member confirmed that in 2016 87% of parents got their first choice of primary school, which had increased from 2015.
- 3) Dr Bamford, Director of Education at the Catholic Diocese of Southwark thanked the Chairman and the Committee for welcoming her as a witness to the Committee. Dr Bamford commended the authority on its work to provide places for school children as this was a challenge. The Diocese of Southwark was very large and covered 14 local authorities falling between the south side of the Thames River to the English Channel. The Diocese of Southwark worked closely with the local authority in providing provision of school places, the catholic sector represented approximately 10% of the total school places available across England. There were concerns that some of the principles within the plan were not being carried out. Particularly: High Quality provision, over 90% Catholic schools in Kent were good/outstanding however Dr Bamford stated that less than good schools had been expanded before catholic schools. Effective use of public resources; the expansion of catholic schools was often more cost effective as the

church owned the buildings and land etc. Dr Bamford strongly supported the promotion of parental preference and the diversity of school provision. It was considered that diversity was narrowing with a greater than 10% decline in catholic school places. Catholic school places in Kent offered a rich and diverse schooling accepting more SEN children, more LAC and more children from ethnic minority backgrounds. Dr Bamford welcomed the regular review of the Education Commissioning Plan document and the discussion at the Committee.

- 4) The Corporate Director expressed disappointment at the suggestion that the Council was not delivering on the principles within the Education Commissioning Plan and confirmed that 3 catholic schools were being expanded in the coming year (4 in total in the period) which was more than 10% of catholic schools in Kent.
- 5) Mr Morgan represented Canterbury Diocese and explained that they had a very successful partnership with the local authority with a close working relationship.
- 6) A Member asked for clarification of point 1.3 on page 23 of the agenda, the Catholic Church had not pursued free schools because they were restricted to limiting their faith admission element to 50% within their oversubscription criteria. This did not apply to Catholic schools which were not free schools. Dr Bamford questioned the results of the judicial review relating to a new voluntary aided school and the 'need' within a sector as opposed to 'need' generally and whether they were of equal merit.
- 7) In response to a question over whether there were other religious schools in Kent there was one Methodist and a number of Catholic archdiocese and Anglican diocese schools across Kent.
- 8) Mr Tear represented the diocese of Rochester and explained that if the ratio and diversity was to be maintained a proportion of the new Free schools in Kent would have to be denominational schools. Work was being done with the local authority to ensure the ratio of denominational school places remained the same. It was possible for a local authority or diocesan board to propose a denominational school despite the overall direction being towards Free schools.
- 9) Officers confirmed that it was possible to propose a school outside of the Free school presumption. There was provision to bring forward a voluntary aided school to create capacity due to a "desire" to address parental demand, as opposed to creating capacity to meet a shortfall of spaces. The officer set out the proportion of Catholic/Church of England and secular school places in primary schools in Kent

	Catholic	Church of England	Secular Sector
2005/6	4.5%	24.5%	70.7%
2016	4.5%	27.9%	67.3%

- 10) A Member asked Dr Bamford about her experience with other local authorities, whether they were meeting the needs of the catholic communities in their areas and what steps had been taken to ensure that the right proportions of places were being maintained. Dr Bamford was also asked for her opinion on the annex which was recently opened at a Kent school.

- 11) Dr Bamford worked across 14 local authorities, 12 were within the London metropolitan area. The diocese worked creatively and in partnership with those local authorities, providing an additional resource when there was a yearly need for 3000 additional places within catholic schools. This need had been partially met by expanding existing schools, the addition of temporary classrooms and permanent classrooms, pod developments and by opening new schools. Catholic schools had and would continue to open annexes to schools.
- 12) Regarding the process for the Education Commissioning Plan, this had been submitted to the Cabinet Committee in December, a Member stated that at the time of the Cabinet Committee the Plan had not been shared with the two dioceses or the archdiocese. A Member asked if the Equalities Impact Assessment document was a “live document” and had it been amended to reflect Dr Bamford’s submission and presentation to Cabinet?
- 13) The Officers explained that the draft commissioning plan was sent to all three dioceses in Kent a month before the Cabinet Committee. Responses were received from Rochester and Southwark Diocese and the responses were contained within the Cabinet papers in March. There had been continuing dialogue over the past months around the Education Commissioning Plan. A number of the issues raised by the diocese had not been raised previously.
- 14) The Member expressed disappointment that the responses received from the diocese had not been circulated with the papers which were submitted to the Cabinet Committee. Was the EQIA also sent with the Education Commissioning Plan for comment by the diocese?
- 15) In response to a question about apprenticeships Mr Leeson undertook to provide a note to give further detail on the numbers of apprenticeships in Kent.
- 16) The Rochester Diocese representative commented that in future he would welcome a commitment and an assurance that the consultation process was clear, transparent and with timescales that allowed responses to be made. If the future meant that new denominational school places were provided by Free schools it was essential that the diocese and the local authority worked together and he had requested from officers clarity around the process of Free school applications and tenders. There were two routes to create a Free school; a direct application to the Department for Education or through a tender via the local authority. It was opined that there was confusion about which route the local authority planned to take. The Corporate Director confirmed that both routes would be used to develop new schools it would depend on the locality and the context.
- 17) The Cabinet Member explained that he undertook a tour of the districts accompanied by officers and also included each of the dioceses on that tour. The Council was keen to maintain a good relationship with the church representatives.

RESOLVED that the Scrutiny Committee:

Note the discussion had around the provision of denominational school places in Kent and thanked the guests and church representatives for their insight and wisdom which would be taken on board by the Council.