



Minutes of a meeting of the Children and Families Overview and Scrutiny Committee held at County Hall, Glenfield on Monday, 9 June 2014.

PRESENT

Mr. K. Coles CC  
Mr. D. Jennings CC  
Mr. J. Kaufman CC  
Mr. P. G. Lewis CC

Mrs. C. M. Radford CC  
Mr. E. D. Snartt CC  
Mr. L. Spence CC  
Mr. G. Welsh CC

1. Appointment of Chairman.

That Mr. L. Spence CC be appointed Chairman of the Children and Families Overview and Scrutiny Committee for the period ending with the date of the Annual Meeting of the County Council in 2015.

(Mr. L. Spence CC in the Chair)

2. Election of Deputy Chairman.

That Mr. P. Lewis CC be elected Deputy Chairman of the Children and Families Overview and Scrutiny Committee for the period ending with the date of the Annual Meeting of the County Council in 2015.

3. Minutes.

The minutes of the meeting held on 24 March 2014 were taken as read, confirmed and signed.

4. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

5. Questions asked by members under Standing Order 7(3) and 7(5).

The Chief Executive reported that three questions had been received under Standing Order 7(3) and 7(5) from Mr P. Lewis CC.

**Mr Lewis CC asked the following questions:**

“Context:

Leicestershire County Council currently administers all admissions and appeals to schools in the County, including Academies. While the schools administer the process, the County Admissions Office inform the schools of the number of applications following the closing date.

Following this, parents either give up or move to their second or third choice, or they go on a waiting list for their first choice. If that is not open to them, or they are too far down the waiting list so as to appear pointless, they may then decide to proceed with appeals.

It should be noted that, when a school is informed it is full but there are numbers on the waiting list, there is no certainty those offered a place will arrive. They have time to consider before accepting such offers.

Schools rarely know how many have gone to formal appeal. Nor does a school know why or on what evidence decisions have been made to uphold or reject an appeal. They are simply informed that X numbers have been successful and which children must be admitted.

Each appeal - successful or not - is charged to the school and costs the school £460 on average.

The appeal cost has to be paid by Academies out of their budget, unlike in County run schools where it is a paper accounting transfer, not an actual charge to the budget. As Academies have no knowledge of the numbers involved, planned budgeting becomes very difficult.

Academies are increasingly concerned over this charging when they have no control whatsoever over this process prior to them receiving a bill.

Question:

- (i) Is the above an accurate reflection of the current process and costs?
- (ii) Would it not be fairer to levy a charge *only if the parents appealing are successful*?
- (iii) Is it considered fair that the cost of indeterminate numbers of unsuccessful appeals should fall upon and penalise individual schools?"

**Mr Spence CC replied as follows:**

- “(i) In accordance with the national coordinated scheme, the Authority administers all admissions, but only administers appeals for those academies that elect to buy into our service level agreement. Not all academies have bought in.

The process outlined in paragraph 2 of Mr Lewis’ question is broadly correct, but it will vary depending on each individual circumstance.

It is incorrect that schools rarely know how many have gone to formal appeal or on what evidence decisions have been made to either uphold or reject an appeal. Schools are advised of the number of appeals as part of the appeal preparation process. The Academy as Admission Authority is entitled to reasons for the decisions of the appeal panel and copies of decision letters can be provided.

In respect of the cost detailed in paragraph 5 of Mr Lewis’ question the current charge made by the County Council to schools is the Department for Education’s (DfE) recommended rate of £180 (plus on costs). This cost covers the costs of the appeal presenting officer and legal support for the clerking of the appeal. Panel members are all volunteers and there is no charge for their time.

It is correct that the above charges have to be paid by Academies out of their budget and academies are free to choose who to engage to run their appeals. Academy business managers can always contact the Authority's admissions service to assess how many appeals were lodged, heard, etc., in the preceding year in order to budget plan.

The Authority's School Admissions Service only charge to recover its costs and it works closely with several school business managers to ensure value for money.

- (i) The Authority charges academies the standard recommended DfE rate of £180 per appeal plus on costs, i.e. refreshments, panel training, room booking, etc., which are incurred by the Authority in providing this service. If an academy has more than 20 appeals, it can apply to the Education Funding Agency to assist with such costs. It should be noted that there is no mechanism to charge parents for appeals.
- (ii) As detailed above, the current operating model seeks only to recover costs. It is the responsibility of the Academy, as its own Admissions Authority, to make arrangements for appeals. It would not be appropriate for this to be funded by the Authority and there is no budget to meet these costs."

#### 6. Urgent Items.

There were no urgent items for consideration.

#### 7. Declarations of interest in respect of items on the agenda.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mr D. Snartt CC, Mr L. Spence CC and Mr G. Welsh CC declared personal interests in matters relating to schools as they had family members who taught in Leicestershire.

Mr L. Spence CC indicated that, whilst this did not amount to an interest to be declared at this meeting, he felt it relevant to report that he sometimes worked for an academy within the County.

#### 8. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

#### 9. Presentation of Petition: Request to build a primary school in the Birstall area of Hallam Fields.

A petition submitted and signed by 192 local residents was presented to the Committee by Mr Simon Sansome, a District Councillor for Charnwood Borough Council. The petition requested that the County Council build a primary school in the Birstall area of Hallam Fields, as currently children had to walk to Riverside Primary School crossing a busy dual carriageway twice a day, placing children at risk.

With the consent of the Chairman, Cllr. Sansome addressed the Committee and advised of the concerns raised by local families who had signed the petition. In particular, residents were concerned that Riverside Primary School was becoming overpopulated due to the development at Hallam Fields where in the region of 550 homes had now been completed. Cllr Sansome highlighted that the County Council had entered into a S106 planning agreement for a new school to be constructed at Hallam Fields as part of the development and suggested that this was now needed to support future primary school places in the area.

Cllr. Sansome raised a query regarding the number of residents that had signed the petition, as he had calculated this to be in excess of 250, and not 192 as stated on the agenda. The Chief Executive undertook to confirm the number of signatories listed on the petition received from Cllr Sansome after the meeting.

The Chairman thanked Cllr Sansome for the work he had done in speaking to local residents and bringing their concerns to the attention of both the Department and the Committee.

With the consent of the Chairman, Mr I. Bentley CC, the local member for Birstall, addressed the Committee and confirmed that work had been undertaken to address the concerns raised locally and to plan for future school places in the area. He confirmed that a report would be considered by the Cabinet at its next meeting which related to this issue.

Arising from the discussion, the following points arose:

- (i) Concerns had been raised by local residents that as part of the Hallam Fields development, a new community centre had been constructed in line with the S106 agreement, but that priority should have been given to the construction of the new school, which could also have served any community needs. Members agreed there was a general need to ensure any request made by the County Council for S106 developer contributions and the terms agreed for payment were robust. It was suggested that the terms of future agreements may need to be tightened to ensure appropriate emphasis was given to priority infrastructure requirements;
- (ii) Members supported the Lead Member on the need for all District Council's to support requests made by the County Council to ensure any infrastructure required to facilitate a development was provided. Developers were increasingly challenging such agreements on the grounds of viability and this was beginning to have a significant impact on the County Council and on local residents;

In response to questions raised, the Director and Lead Member confirmed the following:

- (iii) The need for school places had fluctuated since the commencement of the development at Hallam Fields. Under the previous government, the availability of surplus places had to be taken into account when considering developer contributions. This had now changed;
- (iv) Recent projections had identified that there would be a need for further primary school places in the Birstall area from 2015 and work had been undertaken to

identify a way forward;

- (v) The Cabinet would be considering a report in private session at its meeting on 17 June regarding the revision of the developer contribution agreement for Birstall to meet the requirement for school places for 2015;
- (vi) The Cabinet on 17 June would also be considering the draft new Strategy for the provision of school and other learning places and a revised planning obligations policy, both of which would go out for public consultation shortly. The Chairman encouraged members, parents and local residents to respond to these consultations.

RESOLVED:

- (a) That the contents of the petition be noted and Cllr Sansome and parents in Birstall be thanked for bringing its concerns to the Committee's attention;
- (b) That it be noted that the Cabinet on 17 June would be considering a report in private session which would consider the revision of a Developer Contribution Agreement in Birstall;
- (c) That it be noted that the County Council would shortly be consulting on the County Council's draft Strategy for the provision of school and other learning places and the revision of the County Council's Planning Obligations Policy, both of which would be considered by the Cabinet on 17 June, and that members, parents and local residents in Birstall be encouraged to respond to that consultation;
- (d) That the information provided regarding the walking routes to Riverside Primary School contained in the Briefing Papers attached to the agenda be noted.

10. Local Safeguarding Children Board/Safeguarding Adult Board Business Plan 2014/15 and Performance Management Framework.

The Committee considered a report of the Director of Children and Family Services, the purpose of which was to present the Local Safeguarding Children Board/Safeguarding Adult Board (LSCB/SAB) Business Plan for 2014/15 and the LSCB/SAB Performance Management Framework, as requested by the Committee at its meeting on 11 November. A copy of the report is filed with these minutes.

The Chairman welcomed Mr Paul Burnett, the independent Chair of the LSCB/SAB, to the meeting.

Arising from discussion, the following points were noted:

- (i) The Performance Framework had been used to identify key priority areas that formulated the Business Plan for 2014/15;
- (ii) Several organisations, including the County Council, had rated themselves as 'partially compliant' in the 2013-14 section 11 audit (i.e. a self-assessment audit required under the Children Act 2004 to check an organisations functions

are discharged having regard to the need to safeguard and promote the welfare of children and young people). This had been due to the 2013 Working Together to Safeguard Children guidance that introduced several changes which were still being adopted at the time of the audit. The independent Chair of the LSCB confirmed that such ratings were not a concern to the Board at this stage;

- (iii) There had been a significant increase in the number of referrals into the First Response, Central Duty team. This was a trend being seen nationally. The Board would monitor progress, but it was hoped that over the next 18 months figures would decline, as the introduction of Early Help Services fully bedded in;
- (iv) The timeliness of carrying out initial assessments for childrens social care had been highlighted as an issue. An action plan had been put in place to respond. However, the delays shown in the data resulted from a technical problem with the current electronic system, Framework-i. This had automatically logged a number of children as requiring an assessment when one was not needed. The Director reported that a manual assessment had confirmed that 97% of initial assessments required were conducted within the required 10 working day timescale, but acknowledged that it was important for this data was captured correctly;
- (v) Leicestershire County Council had a low number of private fostering arrangements notified to it when compared to its statistical neighbours. The reasoning for this was being looked at by the Board and there were future proposal to hold a publicity campaign to raise awareness and encourage people to come forward with such information. It was likely that some families feared contact with social services and providing information on the help and support that could be provided by the service would form a key part of this campaign to break down such barriers;
- (vi) Further work would take place with partners (e.g. GP's and schools) to ensure information regarding private fostering arrangements was being shared with the Authority. Close joint working on this issue had proved successful in other authority areas;
- (vii) In response to questions raised regarding the private fostering publicity campaign, the Committee noted that this would be funded out of contributions made by the statutory agencies (resources had already been allocated as this had been identified as a priority within the Business Plan) and all age groups would be targeted as well as schools and other agencies that would have contact with children under 5 and young people over 16 years.
- (viii) The LSCB now had a responsibility to monitor children placed out of county to ensure they were being regularly seen and reviewed. This would be an area assessed by Ofsted under the new inspection framework. Often children were based out of county for a specific reason. However, it could result in them being more at risk of issues such as child sexual exploitation. The Chair of the LSCB had written to some authorities in other areas who had not notified the Board of all children they had placed out of county;

- (ix) In response to questions raised, the Chair of the LSCB confirmed that the Board had no concerns regarding partner engagement in serious care reviews (SCR). The Board oversaw the conduct of any such reviews, looked at the recommendations made and drafted the necessary action plans arising from these.

RESOLVED:

- (a) That the contents of the report and the information now provided be noted;
- (b) That the priority and risk areas relating to children identified within the Business Plan for the Local Safeguarding Children Board/Safeguarding Adult Board for 2014/15 be supported;
- (c) That the contents of the Local Safeguarding Children Board Performance Management Framework together with the proposals to address areas of concern be noted.

11. The Leicester-Shire Music Education Hub - Further Developments in Music Education.

The Committee considered a report of the Director of Children and Family Services, the purpose of which was to update the Committee on national developments in music education, plans to reshape and refocus the Leicester-Shire Music Service (the Service) and music opportunities offered in response to the Nation Plan for Music Education. A copy of the report is filed with these minutes.

The Chairman reported that Diane Rivaud, Service Manager for Music Services, had been unable to attend the meeting but thanked her on behalf of the Committee for the detailed report provided.

Arising from discussion, the following points were noted:

- (i) The Committee welcomed the good work being achieved by the Service and acknowledged the significant progress it had made in the development of a number of broad music activities for children and young people across the County and the City;
- (ii) Many teachers teaching music across the County were not permanently employed by the Leicester-Shire Music Education Hub (the Music Hub) but were commissioned as necessary. Each teacher was assessed and quality assured in advance;
- (iii) The Pupil Premium received by schools could be used as it thought appropriate to help children in care achieve their potential. This was currently used to support the free hire of instruments for approximately 70 such children;
- (iv) Although 22% of county primary schools were not engaged in Whole Class Ensemble Teaching this did not mean they were missing out. Such children still received good music education but accessed this through a different programme. It was a national programme that required all schools to be engaged in music education, but it was up to each individual school to determine how to take this forward. For parents interested in their child taking part in some form of music education, they would need to contact their local

school;;

- (v) It was noted that Ofsted would assess each schools music education provisions as part of an inspection;
- (vi) Music played an important role in a child's education. The Committee noted that the Children in Care choir had gone from strength to strength and would be performing at the Curve Theatre shortly;
- (vii) The Music Hub provided a county wide service and it was questioned to what extent transport difficulties acted as a barrier in some areas. The Director of Children and Family Services undertook to obtain such information from the Music Service and provide this to members after the meeting.

RESOLVED:

That the contents of the report and the good work undertaken by the Leicester-Shire Music Education Hub be noted.

12. Quarter 4 2013/14 Performance Report.

The Committee considered a joint report of the Director of Children and Family Services and the Chief Executive, the purpose of which was to present the Children and Family Services performance data as at the end of quarter four of 2013/14. A copy of the report is filed with these minutes.

Arising from discussion, the following points were noted:

- (i) The format of future reports would change as Supporting Leicestershire Families and Safer Communities performance data was incorporated;
- (ii) It was questioned what would be done with the information obtained from the wellbeing survey conducted by the Children's Society. It was suggested that this did not provide any meaningful data as responses to the three questions raised could change on a day to day basis. Issues such as, 'what was a healthy diet', were also very subjective. It was acknowledged that this was a difficult topic to assess and the Committee suggested that further in depth questions now needed to be raised to obtain a better understanding of the responses provided;
- (iii) The Committee discussed age range changes made by schools and agreed that securing the best outcomes for children should form the basis of any decision by a school to make such changes. It would be important to see which schools were getting better outcomes and whether age range changes had affected educational performance over the last 12 months. The Committee noted that it would be receiving at its meeting in November a report on Key Stage 3 and 4 performance. The Committee noted that there was no longer an obligation on academies to consult the Authority on any proposal to make age range changes;
- (iv) To support Children in Care professionals had acknowledged the need to ensure help was provided early and that it was understood that trauma could manifest itself in a young person's behaviour at any time. It was noted that



broadening the understanding of issues affecting children in care more widely was important.

- (v) In response to questions regarding the role of members as corporate parents, it was noted that the involvement of members through the Virtual School to observe, listen and engage with young people would be helpful. In addition, members as school governors could work to ensure that the pupil premium for each child in care was being utilised to its full potential. Members were also invited to attend meetings of the Corporate Parenting Board where young people were present and were able to voice their concerns on a range of issues.

RESOLVED:

That the contents of the report be noted.

13. Children Missing Education and Pupils Missing Out on Education.

The Committee considered a report of the Director of Children and Family Services, the purpose of which was to inform the Committee about the new statutory guidance issues by the Department for Education (DfE) on 'Children Missing Education' and the Ofsted report on 'Pupils Missing Out on Education'. A copy of the report is filed with these minutes.

Arising from discussion, the following points were raised:

- (i) Children and Family Services had taken action to tighten its systems for dealing with children missing education and a project had been developed for managing pupils missing out on education. The Authority was working collectively with partners, particularly schools, and good progress had been made. However, information sharing and ensuring a quick response would be critical going forward;
- (ii) Notification of when a pupil was excluded from school, including private schools, should be given to the Authority. It was the statutory responsibility of the Authority to ensure that every child received 25 hours a week of education. For children permanently excluded from school the Authority would work with a child's family to ensure alternative schooling arrangements were established;
- (iii) A key area of concern related to those children who were not on a school roll and the whereabouts of the child were not known to the Authority. This was an area of particular focus for the Department and the Lead Member who received fortnightly reports on young people recorded as being absent or missing out on education;
- (iv) In response to questions raised, the Director confirmed the following:
  - a. If a child was removed from school to be home educated, the Department worked closely with parents to ensure an education plan was in place and regular visits and inspections were undertaken;
  - b. Information sharing with schools in bordering county schools was a priority issue and regional meetings with peers were being held to ensure a common framework was in place to support information sharing both with

and by the County Council;

- c. There was no statutory requirement for an authority to be informed of when a child was born. Links were established, however, through Children Centres, health visitors, GP's, schools and school nurses to ensure the County Council was made aware, as far as possible, of children and young people living in the area and those moving to and from it;
- (v) It was questioned if and how links with families in the armed forces were made to ensure their children accessed school and education services and what the Authority's role was, if any, in monitoring the movement of armed forces children in and out of the area. The Committee further requested information on the number of CME/PME cases that involved armed forces children who were in mainstream schools. The Director undertook to confirm what arrangements were in place and to report back to members after the meeting;
- (vi) The Authority monitored and held discussions with Head Teachers where concerns over reports of forced marriage had been raised, particularly when a child was taken out of school as a result.

RESOLVED:

- (a) That the contents of the report be noted;
- (b) That the Director of Children and Family Services be requested to clarify to members the role of the County Council in ensuring that children from families in the armed forces that move to the area do not miss out on education.

14. Date of next meeting.

RESOLVED:

It was noted that the next meeting of the Committee would be held on Monday 1 September 2014 at 2.00pm.

2.00 - 4.40 pm  
09 June 2014

CHAIRMAN