

**MINUTES OF A MEETING OF THE  
CHILDREN & LEARNING OVERVIEW & SCRUTINY COMMITTEE  
Town Hall  
9 August 2012 (5.30 - 9.05 pm)**

**Present:** Councillors Sandra Binion (Chairman), Gillian Ford (Vice-Chair), Dennis Bull, Robby Misir, Frederick Thompson, Keith Wells, Paul McGeary (In place of Pat Murray) and Barry Oddy (In place of Peter Gardner)

Co-opted Members: Anne Ling

Non-voting Member: Bev Whitehead

The Chairman advised those present of action to be taken in the event of an emergency evacuation of the building becoming necessary

Apologies for absence were received from , co-opted member Margaret Cameron, Phillip Grundy, Jack How, Julie Lamb, Keith Passingham and Garry Dennis and

**5 FUTURE SHAPE OF EDUCATION SERVICES - CALL IN OF CABINET DECISION**

In accordance with paragraph 17 of the Overview and Scrutiny Committee rules, two Members, representing more than one Group, had signed a requisition calling in the decision of the Cabinet. On this occasion Councillors Keith Darvill and Gillian Ford had called in the decision of the Cabinet on 11<sup>th</sup> July 2011 relating to the Future Shape of Education Services. The decision of the Cabinet was:

1. To retain in house a smaller number of teams with responsibility for delivering the authority's statutory duties to vulnerable children and families, and those relating to preventing school failure. (implementation April 2013).
2. (a) To explore two options for the non statutory functions of Hsis during July:
  - the establishment of a non statutory Havering School Improvement Service (Hsis) Trust with local schools
  - a "soft market testing" exercise to establish the level of external interest in running the service.

2. (b) That a final decision about the “destination” of this service is made following this work (implementation April 2013).
3. To note that work continues to ensure that the non statutory traded services of the Europa Centre, Catering Service, Adult College and the Music School meet their MTFs savings targets, whilst options continue to be explored for the future delivery of these services.

**Reasons for decisions:**

To ensure that the Council is able to meet its statutory obligations to support children, families and schools, but within a reduced funding envelope, thereby ensuring the provision of high quality schooling to local residents and protecting the most vulnerable children and families

**Other options considered and rejected:**

To no longer provide statutory services to schools and operate a “free market”, with the associated risks for the future lives of children and families in Havering and the long term reputation of Havering as a place in which businesses wish to locate and families wish to live.

**GROUNDS FOR REQUISITION**

The requisition had been made:

To examine the options and recommendations contained in the Report to Cabinet.

Specifically, the requisition SOUGHT to clarify the following issues:

- There is no option identified to work with the existing model. Our services have a high buy in rate so what consideration has been given to expanding and growing these services even further into other boroughs?
- In recommendation 2 (b), who will be making the final decision?
- All of the options need to be discussed by the Children & Learning Overview & Scrutiny Committee

Officers advised the Committee that the report to Cabinet reflected the Council’s strategic aim to become a smaller, more streamlined organisation, which as a consequence, changed the principles upon which the services would be delivered. The report also acknowledged the importance of retaining services within the council which ensured that there was;

- A sufficiency of high quality early years and school places, and provision for vulnerable children and adults (up to the age of 25);
- Appropriate assessment and support for the Borough’s most

- vulnerable children and young people;
- A team to prevent school failure, by prompt and appropriate intervention;
- Improving pupil outcomes by schools, so the council could strengthen the reputation it has within the business community as an attractive area to locate.

It highlighted the impact of a rapidly changing landscape of relationships between schools and the Local Authority, in which:

- Schools had an option to exercise greater freedoms and flexibilities through increased autonomy by conversion to Academy status;
- There was subsequent reduction in the levels of funding received historically by the Council - in addition to the national 'deficit reduction' programme;
- The role of the council, through its Children's Services Department, was defined fundamentally by the delivery of its statutory functions;
- Nationally a network of Teaching Schools, National Leaders in Education and National Support Schools was in place. Schools were being encouraged to further develop the use of this school to school support function particularly to take forward aspects of continuing professional development for staff. This would include support that was available locally through art, music and sports partnerships.

Over the last two to three years there had been a significant change in the diversity of provision for schools. This new provision included the growth of Academies, Free Schools, Studio Schools and University Technical Colleges (UTCs) i.e. state funded, independent schools where the Local Authority had a smaller statutory role. In Havering there were currently 12 Academies, out of the 18 secondary schools, and one planned UTC (at CEME). The number of secondary or primary academies in Havering may increase over time. In addition, as part of Havering's Primary School Expansion Programme for 2014 onwards, new primary academies and/or Free Schools would develop to fill the need for new schools.

Associated with the changes set out above, there had been changes in the way local authorities were funded for their support to children and young people, and schools. In particular the way that funding for Academies, Free Schools and UTCs took place i.e. that money previously given to the LA to distribute now by-passed it, and went directly to these schools. This consequent reduction in funding available to support the most vulnerable children and schools was taking place at a time when the council's overall central funding was being reduced.

In addition to specific 'education' grant reductions the council, like all other councils nationally, was looking to reduce its size and cost and had therefore identified MTFs council wide savings targets for all service areas.

In response to questions concerning the steps taken by other local authorities, officers informed the committee that the majority had found it exceedingly difficult to retain services in-house.

Officers were also asked what was happening to the Foundation Years and Independent Advice Service. The committee were informed that these were not mentioned in the report as there were no proposed changes to these services.

The Cabinet decision envisaged a 'soft market testing' exercise to establish the level of external interest in running the service (Havering School Improvement Service). The Committee were advised that, as required under the Constitution, officers had been unable to progress with this pending the outcome of this meeting. Similarly reports would be prepared on the future of the Europa Centre, Catering Service, Adult College and the Music School.

Officers informed the Committee that other London Boroughs including Newham, Harrow, Richmond and Hammersmith and Fulham had already adopted the approach envisaged in option 2.

The Committee were advised that the final decision about the 'destination' of the Housing School Improvement Service would rest ultimately with the schools.

The proposal that the requisition be upheld (and therefore that the matter be referred to the Cabinet for further consideration) was LOST (by 7 votes to 1).

The voting was as follows:

Councillor McGeary voted for the resolution.

Councillors Binion, Bull, Misir, Oddy, Thompson and Wells, and Anne Ling voted against the resolution.

Councillor Ford Abstained.

It was therefore **RESOLVED**:

**That the requisition of the executive decision by Cabinet dated 11 July 2012 not be upheld.**

The voting was as follows:

Councillors Binion, Bull, Misir, Oddy, Thompson and Wells, and Anne Ling voted for the resolution.

Councillor McGeary voted against.

Councillor Ford Abstained.

## 6 COMMISSIONING SCHOOL PLACES STRATEGY 2012/13-2015/16 - CALL IN OF CABINET DECISION

In accordance with paragraph 17 of the Overview and Scrutiny Committee rules, two Members, representing more than one Group, had signed a requisition calling in the decision of Cabinet. On this occasion Councillors Keith Darvill and Gillian Ford had called in the decision of the Cabinet on 11<sup>th</sup> July 2011 relating to the Commissioning School Places Strategy 2012/13 – 2015/16.

The decision of the Cabinet was:

1. To approve the draft Commissioning School Places Strategy 2012/13-2016/17 (CSPS)
2. To approve the circulation of the draft CSPS for consultation to all stake holders in school place planning
3. To delegate the determination of the final CSPS, to the Cabinet Member for Children Service's and the Group Director for Children's Services.
4. To note that a further report will be going to Cabinet in September 2012, which will set out the details of each expansion scheme, the consultation process and indicative costs and funding for each scheme

### **Reasons for decisions:**

This decision was necessary to progress the strategy for ensuring there were sufficient school places in Havering to meet the rising pupil population.

### **Other options considered and rejected:**

It was considered that the Council could proceed with the expansion programme without an agreed CSPS in place. However as the Council was in the leadership role for this major and long term expansion programme, it should be consulting with stake holders on its proposed strategy for meeting the challenge of the rising school population and in so doing reduce the risk of these plans being unsuccessful.

### **GROUNDS FOR REQUISITION**

The decision had been called in on the following grounds:

1. To examine the availability of spare accommodation which would meet some of the increased demand (see para. 2.4. of the Report to Cabinet)
2. To examine the implications of the proposed strategy for home to school travel particularly relating to primary schools.
3. To consider the financial difficulties that schools will face as a consequence of the increase in pupil numbers in the current funding arrangements.

4. Page 58, 4<sup>th</sup> paragraph down it quotes 2006/07 as the beginning of the birth rate rise however in the second paragraph from the bottom it suggests 2007/08 as the beginning of the increase. Could you please confirm the correct year. It had therefore been requested if the correct year could be confirmed.
5. Page 61, 4<sup>th</sup> paragraph down, 2<sup>nd</sup> sentence needed re wording as it did not currently make sense.
6. Page 64, 2<sup>nd</sup> paragraph from the bottom refers to the Technical feasibility work on secondary schools, is this all schools including academies or just community schools?
7. In fairly recent times we have experienced school closures and amalgamations; under the premise primary numbers were falling. How have you mitigated the risk against unnecessary growth or insufficient growth?
8. Admissions are currently overseen by the authority in partnership with schools; however Academies and Free Schools will determine their own admission numbers. What measures are being put in place to alleviate the pressures this would bring to community schools budgets and the availability of pupil places?
9. Have any sites been considered for the development of Academies or Free Schools and how many expressions of interest have been shown to date?
10. Thurrock now has Primary Academies. How many Primary schools have shown an interest in becoming Academies in Havering?
11. The debate around Free Schools is increasing intensity. Could the Cabinet Member confirm if representation has been made to the DFE concerning the free for all that will develop when Academies and Free Schools determine admission numbers, the lack of cohesion Academies and Free Schools bring to borough standards of education and if representation has been made to Ministers over the pressures the new housing policy is having on school admission numbers?
12. Any growth or shrinkage of schools becomes a hot potato for parents and residents. Would the Cabinet member agree to the Children & Learning Overview & Scrutiny Committee supporting this process before decisions are taken and could we have a reassurance that the relevant ward Councillors are briefed on any proposals in their area.

Officers advised the committee that the document approved by the Cabinet was the draft Strategy which would be circulated for consultation.

In response to questions from the Committee officers advised that the rationale behind the strategy relied not just on an increase in birth-rate but did take into account new housing developments and the effects of inward migration amongst other factors. The tools now available to undertake the projections were much more sophisticated than those used in the past. To mitigate the risk the strategy was looking to increase the number of classes which would be available and this included a plan for a 10% flex across the authority.

Officers also advised the Committee that in previous years some schools had had extra places and some 7% of accommodation had been mothballed. Now all schools were at or near capacity.

The Committee expressed some concern that the timescales were extremely tight. Officers assured them that as some of the accommodation was currently mothballed, the delay was shorter than for new build. However, even with new build the Council was proposing a modular building process similar to what is happening at Branfil School.

In response to a question from the Committee, the Executive Member for Children & Learning agreed that all affected Ward Councillors would be advised which schools were earmarked for expansion as soon as he was notified.

The Committee discussed the issue of Free Schools and Academies. Officers informed the Committee that schools considering applying for academy status did not have to notify the Authority of their intentions in advance, and the decision as to whether to approve the creation of a Free School in the borough rested with the Department of Education. The Council did need to have prior knowledge to enable them to plan properly.

The Committee were concerned that the changes to funding would adversely affect schools in the short-term. Officers informed the Committee that the School Funding Forum had anticipated the problem and had set aside funds to tackle this issue. Discussions had also been held with the local diocese to ensure their expansion plans were taken into account.

The Committee considered the officers' and Executive Member's responses to the reasons for the requisition:

1. Some of the schools tentatively identified for expansion have buildings which have been mothballed.
2. There may be some impact on home to school travel but this had not yet been considered, and until those schools scheduled for expansion had been identified it would be too early to look at this area.
3. Officers had explained that the Schools Funding Forum was addressing this issue.
4. The draft strategy had been prepared taking into account birth-rate, inward migration and new developments.
5. Officers agreed to look at the relevant sentence of the report before the strategy was finalised.
6. Officers advised the Committee that the government were requiring local authorities to carry out these school feasibility studies, but only for Community Schools.
7. The Committee noted that officers were utilising more sophisticated tools to assist in their predictions of future growth.
8. Officers advised the Committee that Academies were free to set their own admission numbers. They had to inform the Council when they

had made their decision but did not need to consult before they made a decision. The Chairman indicated that Head Teachers continued to talk to each other and information did filter through to officers.

9. The Committee were informed that officers were aware that there was some interest in establishing Free Schools in the borough but these decisions would be taken by the Department of Education.
10. Similarly decisions by Primary Schools to apply for Academy status rested with the Department of Education, not the Local Authority. The Committee were informed that at least one primary school was considering applying for Academy status.
11. Officers informed the Committee that the Council were lobbying ministers on the issues raised in the requisition.
12. The Cabinet Member stated that there would be no pre-decision scrutiny but he would ensure that the relevant ward councillors were informed as soon as he had the information.

The proposal that the requisition be upheld (and therefore that the matter be referred to the Cabinet for further consideration) was LOST (by 7 votes to 1).

The voting was as follows:

Councillor McGeary voted for the resolution.

Councillors Binion, Bull, Misir, Oddy, Thompson and Wells, and Anne Ling voted against the resolution.

Councillor Ford Abstained.

It was therefore **RESOLVED**:

**That the requisition of the executive decision by Cabinet dated 11 July 2012 not be upheld.**

The voting was as follows:

Councillors Binion, Bull, Misir, Oddy, Thompson and Wells, and Anne Ling voted for the resolution.

Councillor McGeary voted against.

Councillor Ford Abstained.

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**Chairman**



