

BRIGHTON & HOVE CITY COUNCIL
EDUCATION OVERVIEW AND SCRUTINY PANEL
24 JUNE 2003
5.00P.M.
COMMITTEE ROOMS 2/3, TOWN HALL, BRIGHTON
MINUTES

Present: Councillor Hamilton (Chair); Councillor Mrs. Norman (Deputy Chair); Councillors Hazelgrove, Simson, Smith, Willows and Wrighton.

Non-Voting Non-Statutory Co-optees: Mrs A Antonio, National Union of Teachers and Ms Sandra Messenger, NASUWT.

Apologies were received from: Councillors Battle and Mrs Bennett, Mr J Taylor, (Diocese of Chichester); Mr F Myers, (Diocese of Arundel and Brighton); Mrs K Lewis, (Parent Governor Representative); Reverend S Terry, (Brighton and Hove Governors Network) and Mrs S Llewellyn-Powell.

PART 1

1a. ELECTION OF DEPUTY CHAIR

1.1 Before proceeding to the formal business of the agenda the Chair stated that approval had been sought to appoint a Deputy Chair to the Panel, that this had been agreed by the Leader of the Council and the Leadership Group and that in accordance with Standing Orders should the Panel be minded to agree this it would need to be referred forward to OSOC for information.

1.2 Councillor Mrs Norman had been approached in her capacity as Opposition Spokesperson and had expressed her willingness to serve if appointed. In that capacity Councillor Mrs Norman would also be invited to attend Chair's agenda planning meetings.

1.3 **RESOLVED** - That Councillor Mrs Norman be elected as Deputy Chair of the Education Overview and Scrutiny Panel for the ensuing municipal year.

1b. DECLARATION OF SUBSTITUTES

1.4 There were none.

1c. DECLARATION OF INTERESTS

1.5 No declarations of interest were made in respect of any items appearing on the agenda.

1d. EXCLUSION OF PRESS AND PUBLIC

1.6 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100(1) of the Local Government Act 1972.

1.7 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any of the items on the agenda.

2. MINUTES

2.1 **RESOLVED** - That the Chair be authorised to sign the minutes of the meeting held on 12 March 2003 as a correct record.

WORK PROGRAMME**3. STRATEGIC OBJECTIVES RELATING TO THE WORK OF THE PANEL**

3.1 The Panel considered a report of the Director, Children, Families and Schools setting out strategic objectives for the work of the Panel (for copy see minute book).

3.2 The Director, Children, Families and Schools reminded Members that the strategic remit of the Panel as outlined in its 'Terms of Reference' included four functions:

- (i) Monitoring of Service Performance and Best Value reviews (para 9.2 of the report);
- (ii) Scrutiny reviews of particular service areas, decisions or other matters (para 9.2);
- (iii) Decisions of the Executive Committee called-in prior to implementation (para 9.2); and
- (iv) Advice to the Executive Committee on policy (para 9.3)

Using these four functions as a starting point it was proposed that an annual programme of work for the Panel be developed incorporating the strategic objectives set out in para 3.3 of the report.

3.3 The Chair explained that it was hoped that as the Panel's role was further developed that the Executive Committee could, as appropriate, invite the Panel to focus in depth on clearly identified areas of work which by virtue of the number of issues it had to consider, did not have the resources to carry out.

3.4 The Chair also referred to the possibility of including an additional non-voting co-optee in the membership of the Panel. In the previous administration there had been three non-voting co-optees, representing the NUT, the ATL and Governors Network. It was proposed that these three organisations be invited to continue membership of the Panel and that an invitation also be extended to the NASUWT.

3.5 The Panel confirmed that they considered it appropriate to co-optee an additional non-statutory, non-voting co-optee representing the NASUWT. The Chair welcomed Sandra Messenger who had been invited to attend the meeting in an unofficial capacity to join the Panel; it was noted that Ms Messenger would be attending future meetings as the NASUWT representative.

3.6 Members particularly those who had previously been Members of the Panel, welcomed the more structured framework and work programme that was proposed, as it would enable the Scrutiny function to develop further in a way that was complementary to the role of the Executive Committee.

3.7 **RESOLVED** - (1) That the high level strategic objectives set out in paragraph 3.3 of the report be endorsed and that officers be asked to draw up an outline annual programme of work on that basis; and

(2) that the recommendations concerning co-optees set out in paragraph 5 of the report be endorsed and that Ms Sandra Messenger be appointed as the NASUWT representative to the Panel.

PERFORMANCE MANAGEMENT

4. INTERNAL AUDIT PLAN 2003/04

4.1 The Panel considered a report of the Director, Children, Families and Schools seeking the Panel's agreement to arrangements for regular reports on internal audits of the education service (for copy see minute book).

4.2 The Director, Children, Families and Schools explained that the audits for the current financial year had yet to take place and that the reporting method proposed was intended to ensure that there were regular progress

reports back to the Panel. It was anticipated that a précis of audits carried out during the first quarter would be available for the Panel's September cycle.

4.3 In answer to questions, the Director explained that the number of audits carried out during any given quarter was dependent on resources, for instance, given the intensive work required it was generally possible to carry out one major audit during any one quarter. The Director explained that a combination of factors were taken into consideration when assessing 'risk' levels. It was agreed an officer from internal audit would be invited along to explain how these assessments were arrived at.

4.4 **RESOLVED** – That the content of the Audit Plan attached as Appendix 1 be noted and that the reporting method set out in Paragraph 3.2 (and below) be approved:-

That the Education Overview and Scrutiny Panel receive a short summary report at each meeting, setting out the main outcomes and recommendations of each of the audits carried out in the preceding quarter. The requirement for this summary report will be included as part of the specification of each audit.

5. BVPI REPORT – YEAR END

The special circumstances for non-compliance with Council Procedure Rule 19, Access to Information Rule 5 and Section 100B(4) of the 1972 Local Government Act as amended (items not to be considered unless the agenda is open for public inspection at least 5 clear days in advance of the meeting) are that the year end figures were in the process of being submitted to Full Council for approval at the time the agenda was despatched.

5.1 The Panel considered a report of the Director, Children, Families and Schools presenting the Year End Best Value Performance data in relation to Children, Families and Schools and seeking the Panel's agreement on reporting arrangements for performance information to future Education Overview and Scrutiny Panel meetings (for copy see minute book).

5.2 In answer to questions, the Director, Children, Families and Schools explained that the low funding base for the Net Youth Service had been inherited from East Sussex County Council and consequently it had been very difficult for Brighton & Hove City Council to effect increased funding, however the available funding had been well utilised and the additional funding it had been possible to provide had gone some way towards reaching the standards set by the Government.

5.3 Several apparent anomalies were highlighted by members of instances where the local authority appeared to be spending less per pupil than neighbouring and comparable authorities. Notwithstanding budgetary constraints, the amount spent by the authority had increased significantly since it had taken on responsibility for schools in Brighton and Hove following its inception as a Unitary Authority. Members found this surprising, and it was agreed that the way in which the figures provided were arrived at would be revisited to confirm whether or not Brighton & Hove calculated their figures on the same basis as other Authorities.

5.4 In answer to further questions and concerns expressed regarding the disparity between the number of surplus places available at primary and secondary level, the Director explained that where applicable the possibility of merging infant/primary was explored and where this did occur, one of the outcomes was that it reduced the number of surplus places at that level. It was not, however, as simple as to close less popular schools (particularly at secondary level) given that the remainder were already oversubscribed. The need to maintain surplus places was finely balanced, as the authority needed to maintain a surplus of at least 5%, but no more than 10% of places. Issues relating to provision of continuing education in instances where pupils were permanently excluded were continually monitored and fine tuning carried out as was considered appropriate.

5.5 **RESOLVED** – That (1) the Children, Families and Schools Performance Indicator (P1) results achieved at year end and appended to the report at Appendix 1 be noted;

(2) having considered the areas of concern set out in the attached performance data that further detailed information be provided by officers at the appropriate time in relation to those areas;

(3) it be noted that these figures form part of the Council's overall Best Value Performance Plan 2003/4 that was agreed by the Special meeting of Council held on 12 June 2003; and

(4) the next Performance Report detailing the results for Quarter 1 of 2003/4 be submitted to the Panel during its September quarter subject to the necessary figures being available.

6. EDUCATION DEVELOPMENT PLAN: PROGRESS REPORT

6.1 The Panel considered a report of the Director, Children, Families and Schools representing a 12 month review of progress on the Education Development Plan (EDP) Action Plan for 2002-03 and also outlined the new Action Plan for 2003-04 which has been prepared and was to be submitted to the DfES by the mid July 2003 deadline (for copy see minute book).

6.2 The Director, Children, Families and Schools explained that the current EDP covered the period 2002-07 and was supported by annual action plans.

When submitted the EDP was awarded the highest grade by both OFSTED and the DfES for quality and analysis. An EDP Consultation Group had also been established sat on by 20 local headteachers, who were responsible for ensuring that the EDP was relevant to their needs and in line with current developments. The EDP included the key areas around school improvement and was a statutory requirement. Whilst the Plan was ultimately approved by the Executive Committee the Panel's input was welcomed.

6.3 Mrs Antonio, the NUT representative, referred to the narrow gaps due to differences in funding provided to schools and colleges for children in the 16-19 age group. It was essential to narrow these gaps by tapping into all available funding streams. Specific issues arose for children in this age group who had special educational needs, particularly in relation to those who had such needs but were not stated. The Director responded that these issues were being addressed and solutions were being sought through partnership working with other providers. Provision of the types, level and numbers of places on courses provided either by schools or Sixth Form Colleges was complex but was being addressed in concert with a Learning Skills Council group which had been set up to look at this area. It was agreed that a separate report relating to post 16 provision would be prepared for consideration by the Panel at the appropriate time. It was agreed that this report would address such issues as raising attainment and the resources to be provided to colleges and how this money was allocated and spent.

6.4 In answer to further questions the Director confirmed that Patcham High School and Dorothy Stringer School had recently been awarded training school status.

6.5 **RESOLVED** - That (1) the progress made to date as detailed in the report be noted; and

(2) the new Action Plan for 2003/4 be approved.

7. BRIGHTON & HOVE SACRE - ANNUAL REPORT 2001/2002

7.1 The Panel considered a report of SACRE covering the period September 2001-July 2002 (for copy see minute book).

7.2 The Director, Children, Families and Schools explained that the Brighton & Hove Standing Advisory Council for Religious Education (SACRE) had continued over the past year (the report was retrospective covering the period September 2001-July 2002) to improve, foster and encourage the take up of religious education across Brighton and Hove. The Chair of SACRE had been invited to attend the meeting but had been unable to attend on this occasion due to an unforeseen personal commitment. It was agreed that Mr

Bastide would be invited to attend and present the next SACRE annual report.

7.3 During the previous year there had been two major developments arising from SACRE'S work: a revision of the Agreed Syllabus and the preparation of guidelines for teachers on the assessment of religious education. SACRE had also set up a working party from its own membership to develop a syllabus to 'reflect the particular characteristics of Brighton & Hove' and also to draw on the best of the religious education material available from external bodies such as the Qualifications and Curriculum Authority. This working sub-group would report back to SACRE and it was intended that there would be an opportunity for wider community participation. The guidance material following this thorough assessment would be circulated to schools in the near future.

7.4 Members of the Panel who also sat on SACRE commented on the very high standard of work carried out by SACRE on a very limited budget and the way this had been reflected by encouraging/improving OFSTED inspection reports on religious education in local schools. It was disappointing, however, that some short inspections had not given comment on religious education or related areas. This highlighted that there was a continued need to raise the profile of SACRE. Given the involvement of Council Members on SACRE the need to avoid 'clashes' as far as practicable when setting meeting dates was also noted.

7.5 **RESOLVED** - That the contents of the report be noted.

SERVICE AND POLICY ISSUES

8. SCHOOL BUDGETS - UPDATE

8.1 The Panel considered a report of the Director, Children, Families and Schools that provided Members with the most recent information on the budgetary position of schools in Brighton and Hove and summarised briefly the exchanges with DfES officials on the issue of school budgets. The report also set out our understanding of the Secretary of State's position on funding for this year and for 2004/05 and provided a brief account of the work of the Budget Working Group (for copy see minute book).

8.2 The Director, Children, Families and Schools explained that following the introduction of a new overall funding formula for Local Authorities and a revised formula for the distribution of funding combined with significant increases in the salary costs of teachers, resulting from changes in the employers' pension contribution in addition to the NI increase for all employees, a funding gap had arisen.

8.3 It had quickly become apparent that this problem was widespread across the country as a whole and extensive and on-going lobbying of

central government from a range of education and local government organisations was continuing. In the case of Brighton & Hove these difficulties had been exacerbated by its status as a 'floor' authority following a lower government rate support grant (pegged for three years), than had previously been the case.

8.4 Following the detailed inquiries made by his office, the Secretary of State has conceded that schools may use capital for revenue this year and that they may set deficit budgets by agreement with their Local Authority.

8.5 The Secretary of State had undertaken that the formula used would be reviewed to ensure that schools would have a steady level of real resource. This implied an uplift for Brighton & Hove and would serve to sustain the reduced level at which schools will run during the current year but not beyond. A letter of 9 June received from the DfES gave a commitment to working with Local Authorities to ensure that in 2004/05 'all schools receive a reasonable per pupil settlement'. A group of heads, joined by governor representatives, had been working with the Authority to gather evidence, to validate the claims made by the Authority, to press the case for more funding this year and to lobby for changes to the formula for next year.

8.6 The Budget Working Group was likely to continue to meet regularly to maintain pressure for improvements next year and to provide support to colleagues in the planning for 2004/05. DfES officials 'hope to make announcements on the key issues in early autumn'. The Budget Working Group will be in place to lead on this preparatory work through the summer and early autumn. It was also understood that individual schools across Brighton & Hove would be sending letters to all parents encouraging them to write to their local MPs, to lobby them regarding the current gap and inviting the Minister to address this.

8.7 **RESOLVED** - That the contents of the report be noted.

9A. SCHOOL ORGANISATION PLAN - ANNUAL REVIEW

9.1 The Panel considered a report of the Director, Children, Families and Schools that sought approval to the draft School Organisation Plan (for copy see minute book). It was noted that the Plan had not been submitted with the papers for consideration at the Panel's meeting in September 2003 and would be resubmitted.

9.2 **RESOLVED** - That the contents of the report be approved and noted and that the approved "draft" be used as the basis for consultation with schools, other interested parties and the public at large and that the "draft" Plan be made available for Members' consideration at their next meeting on 24 September 2003.

9B. COMART

9.3 In considering this item Members requested to be informed of the current position in respect of the East Brighton College of Media Arts (COMART) and the possible longer term impact of any decision to close could have for the delivery for education across the city. The Director, Children Families and Schools explained that at the present time a number of meetings were being held with all interested parties and a number of options would be placed before the Children, Families and Schools Committee for their consideration at their next scheduled meeting on 8 September 2003. The option of closure would also form part of the evaluation.

9.4 If ultimately the school closed it would not take place until the end of the summer term of 2005, because of the need to carry out a complete and detailed consultation and to satisfy a statutory process and timetable. The most important consideration was to ensure the welfare and future welfare of pupils. The future use of the site if the school did close was an important but secondary consideration. One option which was being assessed was to provide a much smaller school providing access to a range of community based facilities.

9.5 Members of the Panel expressed concern regarding the potentially lengthy process if it was decided that the school should close and the effect of this on pupils and staff. The Director responded that measures were being put into place to bridge any "gaps", and to continue to deliver a good standard of education particularly to those children approaching their GCSE years. From September 2003 some students would be receiving additional English language and literature support at Varndean as well as access to extra curricular activities for which transport would be provided. A strong management team was in place at the school ready for the commencement of the autumn term. The need to recognise the hard work and achievements of pupils and staff at the school was acknowledged as was the need to provide continuing support to those staff and to the community of East Brighton.

9.6 In answer to questions, the Director confirmed that 90 pupils were currently due to arrive at the beginning of the autumn term. However, generally fewer pupils actually arrived for the start of term than were anticipated. The consultation process was progressing in order to establish realistic options for further discussion/consideration. This work was on-going and the needs of pupils and staff were and would continue to be paramount. Ultimately, if the option of closure was pursued that decision would need be agreed by the School Organisation Committee.

9.7 **RESOLVED** - That the position be noted and that the report to be considered by the Children, Families and Schools Sub-Committee in September 2003 also be referred to the Panel for their information.

10. SECONDARY STRATEGY

10.1 The Panel considered a report of the Director, Children, Families and Schools detailing the comprehensive approach to raising attainment in the secondary schools in Brighton and Hove taking account of the range of education initiatives, now and in the future, which will impact on secondary education (for copy see minute book). It was noted that the Strategy had not been submitted with the papers for consideration and would be resubmitted for consideration at the Panel's meeting in September 2003.

10.2 **RESOLVED** - That the proposed strategy be endorsed in principle and that the Director, Children, Families and Schools be authorised to publish it.

11. SIX TERM YEAR CONSULTATION

11.1 The Panel considered a report of the Director, Children, Families and Schools that informed Members of the current situation in neighbouring LEAs and reported on further consultation arrangements in Brighton & Hove relating to the introduction of a six term year (for copy see minute book).

11.2 The Director, Children, Families and Schools confirmed that following initial consultations with the unions, headteachers, governors, parents and neighbouring authorities it had been decided to retain a conventional school year for 2004/05, to allow sufficient time to consult further with stakeholders, unions and other organisations in Brighton and Hove and with neighbouring LEAs, before making a decision whether or not to change the existing three term year, this would also seek to ensure that a common pattern was retained (for that year) with East and West Sussex County Councils.

11.3 The current position in neighbouring Authorities was that Hampshire County Council had agreed in principle to the introduction of the six term year from September 2004 and as an interim move towards this had included a fixed spring holiday in 2005. According to the latest information Kent County Council preferred a six term year should the pattern of the school year change, but did not wish to change unless or until the majority of Kent's neighbouring LEAs had also decide to introduce a six term year. East and West Sussex were carrying out consultations and expected to reach a decision on the pattern of the school year towards the end of 2003.

11.4 Brighton & Hove would now be carrying out further consultations on the proposals for the introduction of a six term year over the following six months in line with the timetable set out in paragraph 3.4 of the report.

11.5 **RESOLVED** - That the current stage reached in the consultation process and the timetable for further consultation be noted.

12. CAPITAL INVESTMENT IN SCHOOLS CONSULTATION PAPER FROM THE DFES

12.1 The Panel considered a report of the Director, Children, Families and Schools that reported on a consultative paper issued by the Department for Education & Skills and on indicative allocations for capital funding in 2004/05 and 2005/06 (for copy see minute book).

12.2 **RESOLVED** - That the contents of the report be noted and that a copy of the consultative paper issued by the Department for Education and Skills setting out indicative allocations for capital funding in 2004/05 and 2005/06 be submitted for consideration to the September cycle of the Panel.

The meeting concluded at 5.50pm.

Signed

(Chair)

Dated

this day of

2003