

**BRIGHTON & HOVE CITY COUNCIL**  
**EDUCATION, OVERVIEW & SCRUTINY PANEL**

**5.00PM – 5 OCTOBER 2004**

**BRIGHTON TOWN HALL**

**MINUTES**

Present: Councillor Hamilton (Chair), Councillors Mrs Norman (Deputy Chair), Battle, Bennett, Simson, Pidgeon, Smith and Wrighton

Statutory Co-optees with Voting Rights: Mr F Myers – Diocese of Arundel and Brighton.

Non-Voting Non-Statutory Co-optees: Mrs A Antonio – National Union of Teachers; Mrs. S. Llewellyn-Powell – Association of Teachers and Lecturers; Mr L Halley – Brighton and Hove Governors Network; Ms S Messenger – NASUWT.

Also Present: David Hawker – Director, Children, Families and Schools; Rosalind Turner – Assistant Director of Community Families; Janette Karklins – Assistant Director, Quality, Standards and Leadership; Mark Romain – Audit Manager; Penny Jennings – Scrutiny Support Officer.

Apologies: Apologies were received from Councillor Willows, Mr Taylor, Diocese of Chichester; Mrs R Lewis, Parent Governor Representative.

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**PART ONE**

**IN MEMORIAM : MR A MAGRATH**

Before proceeding to the formal business of the meeting the Chair referred to the recent deaths of Mr Dave Turbett of the Department of Children, Families and Schools who had died suddenly and who had served the department well over a number of years.

The Chair then went on to refer to the sad and sudden death of Mr Andy Magrath, a Member of both the Panel and more recently of the COMART PFI Scrutiny Panel which had occurred during the summer. Suitable condolences had been sent on behalf of the Panel and a number of Members and Officers

had attended a recent memorial service celebrating his life. His enthusiasm and contribution to the Panel would be sadly missed.

The Panel observed a minute's silence in memory of Mr Magrath.

## **11. PROCEDURAL BUSINESS**

### **11A. Declarations of Substitutes**

11.1	<u>Substitute Councillor</u>	<u>For Councillor</u>
	Pidgeon	Willows

### **11B. Declarations of Interest**

11.2 Councillor Bennett declared a personal and non-prejudicial interest by virtue of her position as a parent governor at Blatchington Mill School. Mr Myers declared a personal and non-prejudicial interest by virtue of his position as a diocesan representative on this Panel and similar bodies at East and West Sussex County Councils. Councillor Simson declared a personal and non-prejudicial interest in respect of Item 20 on the agenda relating to the Nursery Education Review.

### **11C. Exclusion of Press and Public**

11.3 The Panel considered whether the press and public should be excluded from the meeting during 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.

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

## **12. MINUTES**

12.1 The Chair explained that Mr Bastide, the Chair of the Brighton and Hove SACRE would now be attending the next meeting of the Panel scheduled to take place on 7 December at which an interim report relating to the work of the SACRE would be considered.

12.2 **RESOLVED** – That the minutes of the meeting held on 22 June 2004 be approved and signed by the Chair.

## **13. SCHOOL BUS SERVICE**

13.1 The Panel considered a letter from Councillor Mrs Norman (Deputy Chair) requesting that a report on the School Bus Service be prepared for

consideration by the Scrutiny Panel (for copy see minute book).

13.2 The Deputy Chair referred to the issues set out in her letter and which had also been discussed at the meeting of the Council held the previous week. This was a matter affecting Wards other than Withdean and Patcham. The number 91 bus servicing Cardinal Newman School had been similarly affected and parents had not been given enough notice to make alternative arrangements. There were a number of areas of the city where there was no easy access to direct bus routes and where there were 'gaps'. This matter needed to be looked at in its totality.

13.3 The Director explained the differences between the two types of subsidy and that even where a free bus pass was provided that did not guarantee that there was a bus. Supported routes had to be economically viable and subsidies could not be applied across/to all other routes. Notwithstanding the level of subsidy and the fact that school services had been well supported in the past, it was unlikely that the current level of support could continue into the future. Discussions had been taking place with the relevant transport/traffic officers and with the Chair of the Environment Committee in order to explore other budgetary options in the context of the needs of the children concerned and the need to make savings.

13.4 The Chair and other Members of the Panel shared the Deputy Chair's concerns. The Director, Children, Families and Schools informed Members that the issue of the 96 bus was still being pursued with all avenues being explored to see if a solution could be found. There was also a question as to whether a scrutiny, if agreed, should be carried out by OSOC or EOSP, since the finance comes from Environmental Services and not Children, Families and Schools and it was agreed that legal advice would need to be sought and a definitive decision made in respect of this matter.

13.5 The Panel considered it appropriate that the Chair write a letter for consideration at the meeting of the Environment Committee to be held on Thursday, October 21<sup>st</sup>. Four Members of EOSP were on that Committee so would be able to inform the other Members about the content of the EOSP discussion on this matter. Councillor Ann Norman's letter could then, if necessary, be referred to OSOC in November. A satisfactory outcome to the 96 route issue could well obviate the need for a scrutiny, although the other issues that were raised in her letter could be covered by report.

13.6 **RESOLVED** – That it be agreed that the Chair write to the Environment Committee setting out the Panel's concerns and that the matter also be referred to the next meeting of OSOC so that they are aware of the position and may be updated regarding any progress made by that time.

### **Monitoring of Service Performance**

### **Standing Items**

**14. BEST VALUE PERFORMANCE INDICATORS 2003/04 YEAR END**

14.1 The Panel considered a report of the Director of Strategy and Governance setting out the year end figures (for copy see minute book).

14.2 The Director of Children, Families and Schools provided an update since the preparation of the report confirming that indicators covering every area of the Department's work were either on target or above. The Local Authority had sound strategies in place and was performing very well when in relation to comparable unitary authorities with figures placing it into the upper quartile.

14.3 In answer to questions the Director explained that some of the indicators had dipped the previous year but that this had been caused as a result of members of staff being on long-term sick leave, who subsequently left employment with the Local Authority.

14.4 The Director explained that where children were excluded from school measures were put into place to ensure their continuing education whilst the matter was resolved. The numbers of children who were permanently excluded and therefore needed to be educated separately were very few in number. The LEA were also working with schools to ensure that the number of fixed term exclusions was kept to a minimum and that schools applied measures properly and that 'exclusion' was a last step after other strategies had been tried and failed. It was important to adopt a co-ordinated approach that ensured best practice. The level of information keeping was sophisticated, however detailed debate was taking place nationally as to how children with specific defined problems could be best served within mainstream education and, how to best place such children.

14.5 **RESOLVED** – That the position be noted.

**15. SERVICE AUDITS COMPLETED 1 JUNE-31 AUGUST 2004**

15.1 The Panel considered a report of the Director of Children, Families and Schools listing the service audits carried out in the period 1 June to 31 August 2004, together with the key areas covered by the recommendations (for copy see minute book).

15.2 The Audit Manager explained that audit coverage was based on an assessment of risk and included elements such as the level of corporate importance, degree of significant change, management concerns and risks attached to the effective operation, either financial or operational. The aim was to audit services and schools on a sample basis, so that the whole service and all schools were provided with an opinion on the effectiveness of the operation of the control framework. He explained that the Children, Families and Schools Sub-Committee were informed as part of a "trigger" mechanism and that the audits were carried out to ensure that schools met all basic standards.

15.3 The Director of Children, Families and Schools explained in answer to questions that the frequency with which schools were audited was dependant on the results of previous audits and were designed as a mechanism for targeting specified areas. Schools where there were good control mechanisms in place were audited less frequently. In answer to further questions it was explained that whilst the Chair of individual schools governing bodies would be aware of the content and frequency of audits, how this information was percolated to the governing body as a whole was at the Chair's discretion. Whilst the governance arrangements of schools were looked at on a financial basis.

15.4 **RESOLVED** – That the contents of the report be noted.

## **16. SUMMARY OF OFSTED REPORTS FOR THE SUMMER TERM 2004**

16.1 The Panel considered a report of the Director of Children, Families and Schools concerning the outcome of the school Ofsted Inspections which took place in the Summer Term 2004 (for copy see minute book).

16.2 The Assistant Director, Quality, Standards and Leadership explained that although three inspections had occurred during the Summer Term only one inspection report had been received prior to the meeting. The others would be placed before the Panel at its next meeting. Members were pleased to note the areas where positive improvements had been effected. A one-to-one discussion was due to take place with the Head in the near future as follow up from the inspection. As far as identified 'weaknesses' were concerned these related to timetabling issues and the need to achieve a better balance of subjects and how to look at how a wider provision could be made. The issue relating to long-term staff absence had been addressed. Members were pleased to note that the provision of religious education within schools was now included in Ofsted reports.

16.3 **RESOLVED** – That the contents of the report be noted.

### **One off Reports**

## **17. PROVISIONAL OUTTURN REPORT 2003/2004**

17.1 The Panel considered a report of the Director of Finance and Property setting out the provisional outturn position for 2003/2004 for the General Fund and Housing Revenue Account, which is subject to external audit (for copy see minute book).

17.2 In answer to questions the Director of Children, Families and Schools explained that overall due to strong management strategies the budget had been managed well and overspends had been offset by increased savings from vacancy management. There had been an overspend on Home to School Transport as a result of increased numbers of pupils and transport costs although these had been mitigated by improvements to the

purchasing process.

17.3 **RESOLVED** – That the contents of the report be noted.

## **18. CAPITAL PROGRAMME 2004/05**

18.1 The Panel considered a report of the Director of Children, Families and Schools concerning the allocation of funding available in the Capital Programme, under the New Pupil Places (Basic Need) cost centre, for 2004/05 (for copy see minute book).

18.2 In answer to questions relating to the tender process and whether or not independent advice was sought in arriving at guide figures when tenders were set, the Director explained that a great deal of research went into devising these figures. Generally these figures were accurate unless a delay occurred in the process. Figures were regularly updated but it was sometimes difficult to build in all such potential fluctuations due to the complexity of some projects.

18.3 The Panel were disappointed to note that funding had not been secured for enhanced library and study facilities at Cardinal Newman School. The Director confirmed that the project had been fully supported by the LEA and that a careful and well constructed bid had been put together. The competition within the bidding process was stiff and the number of applications made far out-stripped the available funds. There seemed to be a trend against giving grants across the south-east and it was envisaged that this could continue over future years. As the school had had considerable success in raising funding themselves it had been considered appropriate to offer assistance to the school to enable them to provide this facility.

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

## **19. CHILDREN, FAMILIES AND SCHOOLS DIRECTORATE DEVELOPMENT PLAN 2004/05**

19.1 The Panel considered a report of the Director of Children, Families and Schools presenting the Directorate's Development Plan covering April 2004-October 2005 (for copy see minute book).

19.2 The Director of Children, Families and Schools explained that the current DDP had been written alongside the more detailed team plans for the various teams in the directorate and the action plan and took into account the various services plans, both statutory and non-statutory for which the directorate also had responsibility. It also incorporated the various agreed procedures as a follow up to various audits of parts of the services.

19.3 **RESOLVED** –That the contents of the Directorate Development be approved and noted.

## 20. NURSERY EDUCATION REVIEW

20.1 The Panel considered a report of the Director of Children, Families and Schools concerning a review of nursery education being carried out as agreed by the Children, Families and Schools Sub-Committee on 14 June 2004 (see minute book).

20.2 The Assistant Director explained that following consideration by Children, Families and Schools Sub-Committee on Sure Start and Children's Centres agreement had been given to review nursery education provision across the City, in the light of the new context for early years education and the move towards greater integration with childcare. The review would be carried out as part of the Directorate Development Plan and Children's Trust work programme and would contribute to the development of integrated children's centres across the City and the wider Sure Start agenda for the under 5's.

20.3 **RESOLVED** – That the contents of the report be noted and that it be noted that the review will be submitted to the Panel for information following submission to the Children, Families and Schools Sub-Committee in early 2005.

### Policy Advice Information

## 21. DFES FIVE YEAR STRATEGY FOR CHILDREN AND LEARNERS

21.1 The Panel considered a report of the Director of Children, Families and Schools concerning the Government's recently published 'Five Year Strategy for Children and Learners' (July 2004) (see minute book).

21.2 The Director of Children, Families and Schools explained that the document represented one of a number of key five year strategy documents on different areas of public policy produced in the summer of 2004 and served to bring together a number of strands of work and gave an extra emphasis to some of them as a way of signalling the Government's strategic direction of the next five years.

21.3 Mr Myers referred to initiatives which appeared to be afoot as part of the modernisation agenda which were moving towards a role for the LEA as an assurer of services than the provider and sought clarification of this LEA's stance. The Director referred to his article, which had been submitted to the national press and had set out some of the key issues. At present a number of key issues remained to be discussed and resolved. Mrs Messenger referred to moves towards specialist schools querying how schools without Sixth Forms could fit into that framework. The Director responded that in principle each/any proposals would be considered on their merits and would need to fall within the remit of the LEA framework. Whilst 'specialism' was generally welcome it was important to avoid polarisation between schools.

21.4 The Director confirmed that the formal consultation process had begun and detailed discussions had commenced with Headteachers, governing bodies and other partners in response to the strategy.

21.5 Members commended the Director on his article, which set out the areas that needed to be resolved in depth in a considered yet concise way.

21.6 **RESOLVED** - That the contents of the report be noted and that Members wait to receive further updates as the local authority's response to the strategy is developed in conjunction with schools and other partners.

### **Scrutiny Requests**

## **22. COMART PFI SCRUTINY PANEL**

22.1 The Scrutiny Support Officer gave an oral progress report on the COMART PFI Scrutiny Panel. She explained that following the setting up of the Panel an initial meeting had been held following which Members had considered the preliminary information they required. A large tranche of papers had been prepared and circulated for consideration and further meetings had been arranged.

22.2 Following the death of Mr Magrath a vacancy had arisen and following discussion with the Chair and Deputy Chair, Mrs Antonio had been approached (following her initial expression of interest) and had agreed that she was willing to fill the vacancy. A further vacancy had subsequently arisen as Councillor Lepper had decided to step down from the Panel. Councillor Hamilton the Chair had agreed to fill that vacancy. Filling of both vacancies needed to be formally ratified by the Panel.

22.3 The Deputy Chair wished to put on record her gratitude and that of the Panel to both Mrs. Antonio and the Chair for agreeing to take on these vacant positions particularly bearing in mind that both had a number of other commitments and responsibilities. The Panel concurred in that view.

22.4 **RESOLVED** - That the position be noted and that the two extant vacancies on the Sub-Committee be filled by Councillor Hamilton and Mrs Antonio respectively.

## **PART TWO**

## **23. TO CONSIDER WHETHER OR NOT ANY OF THE ABOVE ITEMS SHOULD REMAIN EXEMPT FROM DISCLOSURE**

23.1 **RESOLVED** – That none of the items remain exempt from disclosure to



the press and public.

The meeting concluded at 7.10 pm

Signed

Chair

Dated this

day of

2004