

BRIGHTON & HOVE CITY COUNCIL
CHILDREN, FAMILIES & SCHOOLS COMMITTEE

4.00pm 11 SEPTEMBER 2023

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ

MINUTES

Present:

Councillors: Helliwell (Joint Chair), Taylor (Joint Chair), Hamilton (Deputy Chair), Shanks (Opposition Spokesperson), Alexander, Allen, Daniel, Goddard, Goldsmith and Hogan

Co-opted Members: Lesley Hurst (Diocesan Director of Education), Adam Muirhead (Community Works Rep), Simon Parr (Catholic Diocese) and Becky Robinson (PaCC)

Standing invitees: Molly Brailsford and Matilda Whisker (Youth Council Representatives)

PART ONE

14 Procedural Business

(a) Declarations of Substitutes

14.1 Cllr Alexander substituted for Cllr Mistry.

b) Declarations of Interest

14.2 There were none.

(c) Exclusion of Press and Public

14.3 There were no Part Two Items and so the press and public were not excluded from the meeting.

15 Minutes

15.1 **RESOLVED:** That the minutes of the meeting held on 12 June 2023 were agreed as a correct record.

16 Chair's Communications

16.1 The chair delivered the following communication:

This is my first chair's comms and I wanted to start by congratulating the amazing children we have in our excellent primary and secondary schools. Their hard work and

dedication has meant they achieved better than UK average A level results, while GCSE results are significantly above the pre-pandemic results of 2019. These excellent results are despite the very difficult challenges young people – and their parents – have faced over the past four years. I'd like us to give a round of applause to each and every one of our students and wish them the best of luck on the next stage of their lives.

I'd also like to thank our schools and all the teaching and non-teaching staff for their commitment and dedication to fulfilling the potential of our city's young people. Sadly though, we also have to acknowledge there are still significant disadvantages for certain sections of our varied and diverse communities. Following on from full council, we're bringing today a paper to include being a care leaver as a protected characteristic which will support the council's duties as a Corporate Parent.

Poverty is also a significant factor in the inequality of educational outcomes and as a report in The Guardian shows more than half of children who grew up in the most deprived households hold qualifications of only up to GCSE level or below. On the other hand, almost half of those from the richest households have graduated from university. As a council we're committed to working with schools to try to find ways to bridge that gap.

I would like to thank officers for working so hard with us over the summer to seek new ways that we can support schools which we will bring to the committee in later sessions. In Brighton the birth rate is falling which means there are fewer children starting school this September than last and this will be true in subsequent years. Every empty place puts pressure on school budgets as the Government again asks schools to do more with less money. We acknowledge that falling numbers are putting pressure on schools and their budgets and we will seek to support schools wherever possible. Councillor Taylor and myself are looking forward to visiting many schools and seeing the excellent work they're doing and the different ways they're supporting their students in these tricky fiscal times.

It's also appropriate that I thank the emergency services and school staff for their rapid response to a fire at Carden School during the holidays which ensured that only one classroom was damaged and so the school was able to open as normal last week.

As I'm sure you're aware, we recently took the Home Office to court in a bid to stop the Government from routinely placing unaccompanied asylum-seeking children in hotel. The High Court declared it is indeed unlawful. It was a huge victory for this council. Despite the judgement, the Home Office refuses to rule out using the city's hotels again, instead saying they will only use it as a last resort. We are therefore being forced to continue live litigation, with the case in in the High Court this Friday 15 September, and will look to bring a paper to committee in November.

17 Call Over

- 17.1 All items were reserved for discussion.

18 Public Involvement

(a) Petitions

18.1 There were no petitions.

(b) Written Questions

18.2 Jenny Smith presented Gary Vallier's question, which can be found on page 13 of the agenda, to the Committee.

The chair provided the following response:

The council already encourages all schools to share their curricula and resources with parents and carers. Whilst it may not always be possible to publish all resources due to commercial reasons, schools are encouraged to provide information through parents and carers meetings where materials can be examined and discussed. This ensures that parents and carers are able to view all curriculum materials, as per the DfE request.

Jenny Smith asked the following supplementary question:

The Secretary of State's letter went on to state, 'this includes cases where an external agency advises schools that their materials cannot be shared due to restrictions and commercial law or a schools contract with the provider prohibits sharing material beyond the classroom.' I'm sure you agree that its reasonable for parents to view materials in relation to sensitive topics. Do you agree that when an activist group enters a school, purporting to have qualified expertise, and proceeds to instruct children in beliefs about gender presented as though they were facts, potentially serving to influence adolescent girls, some autistic, to socially transition and ponder medical inventions. Parents are rightly concerned and must therefore be given full access to the nature of this instruction and all associated materials.

The chair provided the following response:

As I've previously stated, we encourage schools to share their curricula and resources with parents and schools may not be able to publish it, but through parents and carers meetings, all materials can be shared and examined and discussed.

18.3 Lesley Hammond presented their question, which can be found on page 5 of addendum 1, to the Committee.

The chair provided the following response:

The Trans Toolkit provides advice for schools in developing policies and approaches to support children and young people who have a different understanding of their gender to those around them. It recognises that every child and young person's view, experience, needs and journey will be different and therefore is not steering toward a single outcome. It is clear in the underlying principles that there is no desire to steer but to allow all children and young people to be able to explore their own and others understanding of gender identity without discrimination or prejudice, with signposting to the help they need to make the right decisions for them. The Toolkit provides comprehensive information to help school leaders make the best decisions in creating safe learning environments to reduce and prevent potential harm. The Toolkit signposts

schools to the statutory guidance on safeguarding. It provides clear guidance on how trained staff can safely support trans and gender exploring children and young people on a case-by-case basis, and whenever possible, in discussion with their parents and carers.

Lesley Hammond asked the following supplementary question:

When councillors have previously been asked by the public, if parental complaints about social transitioning in schools exist, we've been denied answers, told no and the leaders claimed that these are baseless smears. However, a member of the parliamentary Education Select Committee is now on record referring to Brighton parents who have raised complaints about schools social transitioning their children and also introducing their children to trans affirming GPs. These parents have escalated their concerns to Ofsted, so they must be recorded in the Brighton system. The Education Select Committee has seen these complaints, so either the officers and elected members don't know they exist and have no grip on the situation, or they're hiding them, so can you tell me which it is?

The chair referred the question to the Committee Lawyer who provided the following response:

The Council needs to be extremely careful in circumstances like this, not to reveal personal information which would go towards revealing the identity of a young person or family, who are entitled to their privacy. This is not information that should be generally available to members of the public. The other thing I need to be clear about is that schools are responsible for their own complaints to schools, this is not necessarily information the local authority has and so I think that's as far as we can go today without being more specific about what is needed as it relates to the Council, as opposed to every school that comes within the city.

- 18.4 Simone Birch presented their question, which can be found on page 6 of addendum 1, to the Committee.

The chair provided the following response:

The Council held weekly meetings with the contractor up to Director level at Cosmur once the project started on site. Despite the concerns we raised we were assured by the contractor that the deadline for Phase 1 work would be achieved. Unfortunately, the design team were only told on 13 August 2023 that this would not be the case.

As soon as the contractor confirmed that they would not be able to meet the deadline we have worked with the school and the Council's SEN team to move quickly to identify and prepare an alternative premises for the pupils, which parents and carers have now had the opportunity to visit.

This is an unusual situation and our experience is that building projects are, on the whole, delivered on time. Therefore, we didn't anticipate this delay or the impact of external market forces. However, we have learnt from this experience and will apply this learning to future projects.

We recognise how difficult this must be for the families concerned and I want to reassure you that the SEN Team has worked closely with the school who have liaised with the parents and carers to ensure that all of the children are receiving education, and that we are doing everything possible to limit the impact of the changes on the young people themselves.

It has been agreed that a weekly report on building progress will be shared with parents who have children on roll at the Hive, shared by the school.

Simone Birch asked the following supplementary question:

What was it that was being discussed at these weekly meetings that the Council was so taken by surprise in the middle of August that the site was nowhere near ready?

The chair provided the following response:

So, we were given those assurances in these meetings that it would be delivered on time and unfortunately as soon as we found out that it wasn't able to be delivered on time, we did everything we could to put in some mitigating factors and parents will now have a weekly update on how the building work is progressing.

(c) Deputations

- 18.5 Aideen Smith-Watson presented their deputation, which can be found on page 6 of addendum 1, to the Committee.

The chair provided the following response:

Thank you for raising your concerns directly to the Committee. Whilst the Council is rightly proud of the outcome of the SEND inspection and the culture of inclusivity in the city, the accurate and timely assessments of children and young people's needs and the strength of co-production in the city, we also recognise the need to work quickly on developing the alternative provision offer to pupils, ensuring it meets their special educational needs and to cut down the wait for a specialist school place, when this is required.

Fundamentally we must ensure that we protect our children and young people. Therefore, first and foremost, if a family is concerned that the educational provision places their child at risk then I would ask that they make contact with officers directly so that the offer made can be re-assessed. Families should contact their usual link but otherwise send a message directly to the Front Door for Families details for which are available online or phone 01273 290 400 or email FrontDoorforFamilies@brighton-hove.gov.uk.

We are clear that helping to improve the offer of Alternative Provision will require schools, families and the council all working together to ensure that what is available meets the needs of pupils and supports their education and longer-term aspirations. We have started the discussion with schools and are rightly proud that there is a clear recognition of the need for all of the city's pupils to have a sense of belonging. Our work

in developing an inclusion charter has had the engagement of PaCC but this work needs to be extended and involve more parents.

Because we are working in an environment of limited budgets, conflicting priorities and the impact of the pandemic, amongst other things, we need to ensure that what we do is right for the longer term, is cost effective and takes account of the provision we have available at this time. Homewood College remains under an Academy Order but the DfE have not been able to deliver a new solution. We have additional places for children and young people this year in The Hive but this has been delayed to issues associated with the construction company that you heard about earlier. The Council are having to look outside the city for maintained special provision but across the region local authorities are at capacity.

The Council recognises that whenever a child's provision no longer meets their needs a personalised package of support should be put in place until the correct provision can be identified especially for those pupils who have Education Health and Care Plans. And whilst not ideal, in reality, there are lengthy timescales involved in securing new places for more specialist provision. In the meantime, the Council seeks to work proactively with the pupil's current setting to ensure continuity of education for the pupil including additional funding where appropriate.

As a Council we are facing unprecedented budget pressures and we need to ensure that we take a measured approach to using our budget effectively. We are committed to providing the resource to develop and enhance Alternative Provision in the city but we must also ensure that the council lives within its means. We are in the process of beginning the recruitment process to support the commissioning of Alternative Provision but it will take time to get the right person in post.

The Council agrees that we must all come together as a community to address the issues around suitable educational support for all vulnerable children. The Council is taking action to do this and I will ask officers to make direct contact with you so that you can discuss the progress being made and the steps you consider are needed going forward.

RESOLVED: That the Committee agreed to note the deputation.

19 Items referred from Council

19.1 There were no items referred from Council.

20 Member Involvement

(d) Petitions

20.1 There were no petitions.

(e) Written Questions

20.2 Cllr Shanks presented her question, which can be found on page 15 of the agenda, to the Committee.

The chair provided the following response:

Thank you, Cllr Shanks, for your question. I'd like to take this opportunity to wish all those children and their families starting school for the first time our best wishes, knowing they are attending schools that deliver a high-quality education across our city.

There are currently a total of 369 unfilled places in reception intake for September 2023, which is 14% of the total places available. Numbers can and do fluctuate and so we use the school census in early October as the formal number of take up of places. This data informs our forecast of pupil projections in future years and will be available to the Committee when admission arrangements for September 2025 are determined by this Committee in January 2024.

The data in the October census also informs school's funding allocations for the next financial year 2024/25. The DFE has established School Resource Management Advisers to support schools and local authorities to help schools operate as efficiently as possible. It is a free service, funded by the Education and Skills Funding Agency. We will be working with the School Resource Management Advisers going forward to support efficiency across primary schooling in the city.

The council has already set its admission arrangements for September 2024 and parents can start applying for school places from now. We will continue to liaise with schools on the number of primary places available next September to avoid excessive amounts of unfilled places. For example, a variation to a schools' published admissions number might be made so that they take in a reduced maximum number of children.

At Committee today, we have a report on the proposals to bring Hertford Infant and Junior school together from September 2024. This demonstrates our commitment to working with the city's schools to ensure efficiency across primary schooling. In November, the Committee will receive details of the proposed consultation on our admission arrangements for September 2025. Both myself and Cllr Taylor have been meeting Headteachers and Chairs of Governors to discuss what proposals need to be put forward and to hear what their initial views are and to consider any alternative options. Some of these may be possible to bring forward for September 2024 and we will receive more details at November's Committee meeting.

Cllr Shanks asked the following supplementary question:

Yes, I recognise the issue. I suppose in terms of, you know, the numbers of families in the city and numbers of children going down, which is to do with lots of other factors, I wonder if closure of schools is one of the options you will be considering?

The chair provided the following response:

As I say, Cllr Taylor and I are visiting many heads and many Chairs of Governors and we will be talking to them about arrangements that we may have going forward and we will bring these arrangements in November's Committee meeting.

- 20.3 Cllr Goldsmith presented her question, which can be found on page 15 of the agenda, to the Committee.

The chair provided the following response:

Yeah so, I think I covered quite a lot of that earlier on in the meeting but the council are working closely with the contractor on this project since the contract was awarded. Unfortunately, we were only told on 13 August 2023 that Phase 1 works were not going to be completed in time for a September start and that had been despite regular assurances from the contractor up to that time that the deadline would be achieved. As soon as the contractor confirmed that this was the case, we have worked with the school to identify and prepare alternative premises for the pupils. We have also been working with Directors of the contractor to obtain a programme for completion of the works that all parties can have confidence in.

The project is in three phases, the delay is in phase 1 and has been as a result of extended lead in times for windows and doors, which is currently an industry wide issue. The contractor is currently reporting a delay to the delivery of steelwork for the new build element into early 2024, with phase 3 being complete by the end of March 2024.

The contractor has undertaken to put together a programme to completion which we are due to share in September and we will continue to work closely with the contractor to ensure that they meet the revised programme. We will insist that company Directors attend the progress meetings, held at least monthly, and that they flag up any delays to us as soon as they become aware of them. We will continue to monitor progress on site in our role as Employers Agent and it has been agreed that a weekly report on building progress will be shared with parents who have children on roll at the Hive.

Cllr Goldsmith asked the following supplementary question:

Could that report also be shared with councillors possibly as I think I might be helpful for us to look at it as well. I also wanted to ask, because Cosmur did declare bankruptcy, or at least self-insolvency in May this year, and I was just wondering how quickly the council were aware of that and if the council did anything to mitigate the impact of that and whether other options at the time were considered?

The chair provided the following written response following the Committee:

I am happy that we share the monthly progress reports with councillors for the project.

The Council became aware of Cosmur's financial difficulty at the end of April 2023 through a non-attendance on site by a sub-contractor. We immediately undertook an investigation and sought support and advice from our colleagues throughout the council and our partners to support next steps. Cosmur informed us they were taking the route of a company voluntary agreement (CVA) in order to continue trading as they had suffered delayed financial harm from the current market instability (COVID, war in Ukraine and Brexit).

Historically there had been 2 roughly equal parts to their business; the major refurbishment element and a new build element. The issue for their business was

around the new build element and that the issue with this side of the business had started to impact on the major refurbishment element (the part that the Hive Project was procured through). To mitigate the impact of the one on the other, they had been working with a restructuring specialist to close down the new build element of the business to protect the major refurbishment side. Entering in to a CVA was the best route to consolidate the position. They had been working with their creditors for some time prior to the Council being aware and agreement to the CVA was reached on 11 May 2023.

We considered this information in respect of The Hive project and how best to continue. The only option, other than continuing with Cosmur, would have been to terminate the arrangement with Cosmur and seek an alternative contractor. This would have meant a delay to delivering the project of at least a year while we re-tendered the project. It could also have resulted in a significant increase in costs because of the current high rate of inflation. Finally, there was a possibility that Cosmur could take legal action against the council for terminating the agreement since they had not technically become insolvent.

In light of these facts, we decided that the best course of action was to continue the project with Cosmur.

- 20.4 Cllr Goldsmith presented her question, which can be found on page 15 of the agenda, to the Committee.

The chair provided the following response:

We are aware that it is becoming increasingly challenging for families of children and young people with disabilities to identify and access a suitable club for their child to attend in the school holiday periods. It would be difficult to undertake an audit of holiday provision at this time as our main provider, Extratime, will be winding up their organisation from the end of October 2023, therefore we will be in a period of transition.

To ensure that we have a new holiday offer in place by Easter next year, we are working with parents/carers through a short breaks working group and engaging with specialist providers from across Sussex. To identify any potential gaps in our future commissioning of short breaks, PaCC have agreed to co-produce a survey to go out to parents/carers by the end of September so that we have all of the necessary information ready to start the commissioning process for the new offer in November this year.

(f) Letters

- 20.5 There were no letters.

(g) Notices of Motion

- 20.6 There were no notices of motion.

21 Protected Characteristics for Care Experienced Young People

- 21.1 The Assistant Director – Safeguarding & Care introduced the report which gave a view to the Council adopting a policy so that Care Experience was treated as if it were a Protected Characteristic.
- 21.2 Cllr Daniel queried how the impact of the policy would be measured and the role of the Corporate Parenting Board in reviewing the impact.
- 21.3 Mr Muirhead sought reassurances on if care-experienced children included those adopted from care.
- 21.4 Cllr Taylor requested further information on the wider work that was being undertaken to support care experienced children and young people, such as employment and apprenticeships.
- 21.5 Cllr Shanks raised questions about housing issues for care experienced children and families, the support available to them and the lack of inclusion of considerations for care experienced children in the equality impact assessment for disability provision.
- 21.6 Cllr Daniel queried how genuine collaboration would be undertaken with the voluntary and charity sector and Police and Crime Commissioner, given the increased likelihood of criminalisation for care experienced young people.
- 21.7 The chair requested that a report was brought back in 12 months to update the Committee on the progress of the work.
- 21.8 **RESOLVED:** That the Committee agreed –
- i. That Care Experience is adopted as a protected characteristic by Brighton and Hove City Council.
 - ii. That all Equalities Impact Assessments and Committee reports will consider the implications for children in care and those with care experience, to support the Council's duties as a Corporate Parent.

22 Proposal for the future delivery of After School Clubs for children and young people with a disability

- 22.1 The Assistant Director – Health SEN & Disabilities, Executive Head of Hill Park School and Consultant for SEND-based services introduced the report which outlined the proposal for the running of after school clubs for children and young people with a disability in the city through the two special schools Hill Park and Downs View.
- 22.2 Cllr Shanks raised questions regarding the financial implications, if other provision options were explored and if costs for school transport were covered.
- 22.3 Mr Muirhead raised questions on Extratime's role in providing youth work provision and the role of the broader community of stakeholders, ensuring SEND children and young people in the city could access youth work, Extratime's commissioning issues and what assurances could be given to community and voluntary sector organisations that this wouldn't reoccur.

- 22.4 Cllr Goddard praised the proposed model and raised points about the lessons learned from the process and how the provision would help to support an increased number of children and young people with disabilities for the same cost.
- 22.5 Ms Robinson raised points about the closure of Extratime and the support they had provided to families within the city, children and young people with SEND who attend mainstream schools and holding discussions on afterschool clubs at the Hive.
- 22.6 Cllr Hamilton queried if Extratime were running the after-school clubs until October, if there would be a holiday scheme in the October half-term and who would be providing that.
- 22.7 Cllr Goldsmith queried how the reduction in days the provision was offered would be monitored and requested details of the staffing ratio, admissions policy and eligibility.
- 22.8 **RESOLVED:** That the Committee –
- i. Agreed to the proposal of re-commissioning the after school clubs through the two special schools Hill Park and Downs View schools. This would be a new model of delivery and commissioned through a service level agreement (SLA) as both schools are maintained through the local authority. The SLA would be for an initial term of three years with the option to extend for a further period of up to two years, subject to good performance.

23 Strategic Risk 15 Annual Progress Update

- 23.1 The Service Manager - Directorate Policy & Business Support introduced the report which provided an update on progress on the actions that the Council was taking to mitigate the risk around 'Keeping Children Safe from Harm and Abuse' (Strategic Risk 15).
- 23.2 Cllr Shanks queried what the main reasons were for the risk being reduced.
- 23.3 Cllr Goldsmith raised a question about independent assurances.
- 23.4 **RESOLVED:** That the Committee –
- i. Noted Appendix 1, which detailed the strategic risk and current mitigating controls and actions being taken.
 - ii. Noted Appendix 2, which provided a guide to the risk management process and guidance for Members to input in the process.
 - iii. Agreed to make any recommendations for further action(s) to the risk owner, the Executive Director, Families, Children & Learning.

24 Proposals for the future of Hertford Infant and Hertford Junior Schools

- 24.1 The Head of School Organisation introduced the report which provided an update on the outcome of the recent public consultation in relation to Hertford Infant School and

Hertford Junior School becoming a single school and sought approval to proceed to the next stage of the statutory process, which was the publication of Statutory Notices.

- 24.2 Cllr Taylor raised questions on the impact of falling pupil numbers on funding and the education offer, both in the context of Hertford Schools and more broadly.
- 24.3 Cllr Goddard sought reassurances on the data around falling birth rates in the city and some perspective on the effects for the school eco-system.
- 24.4 Cllr Goldsmith raised questions on the questionnaire and low response rate and why no equality impact assessment was undertaken.
- 24.5 Cllr Shanks raised points about people moving out of Brighton & Hove due to the cost of living.
- 24.6 Cllr Taylor raised points about building affordable housing and the effects of how expensive Brighton is.
- 24.7 **RESOLVED:** That the Committee –
- i. Noted the responses to the consultation undertaken regarding the proposal to create a one form entry Hertford primary school on one site and for this to be implemented by relocating Hertford Infant School to the junior school site and extending the age range to pupils aged 4-11 years.
 - ii. Agreed to the publication of the required Statutory Notices to progress this proposal.
 - iii. Noted that following the statutory notice period the matter is referred back to the meeting of the Children, Families & Schools Committee on 6 November 2023 for a final decision.

25 Items referred for Full Council

- 25.1 No items were referred to the next meeting of Council.

The meeting concluded at 5.45pm