





Brighton & Hove
City Council

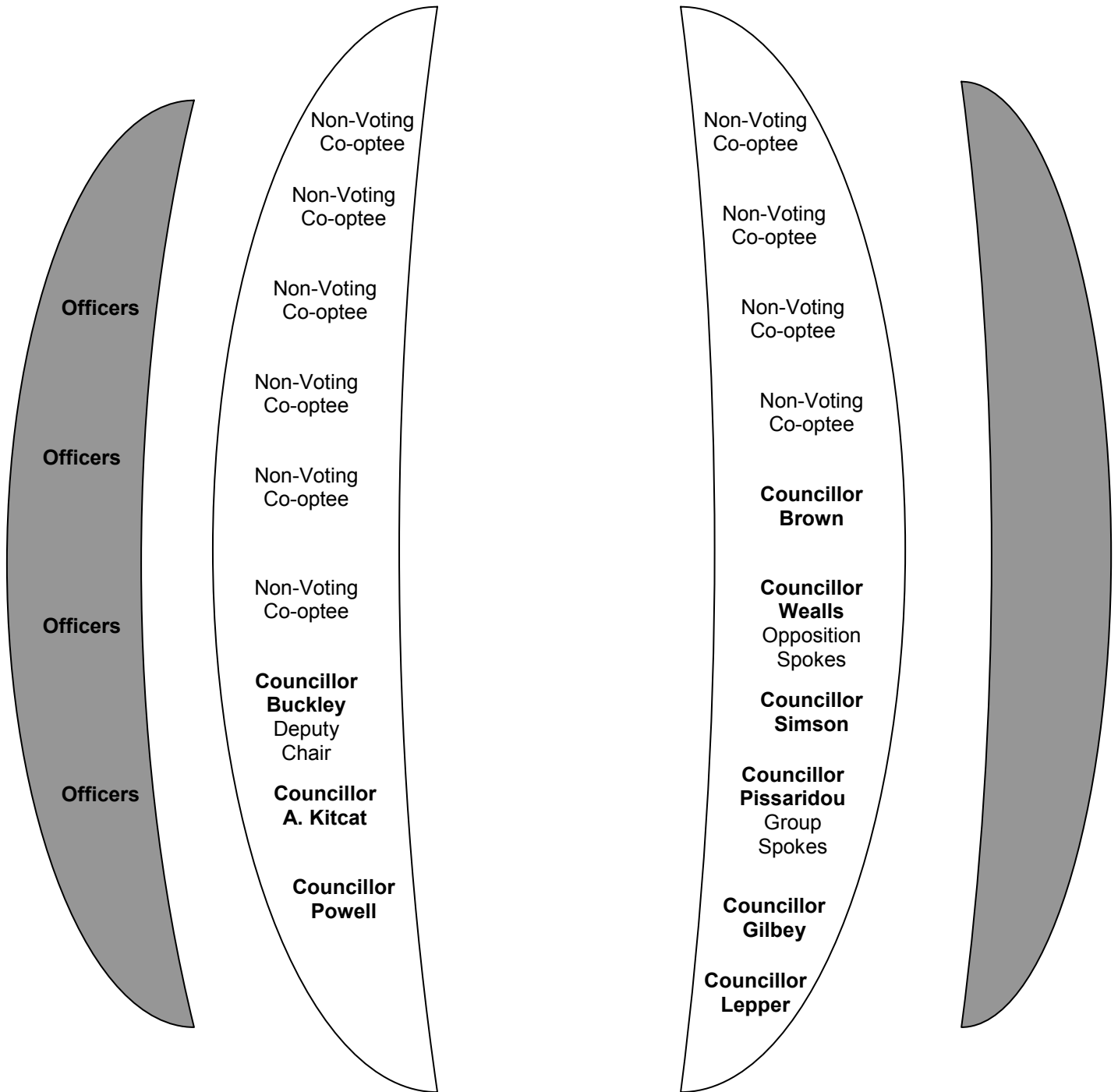
Children & Young People Committee

Title:	Children & Young People Committee
Date:	18 November 2013
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Shanks (Chair), Buckley (Deputy Chair), Wealls (Opposition Spokesperson), Pissaridou (Group Spokesperson), Brown, Gilbey, A Kitcat, Lepper, Powell and Simson
	Co-opted Members: Clinical Commissioning Group (1 clinical and 1 executive), Police Representative; Chair, Local Safeguarding Children Board; Chair, Learning Partnership; Youth Justice Board Representative; Parent Forum; Sussex NHS Community Health Trust; Youth Council (2); Community and Voluntary Sector; CAHMS
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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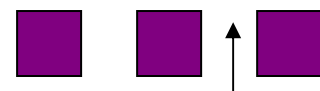
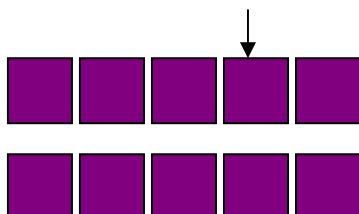
Democratic Services: Children & Young People Committee

Executive Director of Children's Services	Councillor Shanks Chair	Legal Officer	Democratic Services Officer
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Presenting Officer & Public Speaker	Presenting Officer & Public Speaker
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Public Seating



Press

AGENDA

37. PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

38. MINUTES

1 - 20

To consider the minutes of the meeting held on 14 October 2013 (copy attached).

39. CHAIR'S COMMUNICATIONS

CHILDREN & YOUNG PEOPLE COMMITTEE

40. CALL OVER

- (a) Items (41 – 47) will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

41. PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on 11 November 2013;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on 11 November 2013.

42. MEMBER INVOLVEMENT

To consider the following matters raised by Councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

43. SELF MANAGED LEARNING COLLEGE (SMLC) 21 - 38

Report of the Executive Director, Children's Services (copy attached)

Contact Officer: *Ellen Mulvihill/ Maggie Baker* Tel: 29-3760

Ward Affected: *All Wards*

44. FREE CHILDCARE FOR TWO YEAR OLDS: CAPITAL PLANS 39 - 44

Report of the Executive Director, Children's Services (copy attached)

Contact Officer: *Vicky Jenkins* Tel: 29-6110

Ward Affected: *All Wards*

45. EARLY YEARS AND CHILDCARE: ROLE OF THE LOCAL AUTHORITY 45 - 50

CHILDREN & YOUNG PEOPLE COMMITTEE

Report of the Executive Director, Children's Services (copy attached)

Contact Officer: Caroline Parker Tel: 29-3587
Ward Affected: All Wards

46. SCHOOL STANDARDS AND ACHIEVEMENT: ANNUAL REPORT 51 - 74

Report of the Executive Director, Children's Services (copy attached)

Contact Officer: Hilary Ferries Tel: 29-3738
Ward Affected: All Wards

47. ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 12 December 2013 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

PART TWO

48. FREE CHILDCARE FOR TWO YEAR OLDS CAPITAL PLANS - EXEMPT CATEGORY 1 75 - 80

Appendices to Item 44 on the agenda – Report of the Executive Director, Children's Services (circulated to Members only)

49. PART TWO PROCEEDINGS

To consider whether the items in Part Two of the agenda and decisions thereon should remain exempt from disclosure to the press and public.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on

CHILDREN & YOUNG PEOPLE COMMITTEE

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For further details and general enquiries about this meeting contact Penny Jennings, (01273) 291065, email penny.jennings@brighton-hove.gov.uk or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Friday, 8 November 2013

BRIGHTON & HOVE CITY COUNCIL

CHILDREN & YOUNG PEOPLE COMMITTEE

4.00pm 14 OCTOBER 2013

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Shanks (Chair) Buckley (Deputy Chair), Wealls (Opposition Spokesperson), Pissaridou (Group Spokesperson), Brown, Gilbey, A Kitcat, Lepper, Powell and Simson

Non Voting Co-Optees : Graham Bartlett, Chair, Local Safeguarding Children Board; Rachel Travers, Amaze; Eleanor Davies, Parent Forum; Paul Belluscio, Youth Council and Bethan Winstanley, Youth Council

PART ONE

20. PROCEDURAL BUSINESS

20(a) Declaration of Substitutes

20.1 There were none.

20(b) Declarations of interest

20.2 Councillors Simson and Wealls declared personal but not prejudicial interests in Item 32 by virtue of their positions as trustees of Impact Initiatives, which provides services as lead organisation in the Youth Collective.

20 (c) Exclusion of Press and Public

20.3 In accordance with section 100A of the Local Government Act 1972 ("the Act"), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential

information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100(I) of the Act).

- 20.4 **RESOLVED**- That the press and public be excluded from the meeting during consideration of Item 26, the Self Managed Learning Centre (SMLC).

Note - Members did not consider the exempt appendix when considering the above report as ultimately they did not make a decision thereon at that meeting.

21. MINUTES

21 .A MINUTES OF THE MEETING HELD ON 3 JUNE 2013

- 21.1 It was noted that paragraph 1.1 of the minutes ought refer to Councillor Geoffrey Bowden being present in substitution for Councillor Stephanie Powell.
- 21.2 **RESOLVED** - That subject to the amendment set out above the Chair be authorised to sign the minutes of the meeting held on 3 June 2013 as a correct record.

21 .B MINUTES OF SPECIAL MEETING HELD ON 16 JULY 2013

- 21.3 Councillor Pissaridou referred to paragraph 17.11 stating that she felt it should be expanded to reflect the comments she had made in more detail. She had requested confirmation and legal guidance regarding whether the decision to fund SMLC had been a Committee decision and had also sought legal advice regarding equality issues. The Chair, Councillor Shanks, stated that she had confirmed that the Committee did not exist at the time that the decision had been taken by the previous Strategic Director under his delegated powers as at the time as set out in the report the Local Authority had been able to claim any monies back from the Department of Education (DfE).
- 21.4 Councillor Kitcat referred to paragraph 17.14 of the minutes stating that she had requested that the language in the report should be "tightened" to make the position regarding past arrangements and future options absolutely clear, highlighting that she did not consider that had been done. She considered that the report before Committee that day still failed in that respect. Language used in the report continued to be misleading, for instance that any decision by the LEA would not result in closure of this establishment which was not a school.
- 21.5 **RESOLVED** - That subject to the amendments set out above the Chair be authorised to sign the minutes of the special meeting held on 16 July 2013 as a correct record.

22. CHAIR'S COMMUNICATIONS

GCSE Results

- 22.1 The Chair stated that she was pleased to note that GCSE results had continued to improve as evidenced by the results that summer commending the measures detailed in the suite of reports appearing under Item 28 on that days agenda which focused on closing the gap in educational achievement for vulnerable groups in the city.

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

23. CALL OVER

23.1 All of the reports on the agenda were called for discussion with the exception of Item 33, Terms of Reference for Cross Party Working Group on School Organisation. The recommendation set out in the report was agreed without discussion.

24. PUBLIC INVOLVEMENT

24(a) Petitions

24.1 There were none.

24 (b) Questions

24.2 Ms Wilson was called forward to put her question.

“Would the Council agree that Acts of Parliament have confirmed that education for children should be at school ‘or otherwise’ and that, in the context of such specification, there is no mention of ‘otherwise’ as being solely home education and nothing else? (Note – in making reference to ‘Acts of Parliament’ we mean solely legislation enacted by Parliament and not guidance notes, letters, etc. that may have come from Government departments).”

24.3 The Chair responded in the following terms:

“The statute regarding the legal basis by which a parent must ensure their child is educated is very clear. There are essentially two options:

Under S7 Education Act 1996 the parent of every school age child shall cause them to receive “efficient full time education, suitable to their age and aptitude and any special educational needs they may have” – either by :

- attendance at school, OR
- by “education otherwise”.

These are the only options in law.

The concept of “education otherwise” is more commonly described as home education because if a parent does not enrol their child in a registered school, they are responsible for ensuring they receive efficient full time education.

How this is done is a matter for the parent but it is commonly described as home education, it does not mean that all the education provided needs to take place at home.

The interpretation of the term “education otherwise” has been long confirmed in common law, case law, and also needs to be understood with reference to government guidance.

The young people about whom the committee is making a funding decision were regarded in law as being home educated as the funding decision before the committee only applies to children who are not enrolled with a registered school. The SMLC was not a school. It was a private provider of alternative education.

As indicated in the body of the report the relevant Guidance to local authorities (“Elective Home Education: Guidelines for Local Authorities”) provides that when parents choose to provide education otherwise than at school – also known as elective home education- they assume financial responsibility for their children’s education. In law it is a matter for the discretion of the local authority as to whether financial support is offered to facilitate that parental choice.”

- 24.4 Ms Wilson put a supplementary question referring to the fact that the SMLC was approved by East Sussex County Council as a provider of alternative education, had appropriately trained staff was not considered “not fit for purpose”.
- 24.5 In responding the Chair explained that whilst the college was also cited by this authority as a provider of alternative education it was not a school under the law, was not DfE registered and was thus not subject to Ofsted inspections. She re-iterated that in law children not enrolled with a registered school were considered to be home educated.

(ii) Madelaine (Maddie) Turner:

Ms Turner was called forward to put her question.

“Does the Committee accept that in all guidance from the DfE on the use of Alternative Provision Funding there was no use of the word ‘conduit’ nor any intimation that the Council was merely a conduit for passing on applications for funding to the Department for Education? If the Committee does not accept this interpretation will it please cite the evidence for its assumption that the Council was merely acting as a conduit and will it please quote the exact guidance where the Department for Education specifies the Council’s role as purely a conduit and nothing else?”

- 24.6 In responding the Chair referred Ms Turner to the report before the Committee that day and also covered this point and also made the following response which is set out below:

The use of the word “conduit” in this context is not referring to the guidance from the Department of Education, but is referring to the basis upon which the local authority was previously prepared to agree to provide any significant funding towards the cost of alternative education provision in respect of children who are in receipt of education otherwise than at school, also known in law as “elective home education”.

The local authority has no legal duty to provide funding for children whose parents elect not to send them to school. However in January 2012 the then Director of Children Services was willing to exercise his discretion to fund the cost of some alternative providers of education to home educating parents (including the SMLC). This was

expressly in circumstances where it was possible to reclaim the money from central government, via a scheme the government had introduced which allowed local authorities to include such pupils on their claim under the Alternative Provision Census.

Specifically, at the time this decision was made the government Guidance on groups to include in the local authority claim under the Alternative Provision Census provided the following definition of pupils to be counted as alternative provision:

“Children who are electively home educated by their parents and are receiving significant financial support by the LA to attend a college of further education *or other “alternative provider...”*”

Thus the decision was made to offer this funding upon the basis that there was a legitimate conduit to central government funding which meant that the exercise of discretion to provide financial support towards electively home educated children receiving education from the SMLC was at nil cost to the authority.

Earlier this year, with little notice, and with effect from the current academic year central government ended the capacity of the local authority to claim these funds. The local authority no longer has a conduit to central government funds for this form of education for children who are electively home educated. The scheme was specifically changed to allow colleges rather than the LA to claim funding as follows:

FE and sixth form colleges can admit pupils aged 14 or 15 and receive funding for them direct from the Education Funding Agency. This includes not only specific provision for groups of pupils *but also individual admissions of pupils who would otherwise be home educated*, and who may well be educated with young people aged 16-18.

In fact the guidance went further and says this:

“We would therefore not expect local authorities to be paying fees to the colleges for these pupils.

The Department recognises that some local authorities will have been paying fees to colleges in respect of home educated children in 2012-13 in the expectation that they would be able to reclaim a unit of DSG in 2013-14, *which will no longer happen under the new funding system.*’

24 (c) **Deputations**

24.7 One Deputation had been notified by Dr Ian Cunningham. The Co Deputies were:

Dr Graham Dawes, Gillian Trott and Madelaine (Maddie) Turner. The Deputation had a 5 minute period in which address the Committee in support of their Deputation. The two

sides of A4 submitted in support of the Deputation had been circulated to Members in advance of the meeting.

The wording of the Deputation was as follows:

"This Deputation requests that the LA continue its existing level of financial support for current students at SMLC."

24.8 The Chair in receiving and noting the Deputation stated that the points raised would be covered by the officers when giving their presentation in respect of Item 26 on the agenda.

24.9 **RESOLVED** – That the content of the Deputation be noted and received.

25. MEMBER INVOLVEMENT

25. There were no items.

26. SELF MANAGED LEARNING COLLEGE (SMLC)

26.1 The Committee considered a report of the Executive Director, Children's Services which provided information regarding the funding of pupils at the Self Managed Learning College (SMLC) in Brighton who had been home educated at parental request. The report provided details of the consultation which had taken place with parents and pupils who had been attending the SMLC, also giving information on current and future funding arrangements for these children following advice received from the Department of Education (DfE) and setting out options for Members to consider for future funding for these placements.

26.2 The Head of Behaviour and Attendance explained that as the children who attended the SMLC were not registered at a school and were not on a school roll they were classified as "home educated" as parents have assumed responsibility for their educational provision, even if this was delegated to someone else. New guidelines issued by the DfE stated that the local authority was now no longer able to access funding through the Alternative Provision Census and that such providers must apply directly to the DfE, local authorities were not able to do this on their behalf. The local authority would instead need to give consideration to funding home educated pupils directly through the High Needs block within the Dedicated Schools Grant. The same DfE guidance went on to explain that local authorities did not receive funding to support home educating families. These changes had come into effect for the 2013/14 financial year. It was reiterated that the current arrangement had been agreed on the basis these students had been withdrawn from school to be educated at home, or had always been home educated, and that the local authority were able to act as a conduit to central government funding. As the SMLC was not a registered school it was not able to access the funding directly and required the LA to fulfil this role on their behalf. Now that the LA could no longer access this funding a consultation process had been undertaken to determine whether the LA could assume these costs from within its own funds.

26.3 The Acting Assistant Director, Education and Inclusion responded to issues raised by the Deputies who had queried the accuracy of the data set out in the report that this

had been uploaded from the original admission forms received from parents. Every effort had been made to ensure that the information provided was accurate. An inspection of the college had not taken place as the college was not a school and was therefore not subject to Ofsted. Two visits had been paid by the LA and it was noted that the SMLC was registered with East Sussex County Council as an alternative provider. The value of this offer as an alternative was not questioned, however in view of the changes referred to above the officer recommendation was that funding of placements to the SMLC should cease. The Acting Assistant Director stated that the local authority took allegations of bullying very seriously and would work with individual parents where this was considered to be an issue, where children were considered to have special needs or instances where they wished to explore alternative educational provision for their children. One of the report recommendations was that the Committee considered proposals to support the SMLC in pursuing routes to enable it to continue to provide its current levels of provision. It was important to note that the existing arrangements did not apply to all SMLC students. 11 were funded at present via that arrangement and of those, 2 would be in the equivalent of Years 10 (entering GCSE's) and 1 would be in the equivalent of in Year 11, Key Stage 4. It should be noted that unlike DfE registered schools the SMLC is not required to deliver the national curriculum, there was no evaluation against key stages, students were only entered into examinations if they choose to be. The SMLC was not an examination centre, did not offer full time provision and had shorter terms than maintained schools.

- 26.4 Councillor Wealls stated that it was his understanding that as provision had been made from the Dedicated Schools Grant, should a decision be made to provide funding for SMLC pupils for a further period, the Conservative Group amendment suggested until the end of the 2013/14 financial year (July 2014), he enquired whether this could be funded from the High Needs Block or from elsewhere, bearing in mind that provision had already been made to roll the existing arrangement forward for a period. If that was the case he queried whether the necessary budgetary provision already existed. The Executive Director, Children's Services responded that moving monies between dedicated budgets was complex. The High Needs Block covered funding provision for high needs pupils and students from birth to 25 and was managed by the local authority within the parameters set down by the Government. As part of this process officers had investigated the extent to which any of the current cohort met the criteria for funding under the High Needs Block and it had been established that none of the pupils currently attending the SMLC met the criteria for funding to be applied in that way.
- 26.5 Councillor Lepper enquired regarding the numbers of children who were home educated in Brighton and Hove. The Head of Behaviour and attendance responded that there were 169 young people of whom the authority were aware, however this figure was not necessarily accurate (the actual figure was likely to be higher as in instances where parents chose to make alternative provision for their children they were not obliged to notify the local authority. The Legal Adviser to the Committee confirmed that this was the case.
- 26.6 Councillor Lepper also sought clarification of the financial implications for other children across the city if the local authority continued to fund this provision directly, noting that the majority of "home educated" children across the city sought alternative provision which was not funded by the local authority. It was clearly stated in the report that there was no legal requirement for the local authority to pay fees for pupils to attend the

SMLC or any other private education provider and that no budget was available to make such a payment. Parents who chose to home educate their children were responsible for ensuring that they received an appropriate education. To continue to fund such provision could have a negative impact on other children attending local authority schools.

- 26.7 Councillor A Kitcat stated that she remained of the view that the language used in the report was in places inappropriate, was not sufficiently clear and did not reflect the situation as it stood. Prior to the decision taken in 2012 provision for these young people had not been funded via the local authority. It was also important to make the distinction that funding had been made via *not* by the authority.
- 26.8 Councillor Buckley noted that the SMLC was now listed as an alternative provider querying how any such alternative provision had been funded in the past. The Head of Behaviour and Attendance explained that this had been discretionary and would have taken account of a number of factors including statements of special educational needs and medical needs. Councillor Buckley referred to the waiting period for a CAMHS assessment, currently 13 weeks plus seeking confirmation whether this might impact on funding available for some students currently attending the SMLC. The Acting Assistant Director, Education and inclusion explained that this would not have changed the levels of funding available as within officers' review of the current cohort of pupils it had been established that none had been assessed as requiring a Statement of Special Educational Needs. The Legal Adviser to the Committee stated that there was a need however to satisfy the authority that they had high needs which would merit such funding.
- 26.9 Councillor Pissaridou stated that she remained of the view that the current situation was unsatisfactory. It did not appear that the decision to fund in 2012 had been subject to a Committee decision, at that time it had been considered that the college provided educational provision to an acceptable standard and met the necessary health and safety and child protection criteria. That position appeared to have changed and it now appeared to be suggested that might not be the case, notwithstanding that the SMLC was acknowledged as an alternative provider by East Sussex County Council. The Acting Assistant Director explained that the previous arrangements had been made on the basis of this local authority acting as a conduit to DFE funding in the terms set out in the report. The visits that had taken place were not formal inspections as the college was not DfE registered as a school and did not therefore fall within the criteria for Ofsted inspections. The SMLC had been utilised by maintained schools as an alternative provider of education and schools could choose to use this provision to support young people where it is felt appropriate. Schools would be responsible for funding the alternative provision and for ensuring that the provision is appropriate and that all necessary safeguarding and child protection procedures were in place.
- 26.10 In terms of involvement with other Local authorities, the SMLC was registered as an 'approved non commissioned training provider' with East Sussex County Council. Under this arrangement schools in East Sussex can directly refer and fund their students to attend the college. East Sussex County Council had advised that they had commissioned 3-4 places directly in 2008/09 but that they had not commissioned any places directly since then. The college also appeared on this local authority's list of alternative providers.

- 26.11 Councillor A Kitcat sought confirmation as to whether the SMLC would be able to apply to the DfE for direct funding and the Acting Assistant Director, Education and Inclusion explained that although there was provision for that by the DFE in order to do so they would need to meet criteria as a school/academy. The SMLC was not a school under the law and did not hold itself as such. It was an institution offering private education to children who were educated at home. It described itself as a college providing educational programmes for 7-16 year old's who chose not to be at school.
- 26.12 Councillor Wealls referred to the proposed Conservative Group amendment, seconded by Councillor Simson stating that their group had concerns about the potential adverse impact on students, funded under the current arrangement, particularly those in Years 10/11, Key Stage 4. He considered that the amount of money required to fund 11 students (16 students in total were registered at SMLC), to the end of the summer term 2013/14 was relatively small and would provide them and their parents with a reasonable timeframe within which to access alternative provision and for the local authority to work with the SMLC and to support it to pursue routes to enable it to continue to provide current levels of provision. Councillor Brown also concurred in that view.
- 26.13 The Chair, Councillor Shanks referred to the volume of correspondence received via e mail and by other means in relation to this issue. Her group did not feel able to support the Conservative Group amendments in full and were therefore putting forward proposals of their own. They considered that it was appropriate to fund those students (3 in total) who were at Key Stage 4 to the end of their studies. Councillor Buckley stated that they considered their amendment to represent a reasonable way forward and Councillor Powell concurred in that view.
- 26.14 Councillor Wealls expressed disappointment that the Green group did not feel able to support his group's proposed amendment in full, considering that to do so would remove the current uncertainties and provide a reasonable timeframe for alternative options to be exploredt little cost to the authority.
- 26.15 Councillor Pissaridou stated that she considered it inappropriate for additional amendments to be in effect "tabled" from the floor without the Committee having the opportunity to consider their implications properly. She was very concerned regarding the manner in which this matter had been dealt with, in her view inconsistent and muddled. If either of the proposed amendments were approved she confirmed that her group would request that the matter be called in for consideration by the Scrutiny Committee.
- 26.16 Councillor Lepper concurred in that view stating that in her view the amendments put forward would result in public money being used to fund a private education establishment. The local authority was charged with providing a good standard of education for all children within the city and private provision should not be funded at their expense.
- 26.17 Following debate on the matter the Committee then moved to consideration of the recommendations set out in the report and the two amendments which had been put forward.

26.18 The Recommendation set out at Paragraph 2.1 of the report was as follows:

2. RECOMMENDATIONS:

2.1 It is recommended that:

- (i) the committee notes the issues raised and the consultation with the affected parents and pupils;
- (ii) a decision is made to cease the funding of placements at the SMLC;
- (iii) the committee consider the proposals to support the SMLC to pursue routes to enable it to continue to provide current levels of provision;

26.19 The Committee then proceeded to consider the two amendments put forward:

Conservative Group Amendment: Proposed by Councillor Wealls and seconded by Councillor Simson

2. RECOMMENDATIONS:

2.1 It is recommended that:

- (iii) the committee notes the issues raised and the consultation with the affected parents and pupils;
- (iv) ~~a decision is made to cease the funding of placements at the SMLC;~~ ***a decision is made to continue funding the students who have begun Key Stage 4 (from September 2013) for two years as it is accepted that these pupils would not have had an opportunity to select their GCSE options elsewhere;***
- (v) the committee consider the proposals to support the SMLC to pursue routes to enable it to continue to provide current levels of provision;
- (vi) ***a decision is made to cease funding for all non-KS4 pupils currently financially supported by the authority at the SMLC with effect from the end of the current academic year 2013-2014.***

Green Group Amendment: Proposed by the Deputy Chair, Councillor Buckley and seconded by Councillor Powell:

2. RECOMMENDATIONS:

- (i) the committee notes the issues raised and the consultation with the affected parents and pupils;
- (ii) ***a decision is made to cease the funding of placements at the SMLC with the exception of those students who have begun Key Stage 4 (from September 2013) for two years as it is accepted that these***

pupils would not have had an opportunity to select their GCSE options elsewhere;

- (iii) the committee consider the proposals to support the SMLC to pursue routes to enable it to continue to provide current levels of provision.

- 26.20 The Two separate amendments set out above were put and a vote was taken on each of them in turn.
- 26.21 The first which was put by the Conservative Group was lost by a vote of 3 to 7 (Conservative for, Labour and Green against), the second amendment which was put by the Green group was upheld by a vote of 7 to 3 (Conservatives and green for, Labour against). This second set of amendments was then incorporated and became the substantive recommendations on which a formal vote was taken. The amended recommendations were rejected by a vote of 6 to 4 (Greens for, Conservative and Labour against).
- 26.22 Following a brief adjournment the Committee reconvened and it was determined that following the rejection of the recommendations the default position was that the status quo applied. This meant the current policy as to funding the attendance of children in receipt of home education at the SMLC remained as it was prior to the vote, with funding agreed until the end of December. The Chair stated that in order for the Committee to determine the matter unequivocally it was anticipated that a further report would be submitted to the next scheduled meeting of the Committee on 18 November 2013.
- 26.23 **RESOLVED** – (1) That no decision was taken.

27. PROPOSED EXPANSION OF WEST HOVE JUNIOR SCHOOL: STATUTORY NOTICE

- 27.1 The Committee considered a report of the Executive Director, Children's Services the purpose of which was to report the representations and objections received during the statutory notice period, and to seek a decision from the Committee confirming the proposed expansion of West Hove Junior School.
- 27.2 In response to the growth in primary school numbers over recent years, the Council had already expanded West Hove Infant School on to a second site in Connaught Road in Hove. This site had opened with three forms of entry in September 2011 and had required bulge classes to be added to reception in 2012 and again in 2013. The site was to be expanded to four permanent forms of entry from September 2014 in space to be vacated, subject to consultation, by the Adult Day Care Centre on the same site.
- 27.3 The proposal was now to provide three forms of entry for junior age children (7-11) from September 2014, increasing to four forms of entry in September 2015 on the former Hove Police Station site in Holland Road, to complement the places at the Connaught site of West Hove Infant School. At its meeting on 16 July 2013 the Committee had considered the outcomes of consultation on the preferred option for providing these places as an expansion of West Hove Junior School on the second site at Hove Police Station and agreed to publish the required statutory notice.

- 27.4 Councillor Buckley commended the report. The site was in her Ward, and a lack of school places there was an issue which she had raised on a number of occasions. Some of the schools in Goldsmid Ward were church schools, which some parents did not want for their children. Because of the proposed “linked school” arrangement with the Connaught site of West Hove Infant there were no guarantees that other local children would be allocated a place at the new West Hove Junior School site.
- 27.5 Councillor Brown stated that she was aware that approval had been given by the Adult Social Care Committee for the Day Care Centre to be vacated. She sought clarification regarding the current status of the negotiations. It was explained that whilst agreement had been reached with Adult Social Care over sites and building works, final confirmation could only be given after consultation with the Day Centre clients had ended on October 25.
- 27.6 Councillor Pissaridou sought confirmation that the figures provided were reliable stating that in the case of Portslade Infant School and the proposed expansion of Stanford Infant School the data provided had been considered to be flawed. The Executive Director responded that the proposals recommended by the report were intended to address a lack of school places in that part of the City. A report dealing with school places would be brought to the Cross Party Working Group in November. Overall, the problem across the City was in seeking to provide sufficient places rather than there being too many.
- 27.7 **RESOLVED** - That the Children and Young People Committee confirms the proposal contained in the statutory notice and resolves to expand West Hove Junior School by three forms of entry in September 2014 and four forms of entry from September 2015.

28. SCHOOL IMPROVEMENT 2013

28 .A BRIGHTON & HOVE CLOSING THE GAP IN EDUCATIONAL ACHIEVEMENT FOR VULNERABLE GROUPS 2013-2017

- 28.1 The Committee considered a report of the Executive Director, Children’s services setting out an analysis of the gaps in educational achievement in the city. Analysis showed that the achievement gap between pupils living in disadvantage widened from KS1 to KS2 and again from KS 2 to KS4. The data showed that this was a major area of concern and a key priority for the city
- 28.2 Correspondence received recently from her Majesty’s Chief Inspector had made it clear that although schools were being given increased levels of autonomy, Local Authorities had direct responsibility for the standards achieved in all of the schools in their area, including academies, including progress made by vulnerable groups of learners. Ofsted would be making judgements about the impact schools were making through use of the Pupil Premium on closing the gap in educational achievement for vulnerable groups. Ofsted were also placing an increased emphasis on the involvement of school governors in monitoring the progress of pupils, particularly those from vulnerable groups. There was a clear expectation that Governors would influence the decision making surrounding use of the Pupil Premium.

- 28.3 Councillor Wealls stated that he considered it was important to be more robust in emphasising the excellent value added contribution provided by a number of the city's schools. It was important not to focus solely on GCSE results. He also welcomed the training which had been given to Members in relation to use of the Pupil Premium. Councillor Wealls also considered that it would also be helpful if information could be provided regarding young carers. It was explained that information was not necessarily held by schools unless individuals had identified themselves as such.
- 28.4 Rachel Travers, Amaze welcomed the continuing priority to use funding to close the attainment gap and to raise the attainment levels of young people from disadvantaged or vulnerable groups. There was an overlap between those in receipt of free school meals and who also had special educational needs. This group could be doubly disadvantaged and it was important therefore to bring forward targets as suggested. Once those children had been identified work could then be undertaken to work out the best strategies for them and to focus on the different ways in which the available resources could be used.
- 28.5 **RESOLVED** – That the Committee notes the Closing the Gap in Educational Achievement Strategy. This had been developed in partnership with a steering group of headteachers and Local Authority staff and had been discussed and consulted on with schools.

28 .B BRIGHTON & HOVE SCHOOL IMPROVEMENT STRATEGY (2013-2017)

- 28.6 The Committee considered a report of the Executive Director, Children's Services setting out the School Improvement Strategy 2013-2017 for approval. The Strategy itself was appended to the report.
- 28.7 It was noted that the Local Authority had a statutory duty to promote high standards in schools and to intervene when there were significant concerns about children's progress or their well being. Ofsted had a clear expectation that the Local Authority would know schools in the City well and would support and challenge as appropriate and intervene where necessary. The School Improvement Strategy had been reviewed in light of the changing landscape in education.
- 28.8 Councillor A Kitcat welcomed the improvements that had been achieved considering that it was also important to look at other ways in which learning could be delivered, for example the Montessori model which used a visual approach to learning. The Strategic Commissioner, Standards and Achievements explained that work on this was currently underway with the University of Brighton.
- 28.9 **RESOLVED** – That the Committee accepts the School Improvement Strategy 2013-2017 as set out in the appendix to the report.

28 .C BRIGHTON & HOVE CITY WIDE MATHS PROJECT PLAN 2013/14

- 28.10 The Committee considered a report setting out an analysis of the maths outcomes in the city which had show that standards and progress in maths fell well below those nationally from Key Stage 2 onwards. As a result the 2013-14 academic year had been

identified as he “Year of Maths and the Local Authority would be looking to raise standards and achievements in maths across the city.

- 28.11 Councillor Pissaridou welcomed this piece of work, especially the value added work that was taking place. Currently pupils started off well early in their school careers but their performance tended to drop off later on, this needed to be addressed.
- 28.12 Councillor A Kitcat referred to her earlier comments in relation to the differing ways in which pupils learned considering that this was particularly true of Maths where it could be beneficial for different approaches to be used.
- 28.13 **RESOLVED** - That the Committee notes the summary of the Maths project for the Year of Maths. This has been developed in partnership with a steering group of headteachers and maths specialists, representatives from the University of Brighton and the University of Sussex and a member of Her Majesty’s Inspectorate (HMI).

29. BRIGHTON & HOVE DRAFT EARLY HELP STRATEGY

- 29.1 The Committee considered a report of the Executive Director, Children’s Services detailing the Draft Early Help Strategy 2013-17. The Draft Strategy itself was attached as an appendix to the report. The strategy and all the actions that came out of it would support the whole partnership of children’s services to work together to refocus the local authority’s activity on Early Help and to reduce the need for use of high cost specialist services.
- 29.2 In Brighton and Hove a strategy has been devised to support the widespread recognition that it was better to identify and deal with problems early rather than respond when difficulties become acute and when action by services may be less effective and more expensive. There is a belief that preventing problems by building resilience and reducing risk factors via universal and Early Help services, a broad set of support which aimed to increase the protective factors helps to decrease the risk factors facing children, young people and families. It was noted that following consultation on the strategy it would be finalised, agreed and launched on 5 November.
- 29.3 Graham Bartlett, Chair of the Local Safeguarding Children Board stated that he welcomed the approach being taken and the opportunity for partners to have input into the strategy and to work together to deliver better outcomes for vulnerable young people in across the city. As the level of child protection in the city was at higher levels than in some other areas the strategy seeks it also sought to achieve better interventions.
- 29.4 Rachel Travers, Amaze concurred seeking clarification as to how funding would be targeted to drive the strategy in future. The Executive Director, Children’s Services explained that this was an on-going piece of work. It was anticipated that it would be possible to reduce costs to other budgets over a period of several years by investing in a range of early help interventions. This work needed to be evidence based and no

decision to move monies to/from other budgets would be made in the short term and there was a need to dovetail with other priorities for example in relation to NEETs.

- 29.5 The Chair stated that not all authorities operated an early help strategy similar to that used in Brighton & Hove. Whilst no one was complacent about the structures in place they appeared to work well and to provide a firm basis for further refinement and improvement.
- 29.6 Councillor Simson referred to the financial support put into place to fund the strategy and enquired how the £60,000 to fund a co-ordinator and admin support would be used. It was explained that this would be made available to support a range of partnerships and projects to support vulnerable children within schools. She considered it was important to have measures in place to challenge and re-assess what was being delivered.
- 29.7 Councillor Wealls welcomed the report stating that he hoped that the strategy would build on the collaborative models already in place. He asked whether the option of using different models or outsourcing some elements of its delivery had been explored. He was aware that in the delivery of adult social care a number of different models had been explored. Reference was made to the work of Child Poverty Task Group and it was explained that its work was now included in the stronger families programme.
- 29.8 The Chair, Councillor Shanks explained that schools were being encouraged and supported in re-focusing their work as necessary. The Executive Director explained that a broad based multi-agency approach would continue to be used in moving the strategy forward.
- 29.10 Rachel Travers, Amaze, explained that alternative models were used in the city, by the Community Voluntary Sector (CVS) for example stating that it was important that there was input from the third sector. It was noted that the CVS was fully involved in the process and had been given the opportunity to provide input into the final document.
- 29.11 **RESOLVED** – (1) That the Draft Early Help Strategy will be shared with all partners as part of an extensive consultation;
- (2) That the Committee considers and comments upon the Draft Early Help Strategy;
- (3).A final version of strategy will be launched and agreed in November; and

(4) The strategy will be supported by an action plan with key milestones that will be monitored by the Children & Young People's Partnership Forum, annual reports on press will be presented to the Children & Young People Committee.

30. REDUCTION IN NUMBERS OF YOUNG PEOPLE NOT IN EDUCATION EMPLOYMENT OR TRAINING (NEET) 2012/13 AND YOUTH EMPLOYABILITY SERVICE (YES) WORK PROGRAMME 2013/14

- 30.1 The Committee considered a report of the Executive Director, Children's Services detailing the progress made in reducing the city's NEET percentage and seeking their endorsement in relation to future priorities for the work of the Youth Employability Service.
- 30.2 It was noted that through its Youth Employability Service (YES) the city had achieved its lowest ever level of young people aged 16-18 who were "Not in Education, Employment or Training (NEET). This document complied with the Department for Education Statutory Guidance on the Participation of Young People in Education and was an important indicator which formed part of the Corporate Plan. The work of the YES team also impacted directly on the council's child poverty and the Stronger Families, Stronger Communities strategies. NEET young people in workless households had worse educational outcomes than their peers and the work of the YES team would form part of the emerging Early Help Strategy within Children's Services.
- 30.3 Councillor Pissaridou asked why the take up of apprenticeships within the city appeared to be low and it was explained that there were a number of reasons for this, in addition schools also needed to publicise these alternative options more widely.
- 30.4 Councillor Simson commended the work that had been undertaken stating that it was important to continue to work with harder to reach communities, stating that successful work had been achieved in her own ward.
- 30.5 Rachel Travers, Amaze stressed the importance of working with those who had special educational needs to seek to ensure that adequate measures were in place to support them along the pathways that were most appropriate to their individual needs.
- 30.6 Councillor Powell welcomed the work undertaken and achievements to date expressing particular interest in the work being undertaken by all agencies to support NEET young people to work within the agreed Single Partnership Pathway for Brighton and Hove,. Councillor Powell requested that further details about the arrangements in place and the number of young people involved in apprenticeships form the subject of a report to a future meeting of the Committee, it was agreed that this would be done.
- 30.7 **RESOLVED** – (1) That the Committee notes the progress in reducing the 16-18 NEET percentage; and
- (2) That the Committee endorses the future priorities of the wok of the Youth Employability Service as set out in paragraphs 3.8 and 3.9 of the report.

31. HOUSING AND SUPPORT FOR YOUNG PEOPLE AGED 16 -15 JOINT COMMISSIONING STRATEGY

- 31.1 The Committee considered a report of the Executive Director, Children's Services seeking their approval to the Housing and Support for Young People aged 16-25 Joint Commissioning Strategy set out in Appendix 1 to the report.
- 31.2 It was noted that a separate report had been and considered and agreed at the meeting of Housing Committee held on 25 September 2013. The Strategy followed the Housing and Support for Young People Needs Assessment prepared in October 2012 which had agreed an action plan based around 3 key strategic outcomes:
- Increasing the numbers of young people prevented from homelessness;
 - Seeking to ensure that there is a more positive transition to adulthood through the provision of a young peoples' accommodation and support pathway;
 - Better use of resources through a Joint Commissioning approach to accommodation and support for young people.
- 31.3 The Assistant Director, Stronger Families, Youth and Communities explained that the Department of Communities and local Government (DCLG) had been working with local authorities and national homelessness agencies to assist them to improve their response to young people who need housing and support. This includes the creation of a 'Young Peoples' accommodation pathway'. The concept of a local pathway had also been promoted in the Ministerial Working Group Report 'Making Every Contact Count'. The pathway approach required and promoted an integrated approach across councils and with all agencies working with young people.
- 31.4 Councillor Pissaridou stated that this represented a valuable piece of work integrating as it did the work of a number of agencies in providing support to vulnerable young people within the 16-25 age group.
- 31.5 Councillor Wealls referred to the financial situation outlined in the report seeking clarification regarding where savings would come from. The Assistant Director explained that the total budgetary costs of provision had reduced from the previous year as a result of more efficient provision having been achieved. It was anticipated that further cost savings could be achieved in the current financial year as a result of a reduction in the number of high cost places and improved procurement.
- 31.6 **RESOLVED** – That the Committee approve the Housing and Support for Young People aged 16-25 Joint Commissioning Strategy;
- (2) That the Committee approves the procurement of new services as outlined in section 4.3 of the report; and
- (3) That the Committee grants delegated authority to the Director of Children's Services to award the contract following the recommendations of the evaluation panels and the results of the tendering processes.

32. SERVICES FOR YOUNG PEOPLES COMMISSIONING STRATEGY : PROGRESS AND FUTURE

- 32.1 The Committee considered a report of the Executive Director, Children's Services the purpose of which was to provide an update on the services for Young People Commissioning Strategy summarising progress made to date, challenges and future priorities.
- 32.2 It was noted that the Commissioning Strategy set out four strategic actions:
- Jointly commissioning services for young people;
 - Commissioning integrated youth work and youth;
 - Empowering young people to engage with their communities ; and
 - Procuring services in a fair and consistent way.
- 32.3 Councillor Wealls referred to the budget in place for the service enquiring whether additional funding had been secured. It was confirmed that alongside centres in Portslade, Whitehawk, Moulsecomb and the city centre, detached provision was also provided in by the Youth Arts Project s, Duke of Edinburgh service and the Youth Participation Service. There were no additional financial implications as a direct result of the proposals and recommendations of the report.
- 32.4 Councillor Simson welcomed the report stating that she was pleased to note the progress made and arrangements which had been put into place for the future.
- 32.5 **RESOLVED** – (1) That the Committee notes the progress in implementing the Services for Young People Commissioning Strategy; and
- (2) That the Committee notes the challenges set out in paragraph 3.3 and notes the future priorities set out in paragraph 3.4.

33. TERMS OF REFERENCE FOR CROSS PARTY WORKING GROUP ON SCHOOL ORGANISATION

- 33.1 The Committee considered a report of the Executive Director, Children's Services requesting that the Committee agree the status of the Cross Party Schools Capital Working Group be strengthened to that of a Group commissioned by the Committee to consider issues of school organisation and places planning and to advise the Committee accordingly.
- 33.2 **RESOLVED** – That the Committee approve the Terms of Reference set out in Appendix 1 to the report for the Cross Party School Organisation Working Group.

34. ITEMS REFERRED FOR COUNCIL

- 34.1 There were none.

35. SELF MANAGED LEARNING COLLEGE (SMLC) - EXEMPT CATEGORY 1

PART TWO

SUMMARY OF ITEMS CONSIDERED IN PART TWO

35. SELF MANAGED LEARNING COLLEGE (SMLC)

35.1 The Committee considered a report of the Executive Director, Children's Services in relation to the Self Managed Learning College (SMLC)

35.2 Members noted the contents of the appendix but did not make a decision and therefore did not consider or discuss its content in closed session.

36. PART TWO PROCEEDINGS

36.1 There were none.

The meeting concluded at 6.55pm

Signed

Chair

Dated this

day of

Subject:	Funding for pupils at Self Managed Learning College (SMLC)		
Date of Meeting:	18th November 2013		
Report of:	Executive Director of Children's Service		
Contact Officer:	Ellen Mulvihill (Head of Behaviour and Attendance)		
	Name:	Maggie Baker	Tel: 01273 293760
		(Partnership Adviser – Access to Education)	
	Email:	Maggie.baker@brighton-hove.gov.uk	
		Ellen.mulvihill@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report should be read in conjunction with the two previous committee reports submitted to the Children's Committee on the 16th July 2013 and 14th October 2013, in respect of direct local authority funding of pupils in receipt of elective home education who are still in attendance at the SMLC. It is, therefore, not intended to repeat the information which has been included in the previous two reports;
- 1.2 The purpose of the report is to provide further information about issues that might be required to enable the Committee to decide on the recommendations listed below, the Committee not yet having reached a decision about future funding.

2. RECOMMENDATIONS:

- 2.1 It is recommended that:
- (i) the committee notes the changes in the capacity of local authorities to recoup the cost from the DfE of children who are in receipt of elective home education attending a college of further education or other "alternative provider", which means that the previous criteria under which the local authority had agreed to fund attendance of some pupils in receipt of home education at the SMLC is now defunct;
 - (ii) the committee notes that continued funding was agreed by the former Interim Director of Children's Services (DCS) until the end of this academic term to allow time for alternative arrangements to be made for those affected children who were attending the SMLC, and for consultation on the way forward;

- (iii) The committee notes the consultation and the issues raised by the affected parents and pupils, and further notes the ongoing offer of support and advice which has been made to any affected pupils, including the possibility of attendance at a maintained school;
- (iv) The committee notes that the education of those pupils whose parents chose to educate them otherwise than in school continues to be the responsibility of their parent according to the law;
- (v) the committee notes that if it meets the requirements of the DfE it is possible for colleges, including the SMLC, to reclaim from the DfE the fees otherwise charged to the parents of children in receipt of elective home education;
- (vi) a decision is made that from December 31st 2013 no further direct funding will be offered to provide for children who are in receipt of education otherwise than at school to attend a fee paying college, including those children receiving elective home education currently attending SMLC.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

Background

- 3.1 The decisions taken with regard to funding the SMLC are in summary as follows:

In January 2012 the then Director of Children's Services (Terry Parkin) agreed to provide local authority funding to pupils in receipt of elective home education to attend college where it was possible to reclaim the funding via the Alternative Provision Census. The criteria by which the funding could be claimed stated that:

'No funding can exceed the amount that the Council can recoup from the Department for Education.'

- 3.2 In September 2012 prior to the commencement of the academic year, the criteria was changed so as to mean that the authority exercised its discretion to agree the funding for any children who were in receipt of elective home education whom could properly be included on the Alternative Provision Census, irrespective of how long they had been home educated. In the event the only children whose parents requested this funding attended either the SMLC or Plumpton College;
- 3.3 Correspondence sent to parents at the time clearly stated that the funding was available for the academic year 2012/13 and that it was available on the basis of the students being registered as 'home educated'.
- 3.4 In April 2013 the capacity of the LA to reclaim the funding was removed when the DfE notified the LA that the funding regime upon which the decision had been conditional was withdrawn. This meant that the criteria previously agreed for funding would become defunct. The changed guidance is appended at **Appendix 1**;

- 3.5 The only pupils directly affected at that time were attending the SMLC. This is because claims for Plumpton College could still be recovered, as Plumpton College is a recognised College, and there is specific provision for the authority to be able to recoup the fees for those fees arising in 2012/13, and in future years there is provision for recognised Colleges to reclaim the fees for their students directly;
- 3.6 Prior to the consultation with parents at the SMLC commencing in June 2013, the then Interim DCS (Heather Tomlinson) exercised her discretion to agree funding for those pupils already supported by the LA until December 2013 . The funding for this was to be from the projected underspend of the Dedicated Schools Grant (DSG). The basis of this decision is as set out in the July committee paper, and as described to parents during the consultation period in the following terms:

"Pending a decision being made on future funding the Authority will continue to fund currently supported pupils at SMLC until December 2013, in order to allow any pupils who wish to transfer back into mainstream provision to receive transition support for reintegration as required, and for any assessments that might be required to be undertaken. "

Current Situation

- 3.7 At the last committee meeting on 14 October 2013, the committee was unable to reach an agreement regarding whether or not there should be any future funding for pupils currently benefiting from LA funding beyond the end of the current academic term. In the event that no decision is made by the committee, the status quo applies;
- 3.8 In this case the status quo is that the criteria which had applied to the funding of places of children in receipt of elective home education no longer applies, as it was a specific criteria that the LA could enter the child on the census return to the Department for Education, and that no funding could exceed the amount that the Council could recoup from the DfE. In these circumstances the Interim DCS, Heather Tomlinson exercised her discretion to agree funding until December 2013, in order to provide for an opportunity for transition to other arrangements, and so as to allow a period of consultation to look at future alternatives.
- 3.9 In short the only decision currently in operation is that there is funding until the end of this academic term;
- 3.10 The LA has contacted the parents of students attending the SMLC to advise them of the current situation with regard to funding and to offer support with regard to future educational options in mainstream schools;

Options for Parents of children at the SMLC who are currently supported by the LA

- 3.11 If the recommendations to the committee set out in section 2.1 are agreed to there are a number of options that both the SMLC and the parents of children currently attending the provision will need to consider.

3.12 The Local Authority believes that there are 16 young people attending the SMLC currently. One of these young people is being funded by a mainstream school and 11 are funded this term by the LA . There are a number of options available to the parents of these 11 young people:

1) Parents assume financial responsibility if they wish to continue to make use of the SMLC. The cost of this to the parent is understood by the LA to be £3900 per annum which if the SMLC would agree to staggered payments works out at £325 pcm. A proportion of parents were paying these fees before direct local authority funding became available;

2) Parents provide a suitable education through alternative home education means;

3) Parents can enrol their child in a mainstream school;

4) Any and all parents can take advantage of the offer of support of the local authority

Letters were sent on 23rd October 2013. A copy of those letters can be found at **Appendix 2** and demonstrate that support will be made available to parents to address any issues relating to special educational needs and possible bullying concerns;

3.13 The SMLC has a number of funding options that it might want to explore:

1) Under the DfE funding criteria the SMLC could reclaim the fees directly from the DfE if they fulfil the DfE criteria as a college:

The guidance states as follows:

“With effect from September 2013 FE and sixth form colleges can admit pupils aged 14 or 15 and receive funding for them direct from the Education Funding Agency. This includes not only specific provision for groups of pupils but also individual admissions of pupils who would otherwise be home educated, and who may well be educated with young people aged 16-18. We would therefore not expect local authorities to be paying fees to the colleges for these pupils.”

2) As indicated in the previous report, the SMLC could look at becoming a free school;

3) The SMLC can work with mainstream schools and accept direct funded referrals from them;

4) As a charity the SMLC can of course consider raising funding for bursaries to support the funding of pupils who cannot otherwise afford their fees.

3.14 In all the circumstances it is the recommendation to the committee that following the expiry of the current academic term, from December 31st 2013 no further direct local authority funding will be offered to provide for children who are in receipt of education otherwise than at school to attend a fee paying college, including those children receiving elective home education currently attending

SMLC.

- 3.15 For the avoidance of doubt this decision will not affect the discretion of maintained schools to continue to use the SMLC for the provision of education to some pupils on the school roll, where appropriate, and at their own discretion, as further indicated at paragraph 4.2 below.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The consultation process has been outlined in previous papers.
- 4.2 At a meeting of the Secondary School Partnership of Headteachers on 16th October 2013, the Headteachers expressed their interest in the possibility of placing their students at the SMLC where deemed appropriate for the student, in the event that the school agrees that that it cannot meet the educational needs of the child in mainstream provision. This is of course entirely at the school's discretion, and the school would assume funding responsibility for those places.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1.1 The financial implications remain as outlined in previous papers although to correct the figures previously provided which worked on the basis of providing funding for 3 terms rather than the two remaining of this academic year:

Finance Officer Consulted: *Steve Williams* *Date:*

Legal Implications:

- 5.2.1 By law the responsibility for a child's education rests with their parents. Parents have the right to choose to educate their child at home rather than at school, both under the European Convention on Human Rights, and as a matter of domestic law.
- 5.2.2 Under the S7 Education Act 1996 the parent of every school age child shall cause them to receive "efficient full time education, suitable to their age and aptitude and any special educational needs they may have" – either by attendance at school, or by "education otherwise". The concept of "education otherwise" is more commonly described as elective home education.
- 5.2.3 The young people who are the subject of this report are regarded in law as being home educated. The SMLC is not a school. It is a provider of private education. The responsibility for providing suitable full time education rests with the parents of those pupils attending the SMLC who are not enrolled with a mainstream school.
- 5.2.4 As indicated in the body of the report the relevant Guidance to local authorities ("Elective Home Education: Guidelines for Local Authorities") provides that when parents choose to electively home educate their children they assume financial responsibility for their children's education.

- 5.2.5 The previous basis upon which funding had been provided to the young people directly affected by this paper is no longer available. The current guidance to local authorities in respect of the funding of home educated children can be found at **Appendix 1**.
- 5.2.6 Since as indicated in the body of the report there is no obligation in law upon the LA to fund any such scheme, members should be satisfied that any proposals for the criteria for continuing funding for individual pupils fulfils the fiduciary duty of the local authority, and is equitable.
- 5.2.7 Any provider of private education to home educated pupils should be selected according to proper and open criteria. If members wish exceptionally to provide future funding for the fees for children in receipt of elective home education to attend the SMLC alone, the exceptional basis of this decision making should be made clear. If the funding is to be time limited, again the criteria should be explicit, clear and reasoned on the face of the decision to reduce the prospects of any ongoing funding setting an unintended precedent for other similar requests.

Lawyer Consulted: Natasha Watson Date: 24 October 2013

Equalities Implications:

- 5.3.1 These remain as outlined in previous papers. The LA has sought to minimise the impact on students by offering support to parents with seeking placement in mainstream schools.

Sustainability Implications:

- 5.4 N/A

Crime & Disorder Implications:

- 5.5 The risk implications have been outlined in previous reports

Risk and Opportunity Management Implications:

- 5.6 N/A

Public Health Implications:

- 5.7 N/A

Corporate / Citywide Implications:

- 5.8 N/A

Equalities Implications:

- 5.9 N/A

Risk and Opportunity Management Implications:

- 5.10 N/A

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 N/A

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 N/A

SUPPORTING DOCUMENTATION

Appendices:

1. **Appendix 1**

The changed guidance issued by the DfE in April 2013 regarding funding to LA's.

2. **Appendix 2**

A copy of letters sent by the LA on 23rd October 2013 demonstrating that support will be made available to parents to address any issues relating to future options for their child's education.

REVISED FUNDING GUIDANCE FOR LOCAL AUTHORITIES ON HOME EDUCATED CHILDREN

1. This document provides revised guidance for local authorities on the funding of home educated children, in the light of various changes to the school and local authority funding system that come into effect in 2013-14. In that respect only, it replaces guidance on home education issued by the Department in a letter from Hardip Begol in 2010.

Overall principles

2. It remains the case that when parents choose to electively home educate their children they assume financial responsibility for their children's education. However, the Department continues to recommend that local authorities should take a flexible approach to support for home educating parents where appropriate. Particular issues are addressed below.

Special educational needs

3. In the previous funding system up to 2012-13, the Dedicated Schools Grant was calculated by totalling the number of pupils on various annual census forms and multiplying them by a guaranteed unit of funding. Home educated pupils for whom the local authority was providing significant financial support in respect of special needs could be entered on the Alternative Provision Census.
4. In the new funding system from 2013-14, special educational needs funding, other than in mainstream schools, comes from the local authority's high needs block within the Dedicated Schools Grant. The high needs block is not based on pupil numbers but on the historic spend on high needs of each local authority: the Alternative Provision Census is no longer used for funding purposes. So while home educated pupils supported by the authority can still be entered on the census, this no longer triggers additional funding. Local authorities' responsibilities in respect of high needs extend to all pupils who are ordinarily resident in their area, including those who are home educated. Local authorities have flexibility to move money between the other blocks of DSG and the high needs block in order to meet high needs in their area.
5. As regards children with statements of SEN which name schools as the appropriate placement for a child but parents decide to educate such a child at home, it remains the local authority's duty to ensure that the child's needs are met through the provision made by the parents. The local authority can support parents financially in these circumstances under section 319 or section 19 of the Education Act 1996 (this would fall under either paragraph 18 or paragraph 20 of Schedule 2 to the School and Early Years Finance

(England) Regulations 2012). In deciding how much support is needed, the local authority should be aware that, unlike schools, parents do not receive base funding from the public purse in support of SEN, and should not therefore be expected to pay £10,000 before they receive any support. Where children have statements of SEN that set out home education as the appropriate provision under section 319 of the Education Act 1996, the local authority has a statutory duty to arrange the special educational support set out on the statement.

6. Children with SEN but without statements may also be educated at home. In these circumstances local authorities should consider whether they require support from the public purse. This provision can also be made under section 319 or section 19 of the Education Act 1996.

Attendance at FE Colleges

7. With effect from September 2013 FE and sixth form colleges can admit pupils aged 14 or 15 and receive funding for them direct from the Education Funding Agency. This includes not only specific provision for groups of pupils but also individual admissions of pupils who would otherwise be home educated, and who may well be educated with young people aged 16-18. We would therefore not expect local authorities to be paying fees to the colleges for these pupils.
8. The Department recognises that some local authorities will have been paying fees to colleges in respect of home educated children in 2012-13 in the expectation that they would be able to reclaim a unit of DSG in 2013-14, which will no longer happen under the new funding system. The Department will reimburse authorities for this expenditure as an addition to DSG. We are consulting a number of authorities about the simplest way of doing this and will shortly set out a procedure.

Other kinds of support

9. Some local authorities may be providing other kinds of financial support for home educators such as examination fees. These smaller elements of support were never associated with additions to DSG. Local authorities can continue to provide this kind of support under section 19 of the Education Act 1996.

Date:

Our Ref: EM/MB

Your Ref:

Direct Line: (01273) 293760

maggie.baker@brighton-hove.gcsx.gov.uk
ellen.mulvihill@brighton-hove.gcsx.gov.uk

Dear (name of parent)

Re: Self Managed Learning College (SMLC)

Following the Children and Young People's Committee meeting on 14 October 2013, I am writing to clarify the current position in respect of the funding arrangements for (Name of pupil) attendance at the SMLC beyond this academic term.

As described in the consultation document sent to you in June, direct funding by the Local Authority is currently only agreed until 31 December 2013. When the Committee met to consider this on 14 October 2013 no decision in respect of the funding arrangements was made. This means that in the absence of a new policy the decision to fund only until the end of this academic term remains.

The LA are considering presenting a further paper on this matter to the next Children and Young People's Committee meeting on 18 November, but parents should not assume that funding will continue after 31 December 2013.

In the event that the current funding policy means that you are unable to fund your child continuing to attend the SMLC beyond this academic term, there are a number of choices available to you to ensure that your child still receives a suitable full time education. They can either remain in receipt of elective home education, or you can enrol them on a local maintained school. Both of these options include the opportunity for local authority support.

If you would like to discuss future educational provision arrangements for (name of pupil) please contact Gavin Thomas, EOTAS Co-ordinator on 01273 293431 or gavin.thomas@brighton-hove.gcsx.gov.uk who will arrange to meet with you.

I am aware that some parents have indicated that they believe that their child may have special educational needs. If you have any concerns that your child has special educational needs then you should not hesitate to discuss this with Gavin Thomas, who can assist you to understand what might be available to assess, identify and support any special needs.

If you do wish to consider enrolling your child in a maintained school I would like to reassure you that should you express an interest in (name of pupil) attending a Brighton & Hove maintained school, Gavin on behalf of the Local Authority will discuss the process of applying for a school place and also any specific concerns you have about your child's capacity to transition into a new school. We will work with you to try and address any concerns you may have about your child in a school environment. Given the timescales between now and the end of the school term, it is important that you start that process as soon as possible and we will be happy to assist.

If you need any support or assistance to meet the specific educational or emotional needs of your particular child, then my team would welcome a constructive dialogue with you about how to ensure that occurs, irrespective of whether they are able to continue to attend the SMLC

I am aware that (name the pupil) may be entered for GCSE's. It would be very helpful if we could meet to discuss your child's particular needs in this regard, but if I do not hear back from you I will assume that you do not wish to discuss this with the local authority, and can make your own arrangements for any support they may need.

At the moment you have indicated to the local authority that your child is in receipt of elective home education. As such and unless and until alternative arrangements for your child's education are made it remains your responsibility in law to ensure they receive a suitable, efficient, full time education. If you cannot assume financial responsibility for their continued attendance at the SMLC after Christmas, and/or you do need or wish to make a change to the arrangements you have made for your child's education, my team looks forward to hearing from you if you wish to take up the offer of constructive dialogue about the options for the future.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mulvihill'.

Ellen Mulvihill
Head of Behaviour and Attendance
Children's Services (Education & Inclusion)
Brighton & Hove City Council

Date:

Our Ref: EM/MB

Your Ref:

Direct Line: (01273) 293760

maggie.baker@brighton-hove.gcsx.gov.uk
ellen.mulvihill@brighton-hove.gcsx.gov.uk

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Yours sincerely,



Ellen Mulvihill
Head of Behaviour and Attendance
Children's Services (Education & Inclusion)
Brighton & Hove City Council

Subject:	Free Childcare for Two Year Olds: Capital Plans		
Date of Meeting:	Children and Young People Committee 18th November 2013		
Report of:	Executive Director of Children's Services		
Contact Officer:	Name:	Vicky Jenkins	Tel: 296110
	Email:	vicky.jenkins@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The report sets out capital expenditure plans which aim to increase supply of free childcare places for eligible two year olds across the city. A free childcare place has been a statutory entitlement for all eligible two year olds from September 2013, and a change in eligibility will come into effect from September 2014 which will increase the likely number of children eligible for a free childcare place in Brighton & Hove to 1,300. The government has provided capital to local authorities to ensure that there are sufficient places available, and this report sets out details of proposed expenditure.

2. RECOMMENDATIONS:

- 2.1 That the committee approves capital spend as set out in this report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Since September 2013 a free childcare place has been a statutory entitlement for all two year olds in families who meet the eligibility criteria also used for free school meals, or are looked after by the local authority. In addition the council also provides free childcare for two year olds with a child protection plan if their family does not meet the income eligibility criteria. There are currently 451 children in the city accessing this entitlement which amounts to 87 per cent of children for whom there is funding; it is anticipated that this number will increase further as the scheme progresses.
- 3.2 From September 2014 eligibility will expand to include families in receipt of working tax credit and have a low income, as well as disabled children and those who have left care through adoption or special guardianship. An estimated 1,300 two year old children in Brighton & Hove will take up this entitlement.
- 3.3 Latest data indicates that eligible children live in most areas of the city, with some clusters in lower income areas. At present there appears to be sufficient provision for eligible two year olds, but there may be a shortage of places in September 2014.
- 3.4 The addresses of the next tranche of eligible families will not be made available to local authorities until summer 2014.

- 3.5 The government has provided a capital allocation of £421,653 to develop childcare places and Brighton & Hove has allocated an additional amount of “trajectory funding” of £350,000, approved by the DfE, from the two year old childcare allocation in the Dedicated Schools Grant, making a total capital budget of £771,653.
- 3.6 Government guidance suggests that all options for childcare place expansion should be explored, including local authorities developing provision themselves, and working with schools and the private and voluntary sectors, including with childminders. Working with nursery schools and school nursery classes to take two year olds also contributes to their sustainability through earlier admission of young children.
- 3.7 Only providers rated “good” or “outstanding” by Ofsted are able to offer free childcare for two year olds without further conditions being placed upon them and therefore capital spend must focus on the highest quality providers in the city.
- 3.8 Most parents rightly expect to have a choice of childcare and many will access provision outside the area in which they live for reasons of travel, work and other family commitments. Therefore the capital strategy aims to expand and develop childcare provision for eligible two year olds throughout the city, while prioritising areas of likely highest demand.
- 3.9 In order to meet anticipated demand in East Brighton, capital funds were used to develop and expand childcare at the Valley Social Centre and this has now opened as Sun Valley nursery, working in partnership with Roundabout nursery.
- 3.10 The following capital projects are proposed which will expand places in central Brighton through:
- Development of space for two year olds unit at Royal Spa nursery school
 - Expansion of provision for two year olds at Turnerland nursery school
 - Internal alterations at voluntary sector provision to create additional places
 - Exploring the feasibility of including two year olds in school nursery classes
- 3.11 In the west of the city there is likely to be a shortage of places in Hangleton and so it is proposed to develop a council-owned building to be let to a private or voluntary sector provider to run childcare, as well as looking at school-run provision for two year olds.
- 3.12 There is likely to be increased demand in Woodingdean and so the feasibility of a capital development in order to include two year olds in a school nursery class is being explored.
- 3.13 In North Brighton increasing provision in Moulsecoomb and Hollingbury is being considered through developing school nursery classes and Jump Start nursery.
- 3.14 In addition bids will be sought from private and voluntary sector providers, (including childminders and childcare providers on domestic premises) for capital projects of up to £25,000 throughout the city which expand places for eligible two year olds. Priority for grants will be given to providers located in the 30 per cent

most disadvantaged areas of the city¹, and where there is least current provision for funded two year olds.

- 3.15 Capital grants of up to £5,000 will also be offered to existing childcare providers located in the 30 per cent most disadvantaged areas of the city in order to purchase large items of equipment which improve provision for two year olds.
- 3.16 Any remaining funds will be retained and used for future projects to expand provision for two year olds where most needed in the city.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Some potential capital projects have been explored and discounted on the grounds of cost, as the aim is to obtain best value for money in terms of cost per place created.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Childcare providers in the voluntary, private and maintained sectors in the relevant areas of the city have been or will be contacted regarding the possibility of expanding their provision.
- 5.2 A marketing strategy is in place to inform parents of their entitlement to free childcare.

6. CONCLUSION

- 6.1 The reason for these proposals is to use capital funds to expand free childcare provision for eligible two year olds with the highest quality providers in areas of the city where it is most likely to be needed.
- 6.2 It is also to retain flexibility in capital spend to expand provision as there becomes clearer picture of where eligible children live.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The developments outlined will be funded via the capital allocation detailed in paragraph 3.5. It appears that a number of these projects will not be completed until 2014/15 and, as such, it will be necessary to carry forward funding at the end of the financial year. Any underspend on the £350,000 held within the DSG for this purpose will be carried forward as part of an overall DSG carryforward, and it will be necessary to identify and earmark this resource so that it can be allocated against the capital expenditure in 2014/15. The second element of capital funding (£421,653) is held corporately and the Local Authority has received confirmation that this grant is not time bound and consequently can also be carried forward and used in 2014/15.
- 7.2 The expansions in provision are likely to result in increased revenue costs in the longer term, but the expectation is that settings will receive additional revenue grant funding through increasing capacity, to offset any extra costs.

¹ According to the Income Deprivation Affecting Children Index (2010)

Finance Officer Consulted: Steve Williams

Date: 21/10/13

Legal Implications:

- 7.3 The local authority has a statutory duty to provide a free childcare place to all eligible two year olds for 15 hours a week, 38 weeks per year under the Childcare Act 2006 as set out in statutory guidance published in September 2013. New statutory guidance will come into effect in September 2014 extending the entitlement to approximately 40 per cent of two year old children.

Lawyer Consulted:

Natasha Watson

Date: 05/11/13

Equalities Implications:

- 7.4 An Equality Impact Assessment was completed for free childcare for two year olds in November 2012 and no adverse impacts were found

Sustainability Implications:

- 7.5 Any capital works will be completed in accordance with the council's One Planet principles and sustainability policies

Any Other Significant Implications:

SUPPORTING DOCUMENTATION

Appendices:

- 1.
- 2.

Documents in Members' Rooms

- 1.
- 2.

Background Documents

- 1.
- 2.

Crime & Disorder Implications:

- 1.1 None.

Risk and Opportunity Management Implications:

- 1.2 The key opportunity is to improve outcomes for children on Free School Meals. The risks associated with capital developments will be considered as part of each project.

Public Health Implications:

- 1.2 The Marmott Review of health inequalities made improving experiences in the early years the priority objective for reducing health and other inequalities.

Corporate / Citywide Implications:

- 1.3 Early years childcare supports the corporate priority of reducing inequality and ensuring children and young people have the best start in life.

Subject:	Early Years and Childcare: Role of the Local Authority		
Date of Meeting:	Children and Young People's Committee		
Report of:	Executive Director of Children's Services		
Contact Officer:	Name:	Caroline Parker / Mary Ellinger	Tel: 29 3587 / 3512
	Email:	caroline.parker@brighton-hove.gov.uk , mary.ellinger@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE/ NOT FOR PUBLICATION**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The report explains changes in the role of the local authority in relation to childcare as set out in the Government publications More Great Childcare (January 2013) and More Affordable Childcare (July 2013). These documents include plans to improve the quality and affordability of childcare. The Government is strengthening the inspection regime, making Ofsted the sole arbiter of quality and limiting the role of the local authority.

2. RECOMMENDATIONS:

- 2.1 That the Committee agrees to continue to promote high quality early years provision across the city by offering support to all early years providers and by targeting most support on the weakest early years providers and those with the highest numbers of funded two year olds.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 High quality early education promotes children's development in their early years and is crucial to their future success at school. It is especially beneficial for the most disadvantaged children.
- 3.2 Local authorities are responsible for allocating funding for early education places for all three and four year olds and two year olds from low income families. Previous Government guidance encouraged the use of local eligibility criteria to improve quality in private, voluntary and independent (PVI) and Council run providers. Local conditions included asking providers to meet quality requirements before agreeing funding, taking part in an annual quality review and completing a quality assurance scheme. The quality review considered a range of factors including the last Ofsted report and was used to determine the level of support for each provider. This approach was successful in improving the quality of PVI provision in the city. In 2012 Brighton and Hove was in the Ofsted top ten local authorities for good and outstanding providers. The latest figures from Ofsted (June 2013) show that 88% of providers were good and outstanding

compared to 77% in England.

- 3.3 In the future the Government wants local authorities to act as “champions” for disadvantaged children and their families and to focus on challenging and supporting early years providers judged as “requires improvement” by Ofsted. A key role will be to identify hard to reach families and help them choose an early education provider. The Family Information Service already encourages families to apply for 2 year old funding, performing eligibility checks and supporting them to find a childcare provider. Most families self serve on line and use the FIS helpline if they need more support. FIS provides a case work service for families who need more help, for example those referred from social work, including helping with forms and claiming benefits, and referring to specialist agencies.
- 3.4 The 2013 Statutory Guidance on Early Education and Childcare said that the local authorities (LAs) should base their decision whether to fund a provider to deliver early education places solely on the provider’s Ofsted inspection judgement. Local Authorities should fund all good and outstanding providers (including childminders). LAs can no longer require providers to complete quality assurance schemes or new providers to meet quality conditions. This means that the Brighton and Hove has to change. The statutory guidance also states that LAs should withdraw funding from providers rated “inadequate” as soon as practicable.
- 3.5 The Government is re-focussing the current duty on local authorities to secure information, advice and training, on meeting the needs of providers who have been rated as “inadequate” or “requires improvement”. In a time of limited resources the Government considers that it does not make sense to compel LAs to deliver services to high quality providers. LAs will still have the power to provide support and training for high quality providers but will not be able to require these providers to access support. In Brighton and Hove there has already been a reduction in funding for this area over the last two years. A programme of training is available and providers now contribute to the cost.
- 3.6 The proposal is that Brighton and Hove should remain committed to high quality provision across the city to continue to improve outcomes for childcare and narrow the achievement gap. The Council’s proven, effective Early Years workforce will continue to offer a programme of training, support and challenge to all providers but with a reduced offer to good and outstanding providers. All providers will be offered support and challenge on quality improvement, safeguarding, the inclusion of children with special needs and support for children with English as an additional language. Targeted additional support will be given to settings judged by Ofsted to be inadequate or “requires improvement”. Providers with high number of funded two year olds, who will later be our pupil premium pupils, will be strongly encouraged to engage in a language development programme.
- 3.7 The change in the statutory guidance means that there will be no requirement for good and outstanding providers to accept support. This creates a tension with the LA’s role to ensure the provision of high quality places for all children and particularly the most disadvantaged. There is no accountability to the LA for the progress of disadvantaged two year olds. Ofsted, with a strengthened inspection regime, will be the sole arbiter of quality.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The proposals about change in the role for the local authority in relation to childcare flows from new statutory guidance which the local authority has to follow. The new statutory guidance means that the local authority can no longer require funded early years settings to meet quality requirements if they have a good or outstanding judgement. The proposal is to continue to offer support for these settings to ensure that they remain good and outstanding. The alternative of not offering support to all early years providers could lead to a reduction in quality.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Early years providers have been consulted about future support. Responses so far indicate that the majority of providers are keen to continue working with the local authority.

6. CONCLUSION

- 6.1 The proposal is continue to promote high quality early years provision by offering support to all early years providers and by targeting the most support on the weakest and those with the highest numbers of funded two year olds.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Funding for early education places for 2, 3 and 4 year olds comes from the Dedicated Schools Grant. The average hourly rate for a 3 and 4 year old place is £4.15 and for a two year old place is £5.15. The proportion of total expenditure used on central spend is 8% compared to the SE and England percentages of 11% and 15%. The Government plans to reform early education funding with the aim of a new system from 2015/16.

Finance Officer Consulted: David Ellis

Date: 15/10/13

Legal Implications:

- 7.2 The Childcare Act 2006 outlines the duty of local authorities and their partners to improve outcomes of all children under 5 and remove inequalities and other duties in relation to childcare. Local authorities must have regard to any statutory guidance issues under the 2006 Act. The Government published new statutory guidance for local authorities in September 2013.

Lawyer Consulted: Natasha Watson

Date: 05/11/13

Equalities Implications:

- 7.3 The proposal aims to narrow the gap for protected groups by continuing to support all providers with safeguarding, the inclusion of children with special

needs, English as an additional language and to target additional support on the weakest providers and those with the most funded two year olds.

Sustainability Implications:

- 7.4 Free early years provision aims to support sustainable communities by improving outcomes for children and reducing poverty for families
- 7.5 Any Other Significant Implications: None.

SUPPORTING DOCUMENTATION

Background Documents

- 1. More Affordable Childcare (available on www.education.gov.uk/publications.)
Reference DFE-00025-2013

Crime & Disorder Implications:

- 1.1 None.

Risk and Opportunity Management Implications:

- 1.2 The key risk is that the changes will reduce outcomes for children. This has been mitigated by identifying an early years strategy which focuses on the weakest settings and those with the most disadvantaged two year olds.

Public Health Implications:

- 1.2 The Marmott Review of health inequalities made improving experiences in the early years the priority objective for reducing health and other inequalities.

Corporate / Citywide Implications:

- 1.3 Early years childcare supports the corporate priority of reducing inequality and ensuring children and young people have the best start in life.

Subject:	School Standards and Achievement: Annual report		
Date of Meeting:	18 November 2013		
Report of:	Executive Director of Children's Services		
Contact Officer:	Name:	Hilary Ferries (Head of Standards & achievement)	Tel: 29-3738
	Email:	hilary.ferries@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 An analysis of the unvalidated assessment data for the academic year 2012 / 2013 shows a rise in standards across all key stages (6, 11, 16 and 18 year olds) and also an increase in progress. The full data set, including value added, is not yet available. A full analysis of this will be included in the later version of this report.
- 1.2 Whilst standards and achievement are moving in the right direction, the report states that there is still much more to be done and outlines the priorities moving forward.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the Standards Report

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The local policy context in Brighton and Hove is one in which there is a strong emphasis on partnership working with and between schools, paired with robust data analysis and challenge. The Children's Services department has been working closely with schools developing the concept of what 'schools supporting schools' means in this city, providing a good platform for the new relationship, in a spirit of partnership and transparency. This approach is captured in the new School Improvement Strategy.
- 3.2 This report has three main sections, an analysis of standards and achievement in the city, based on the 2013 results at the end of each Key Stage. Results for KS4 and 5 remain provisional at this stage and none of the data will be finally validated until April when the report will be refreshed. Section two looks at the gaps in educational achievement for vulnerable groups and Section Three identifies the key priorities of the Education and Inclusion Team.
- 3.3 The Key priorities for the academic year 2013 – 2014 are:

- i. Support and challenge put in place so that all schools inspected are judged to be good or outstanding
- ii. Raise the achievement of boys in the EYFS.
- iii. Raise standards and achievement in secondary schools to be in the top quartile of statistical neighbours
- iv. Improve the progress of maths across the city by at least five percentage points
- v. Close the gaps in education achievement between pupils in vulnerable groups (Free School Meals, Special Educational Needs, English as an Additional Language and Children in Care) and their peers to less than the national average
- vi. Reduce the number of fixed term exclusions to below the national average

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 This report was written using the data from the Education Performance Analysis System (a resource system we use that also provides data for the Department for Education)

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Schools are funded within the Dedicated Schools Grant (DSG) and any resource implications from the drive to raise standards and close the attainment gap will have to be met from within each school's individual budget.

Support may be available from central DSG funds to aid the action plan of any school, or group of schools, but any support given will be from within existing budgets.

Finance Officer Consulted: Andy Moore *Date: 17/10/13*

- 5.2 Local Authorities have a statutory duty under section 13A of the Education Act 1996 to ensure that their functions relating to the provision of education are exercised with a view to promoting high standards. This report informs the committee as to how the Council is seeking to fulfil this duty.

Lawyer Consulted: Serena Kynaston *Date: 18/10/2013*

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Reporting results is a statutory duty

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To ensure Committee has a good understanding of school standards and achievement

SUPPORTING DOCUMENTATION

1. **Appendices: Standards and Achievement in Brighton & Hove Schools**

How are we doing?

Standards and Achievement in Brighton & Hove Schools

2012/13

**November Version: unvalidated
data**

For further information please contact:

Hilary Ferries, Head of Standards and Achievement, Education & Inclusion,
hilary.ferries@brighton-hove.gov.uk

1. Introduction

The local policy context in Brighton and Hove is one in which there is a strong emphasis on partnership working with and between schools, paired with robust data analysis and challenge. The Children's Services department has been working closely with schools developing the concept of what 'schools supporting schools' means in this city, providing a good platform for the new relationship, in a spirit of partnership and transparency. This approach is captured in the new School Improvement Strategy.

This report is an analysis of standards and achievement in the city, based on the 2013 results at the end of each Key Stage. Results for KS4 and 5 remain provisional at this stage and none of the data will be finally validated until April when the report will be refreshed. The report also identifies the key priorities of the Education and Inclusion Team.

The report outlines the headlines for each key phase and also analyses the achievement gaps in the city.

Aspects of the work in Brighton & Hove schools are illustrated through case studies, shown in boxes in the body of this report.

2. Overall Summary

School Effectiveness

The percentage of school judged to be good or outstanding in the city has risen from 71% in summer 2012 to 80% in summer 2013. This underlines the hard work and successes of young people and teachers across the city, but we know there is still much more to be done to ensure that all pupils in the city achieve well.

3. Early Years and Foundation Stage (age 5) Introducing the new EYFS Profile 2013

The Early Years Foundation Stage Profile 2013 was introduced this academic year. It describes a child's development and learning achievements at the end of the academic year when they have reached the age of five years old. It is based on ongoing observation and assessments in three prime and four specific area of learning and three learning characteristics.

The three prime areas are communication and language, physical development and personal, social and emotional development. The specific areas are literacy, mathematics, understanding the world and expressive arts and design. The learning characteristics are: playing and exploring, active learning and creating and thinking critically.

A good level of development – the prime areas and literacy and mathematics	45%
% of pupils working at the expected level in the prime areas	61%
Specific learning goals	47%
All learning goals	42%

The Early Years Foundation Stage Profile changed in 2013. The new measure is a “good level of development”. Pupils need to be working securely at the expected level in 5 areas of learning. It should be noted that the expectations for pupils in this new profile for the end of Reception Year have been significantly raised. We cannot compare results from previous years as the measures this year are completely different. Data from previous years will reflect the previous system of assessment and we are unable to make comparisons between the results of the old and the new system. In addition, this data set will not be secure as it is the first year of the assessment.

Gender in Early Years Foundation Stage

The figures show a gender gap of 13.3%

Pupils	Number	GLD%
Female	1370	51.8%
Male	1526	38.5%
Difference		13.3%

Comment

The gender gap is significant in pupils working at the expected level in Literacy with a 10.3% gap in writing and a 7.5 % gap in reading. There are 11.2% more boys than girls working at the emerging level in reading and 16.2% more boys than girls working at the emerging level in writing.

There is a strong early years service in Brighton and Hove which for the last 10 years has challenged and supported every setting through a quality improvement scheme. The city has a high percentage of good and outstanding early years settings. There is a strong focus on early language development and supporting our practitioners in quality adult child interactions which supports learning.

4. The phonics screening check in Year One (age 6)

64% of pupils met the expected standard of phonic decoding. This was an increase of 15% since 2012. This rise of 15% was 4% higher than the national increase. However we remain 5% lower than the national percentage of pupils reaching the expected standard. Girls out performed boys in the test by 2% with 65% meeting the required standard compared to 63% of boys. Nationally the girls outperformed the boys by 8%.

5. Key Stage One Assessments (tests at age 7)

This is a positive picture. The 2013 key stage 1 teacher assessments show that the percentage of pupils achieving the expected level has continued to rise in all subjects which reflects the national results. The children have improved by 4% in reading and writing and by 2% in maths. Nationally there was a 2% point rise in reading and writing and a 1% rise in maths.

Reading

All schools	2011 - 2012	2012 - 2013	difference	National
L2+	86.3%	90.1	+3.8	89
L3	32.0%	31.4	- 0.6	
APS	16.3	16.6	+0.3	

Writing

All schools	2011 - 2012	2012 - 2013	difference	National
L2+	81.4%	85.8	+4.4	85
L3	13.9%	13.3	-0.6	
APS	14.7	14.9	+0.2	

Maths

All schools	2011 - 2012	2012 - 2013	difference	National
L2+	91.8%	93.4	+1.6	91
L3	26.4%	25.1	- 1.3	
APS	16.3	16.5	+0.2	

When compared to statistical neighbours, the city of Brighton & Hove is joint 2nd in the combined average point score for reading, writing and maths. When compared to the national picture, the city is ranked in the top 22-30% of Local Authorities for joint reading, writing and maths results.

6. Key Stage 2 (tests at age 11)

This is an improving picture. The results for the Key Stage 2 national curriculum tests taken at the end of year 6 indicate a rise in attainment in all subjects. Reading, writing and maths combined for Brighton & Hove was above national, South East, East and West Sussex outcomes and in the top 3 of 10 of our statistical neighbours.

The city's "expected progress" of two levels also rose and was above the national, the South East, East and West Sussex and in the upper quartile for reading and writing. Expected progress in maths was the same nationally, but above South East, East and West Sussex and was also in the upper quartile of statistical neighbours.

Joint Reading, Writing & Maths

All schools	2011-2012	2012-2013	difference	National 2013	Compared to national data we are
L4	74	78	+4	75	+4
L4b	66	67	+1		
L5	23	24	+1	21	+3
L6	0	0.1	+0.1		
APS	28	28	0		

Percentage of pupils making 2 levels of progress

Percentage of pupils making 2 levels of progress	2011-2012	2012-2013	difference	national	Compared to national data
reading	91	90	-1	88	+2
writing	90	92	+2	91	+1
maths	84	88	+4	88	0

When ranked out of 152 Local Authorities for reading writing and maths combined at level 4+ and level 5+, Brighton & Hove was 30 and 27 respectively.

The progress data was strong in English. For two levels of progress in reading the city's results were ranked 25th, and progress in writing was ranked 53rd. Maths progress was not so strong: Brighton and Hove was ranked 80th and maths is a citywide focus this year.

7. Key Stage Three (teacher assessment at age 14)

Overall, assessment outcomes at the end of KS3 has continued to improve in English, but did not improve further in Maths and Science, compared with 2011. At KS3 the national expectation is that pupils are performing at least at Level 5 by the end of the Key Stage.

In 2013, 87% of Y9 pupils in Brighton & Hove achieved Level 5 in English compared with an England target of 90%. This is +1% higher than in 2012. Pupils achieved 86% in Maths which is an increase of 4% and 88% in Science, up 2%.

8. Key Stage Four (age 16)

Overall, attainment in GCSE examinations continued the positive trend since 2009. However, further improvement is still needed if Brighton and Hove schools and academies are to reach the challenging targets they have set themselves of being in the top quartile of statistical neighbours for GCSE.

In 2013 collectively, the nine secondary schools predicted that 64% of students would achieve 5 A*-C including English and maths, and this has been achieved. The 2012 figure of 56% includes special schools, therefore when the numbers for special schools are included in the 2013 figures; the like for like LA figure is 62%. The underlying increase in the secondary schools' performance is therefore almost 6% which is a significant increase.

This improvement continues and accelerates the improving trend of the last five years. In 2009, 45% of students (including special schools) achieved 5+ A* - C including English and Maths. This has improved by around 3% to 4% points each year since then until 2012. In 2013 the city saw an improvement of 6%.

Among individual schools, the provisional overall figures show some significant improvements, notably at PACA (22% points), Blatchington Mill (11% points) and Vardean School (7% points). For all but one school the longer term trend since 2009 is

upwards, ranging across the nine schools and Academies from 0% points to +22% points. All secondary schools are above the DfE floor standard.

Girls in Brighton & Hove outperformed boys at GCSE by 6%. 65% of girls achieved 5 A*-C GCSEs locally compared with 59% of boys. Boys performed better than the average boy in England at GCSE, while girls' performance was in line with the national average.

In English 73% of Brighton & Hove pupils made three levels of progress. This is above the England average for state-funded schools of 70% and the same statistical neighbour Local Authority average of 70%. Brighton and Hove was ranked 41st out of 152 LAs this year at Key Stage 4, last year the rank was 47. Brighton & Hove was ranked 3rd out of 10 statistical neighbour Local Authorities, which is the same as last year.

66% of children obtained three levels of progress in Mathematics across Brighton & Hove. This was below the England state-funded schools national average of 71%, and the statistical neighbour Local Authority average of 69%. Brighton and Hove was ranked 119th out of 152 Local Authorities, last year the rank was 142 which is an improvement. Brighton and Hove was ranked 8th out of our 10 statistical neighbour Local Authorities. Last year it was at the bottom. Maths is a focus across the city this year.

The value added and prior attainment information is unavailable at the time of writing. An analysis of this will be included in the refresh of this report in April 2014.

The citywide results at GCSE have been achieved through the work of the Secondary Partnership and the development of the subject leader networks, as well as a more rigorous approach to using data to inform teaching and learning.

9. Key Stage Five (age 18)

The city's two sixth form colleges, BHASVIC and Varndean College, have reported excellent results, with A level pass rates of 98%, and A* - B grades of 59% and 48% respectively. Varndean College also offers the International Baccalaureate Diploma (IBD). The overall average for the city of A*-B grades is 41.5% when the School Sixth Forms are included in the results. However, 67% of young people in Brighton & Hove achieved A*-E grades at A Level. This compares very favourably with 52% of young people locally achieving a Level 3 qualification last year in Brighton & Hove. Last year the national benchmark was 55% and the statistical neighbour local authority average benchmark was 52%. The benchmarks for this year will follow with the validated version of this document in the new year.

Performance at the state maintained schools at A and AS level has remained broadly similar to that in 2012. The overall picture for Brighton and Hove's sixth forms is a pass rate of 98% at A-Level and 86% at AS level. This is very similar to the provisional national figure* for all students at A level but at AS level this is 2% below the national figure.

10. Not in Employment, Education, or Training (NEET)

Since raising of the participation age to 17 came into effect in September 2013, reducing the proportion of 16 – 18 year olds who are NEET continues to be an important priority, both locally and nationally. In Brighton & Hove, the headline annual NEET figures for 2012/13 have improved from 7.9% to 6.7%. These figures are based on the three month average NEET figures for November 2012, December 2012 and January 2013 for 16-18

year olds (Y12-14). The figures can only be compared with 2011 because since then, young people have been recorded according to where they live, rather than where they study. These annual figures were the best ever 16-18 NEET and Not Known results for Brighton & Hove, and are robust, due to the rigorous tracking by the Youth Employability Service. The DfE data for 2012/13 shows that Brighton & Hove was the most improved local authority in the South East over the period November 2012 to January 2013, and one of the most improved throughout England. As a result of the reduction in young people who are NEET, there was a 5.9% increase in 16-18 young people 'In Learning'.

Provisional NCCIS data collected for the three months ending in August 2013 shows that 8% of young people are NEET in Brighton & Hove, 78% are in learning and less than 3% are unaccounted for (unknown.) The NEET figure is therefore stable. The comparative annual, validated data will be issued between November and January and available with the refreshed document in April 2014. This provisional 2013 data may well change in the interim.

However, these figures indicate that there is still work to be done to achieve full participation of 16 year olds in learning, training or employment with training from September 2013, as required by the Raising Participation Age (RPA) legislation. More than 500 young people are not in education, employment (with training) or training alone in Brighton & Hove.

Throughout the year, the authority has worked with schools, colleges and training providers, and with the Youth Employability Service and other agencies, on a range of initiatives to maximise participation, including developing new provision, improving transition processes and providing personalised guidance to young people.

<p><u>I AM DIFFERENT</u></p> <p>Silently, I sit My companions beside me Impatiently, we wait for our turn I am not glamorous Like the ladies with sharp noses I am not big Like the men with rubbery muscles I am different I have a heart</p> <p>Whenever the occasion arrives When it is my turn to shine Proudly, I will cling onto her feet As my life depended on it Along the street Out of the corner of my eye I will witness the disdain I will hear the sniggers Of my contemporaries</p>	<p>But I will hide my strife And hold my head as high as the birds I may be tattered And I may be old But one thing is for certain I am different I have a heart</p> <p>Zuzia, Year 6 October 2013 Zuzia spoke no English when she came to Brighton and Hove in Reception Year</p>
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10. Attendance and Exclusions

Attendance

The most recent validated data (for 2011/12) shows that both overall and persistent absence at primary level in Brighton & Hove is in line with the national average but slightly above the average for the south east. For overall absence, the figure was 4.4% (south east figure 4.3%), and for persistent absence the figure was 3.1% (south east figure 2.9%) at the end of 2012. At secondary level we continued to have higher levels of absence for both overall and persistent absence compared to the national average and south east average. For overall absence, the figure was 6.5% (national figure 5.9% and south east 6%), and for persistent absence the figure was 9.8% (national figure 7.4% and south east 7.8%).

Primary overall absence shows a reduction of 0.5% compared to 2010/11 and reductions of 0.3% for persistent absence. Secondary overall absence shows a reduction of 0.6% when compared to 2010/11 and a 0.5% reduction in persistent absence.

Data recently received from DfE for the autumn term in 2013 shows that overall absence at secondary level in Brighton & Hove is 1.1% above the national average and 1% above the south east average. Schools and Colleges in the city are 2.1% above the national and 2% above the south east for persistent absence. At primary level the data shows that overall absence is 0.7% above the national average, 0.8% above the south east and 0.6% above the national. Persistent absence is 1% above the south east. It should be noted that during this term Brighton & Hove schools saw a significant increase in the number of children absent for sickness due to flu and the norovirus.

Exclusions

Permanent Exclusions

There were zero primary, permanent exclusions for the 2012/13 period. For both the primary and secondary phases, permanent exclusion is significantly below the national average.

Fixed Term Exclusions

The fixed term exclusion statistics are high compared to the national figure and is a top priority for the city. This is, in many cases, the result of the policy within Brighton & Hove to ensure that unofficial exclusion, whereby a child or young person is sent home to 'cool off' for periods of time, is eliminated. This has been rigorously implemented in the city because of the need to comply with DfE statutory guidelines, and to be explicit about safeguarding responsibilities for children and young people. There is at least anecdotal evidence that this is not the case in other authorities where the practice still exists.

Fixed term exclusion is also used to allow time for longer term solutions to be negotiated and arranged in order to avoid the need for permanent exclusions.

Reducing the numbers of fixed term exclusions is an absolute priority because of the obvious correlation between days lost to learning and future achievement and attainment for children and young people. Fixed term exclusions impact attendance. Specific strategies to address this will continue be the focus of both the primary and secondary

Behaviour and Attendance Partnerships for the forthcoming academic year. It is already anticipated that there will be a reduction in fixed term exclusions, in the secondary phase because of the introduction of initiatives, such as the use of restorative justice in schools and the use of an alternative school day.

11. Anti-bullying and equality

Brighton & Hove City Council (BHCC) has been in the top two of Stonewall's Education Equality Index which is testimony to the innovative work to challenge and prevent homophobic bullying in Brighton & Hove Schools. The local schools remain committed to participation in the annual 'Safe and Well School Survey' and to reducing bullying. There has been a 12% reduction in secondary age students reporting that they had been bullied this term since 2005 and a 14% reduction in bullying of 7-11 year old pupils.

In the 2012, the Safe & Well School Survey showed that 90% of 7-11 year olds in primary schools and 78% of 11-16 year olds in secondary schools reported that they enjoyed coming to school. In the 2012 Safe & Well School Survey, lesbian, gay, bisexual & unsure 11-16 year old students; and those who state they get extra help, are more likely to disagree that they enjoy coming to school than other groups. In primary schools the data does not show as many significant differences between equality groups. An impressive 94% of pupils in primary schools and 88% in secondary schools feel safe in our schools. There has also been an improvement in the health related data, for example, 87% of key stage 4 students said they were confident to use condoms now or in the future.

42 schools have achieved or maintained Healthy School Status as part of the BHCC Healthy Settings Programme.

In September 2013, 73% of schools were compliant with the Public Sector Duty of the Equality Act.

A small group of schools are working hard to develop practice that is inclusive of trans* pupils and students; trans* children are in a small minority in our schools, but the work done to support them by challenging gender stereotypes will benefit many more children and young people and support the raising of aspirations.

Over the last year, all Ofsted Reports for Brighton & Hove Schools report positively on children's understanding of what bullying is, and actions taken by schools to prevent and challenge it.

Closing the Gaps in Educational Achievement

1. Early Years Foundation Stage Profile

The context for our Reception Year

Number of children in LA maintained and free school EYFSP: 2843

Number of pupils included in EYFSP 2831

Maintained schools pupils included: 2788

Free School pupils included: 43

Number of pupils excluded from EYFSP: 12

Number of LA maintained and free schools EYFSP: 49

	Number
Boys	1486
Girls	1345
Summer born	966
Spring born	910
Autumn born	955
SEN	415
School Action	192
School Action Plus	177
Statement	46
CiC	9
FSM	495
EAL	356
Ethnicity – other than white British	857
Living in 30% most deprived	930

Characteristics of the lowest 20% achieving pupils

Number of pupils in the lowest 20% is 579 pupils

Number of these pupils with:

Male	357	61.7%
Summer born	317	54.7%
Living in 30% most deprived LSOAs	259	44.7%
SEN – 224 (37 statemented, 93 School Action+, 94 School Action)	224	38.7%
Free School Meals	187	32.3%
Number of pupils with EAL	123	21.2%

2. Closing the Gap in the Educational Achievement of Learners known to be eligible for free school meals (FSM)

Early Years Foundation Stage FSM

Gaps in attainment

% FSM GLD	26.1%
% Not FSM GLD	49.8%
EYFSP FSM gap	23.7%

The gap between children in the Early Years Foundation Stage in receipt of free school meals (FSM) and the average child is 23.7%. There is no national gap data yet for FSM.

Targeted support and challenge to schools where the gap is high will continue with a focus on early literacy development. This is the Area of Learning which is scoring the lowest and is therefore bring down the Good level of Development percentage.

Key Stage 1 FSM

There has been a significant improvement in closing the gap in Brighton & Hove schools at Key Stage 1 and they are now broadly in line with national averages. The gap has been significantly reduced this year in Key Stage 1 as a result of targeted intervention programmes.

- In reading the gap has reduced from 21% in 2012 to 13% in 2013 which is 1% higher than the national.
- In writing the gap has reduced from 26% in 2012 to 15% in 2013 which is in line with the national.
- In maths the gap has reduced from 15% in 2012 to 11% in 2013 which is 2% higher than the national.

Every Child a Reader Case Study Closing the Gap

C started Reading Recovery intervention in Year 1, autumn term 2012, when she was 5 years and 10 months old. C had been referred to both a speech and language therapist and an educational psychologist in Reception because of concerns around receptive and expressive language skills, significant difficulties with attention and concentration and gross and fine motor skills.

From about week 13, C's reading started to accelerate and she moved up a book level each week, reading the new book with good pace as in familiar reads. She was able to verbally compose a simple sentence and hear more sounds within words. Writing was still difficult for C, but she was able to read back her writing. C's family were very supportive, she read with someone and reassembled her cut-up sentence every day.

C's exit assessments after 20 weeks: 85 lessons showed the progress she made during this period. From not being able to read a level 1 published text, she was reading books at book level 9. She was very engaged in reading and enjoyed discussing stories and characters. She was animated, read at a fast pace and understood story meaning. C

controlled early reading behaviours and was secure in reading and writing a bank of high frequency words. She could now identify all of her letters. There were still a lot of areas in which C still needed support, so I worked closely with the class TA in a handover. We both taught C, so that the TA could see what she was capable of when she continued the BRP model of reading with C 3 times a week.

C's follow-up assessments after 3 months showed that C was continuing to make progress, reading book level 11 and continuing to increase her reading and writing vocabularies. C was showing more confidence in class and was no longer in the lowest phonics group.

C will continue to need support in school but the fact that she, and others, now see her as a reader and an active learner has provided a crucial step forward.

Key Stage 2 FSM

The gap has reduced by 2% for the combined percentage for reading, writing and maths at level 4. In 2012 the combined gap was 26%. In 2013, the combined gap was 25% National data is not yet available.

- In writing the achievement of pupils known to be eligible for FSM has remained the same at 65% but the gap has risen by almost 2%.
- In maths the achievement of pupils known to be eligible for FSM has risen by 5% and the gap has reduced by 3%.
- In reading the achievement of pupils known to be eligible for FSM has reduced by 3% and the gap increased by 2%

Key Stage 3 FSM

At Key Stage 3, only the Free School Meals data is available. This shows that the overall performance of FSM pupils in mathematics improved by 8%, narrowing the gap with their peers to -20%: an encouraging trend for the future. In English the achievement scores and differential between FSM pupils and their peers (-20%) has remained the same.

Key Stage 4 FSM

There are almost 2000 children in receipt of free school meals in Brighton & Hove at Key Stage 4. In 2012/13 the percentage achieving 5+ A*-C GCSE (or equivalent) including English and mathematics GCSE was 30% which was an improvement of 3% from last year. The 2012/13 national figure was 38%, so Brighton and Hove children in receipt of free school meals, were 8 percentage points below the national average at age 16. The achievement gap is therefore 38% and has widened because free school meals achievement is lower (30%) and non free school meal achievement is higher at 68%.

In 2012/13 expected progress (3 levels) in English for Brighton and Hove Free School Meals young people, was 52%, narrowing the gap by 1 percentage point since the last academic year. Just over half of the children with free school meals made expected progress. In 2012/13 the Brighton & Hove non-FSM result at Key Stage 4 was 76%, and nationally was 73%. No other local authority benchmarking figures are currently available.

3. Closing the Gap in Educational Achievement of Learners with Special Educational Needs (SEN)

Early Years SEN

The gap in EYFS between those with free school meals and with special educational needs (SEN) and the average child, is 37.5% for their general level of development. As stated in the early years part of the primary phase, a change in methodology for submitting the data prohibits comparison of trend data this year.

% SEN GLD	12.3%
% Not SEN GLD	49.8%
EYFSP FSM gap	37.5%

Key Stage 1 SEN

The 2013 Special Educational Needs versus non SEN gap narrowed further in 2013 across all subjects, in terms of pupils reaching Level 2 and above, in the context of improved attainment for pupils with and without SEN. The gap narrowed by very nearly 2% in maths, 6% in reading and over 8% in writing.

While the gap remains too wide, the Local Authority has evidence of the effectiveness of interventions such as ECAR in improving outcomes for young people with SEN and is confident that the new focussed Closing the Gap Strategy will result in further rises in attainment and narrowing of gaps.

Key Stage 2 SEN

The 2013 SEN versus non SEN gap narrowed further by 6 percentage points on the new combined Reading, Writing and Mathematics (RWM) benchmark. In terms of individual subjects, there were substantial improvements in outcomes for pupils with SEN in mathematics with a rise from 56% attaining Level 4+ in 2011/12 to 63% in 2012/13; and in writing, with a rise from 44% attaining level 4+ in 2011/12 to 51% in 12/13. However, in reading there was a slight fall in the percentage of pupils attaining Level 4 from 67% to 66%.

Relevant, national comparative data is not yet available. While the gap remains too wide, the Local Authority has evidence of the effectiveness of interventions, such as improved, more forensic 'gap' data for schools and a focus on early intervention. Brighton & Hove City Council is confident that the new focussed Closing the Gap Strategy will result in further rises in attainment and narrowing of gaps. A key focus for work this coming year will be on Reading as results were least promising in this area.

It is important to note that the national benchmark measure changed this year to the more stringent combined RWM measure and so direct comparison with the former 'English' benchmark measure is invalid.

Key Stage 4 SEN

The 2012/13 figures are provisional, and refer to that academic year. In 2012/13 25% of pupils with special educational needs achieved 5+ A*-C including English and maths. In 2011/12 performance was 19%. There has therefore been a rise of 6%. For non-SEN pupils, (the 'average child') 75% achieved this standard in 2012/13, and 70% in 2011/12. This indicates an increase of 5 percentage points.

The 2012/13 SEN attainment gap was -50 percentage points, and 2011/12 was -51 percentage points. Both SEN and non-SEN achievement rose in 2012/13, with SEN 1 percentage point more than non-SEN pupils, leading to a closing of the gap by 1 percentage point. The gap is wider than the national gap because the achievement of non-SEN pupils was above average achievement nationally.

4. Closing the Gap in Educational Achievement for Children in Care

Progress from KS2 for children in care

Of the 26 students whose results we have: 15 (57.6%) achieved expected progress or more in relation to their KS2 result in English. This is currently significantly higher than the national average of 30.3% (2012)

17 (65.3%) achieved expected progress or more in relation to their KS2 result in Maths. This is currently significantly higher than the national average of 31.0% (2012)

Performance of Children in Care at GCSE: results so far

Of the 44 Year 11 pupils in the Virtual School at the end of the academic year, 35 will be formally reported on to the DfE with regard to their GCSE or equivalent results. These children have been in the care of Brighton and Hove continuously for a year on the 31st March 2013.

11 students (31%) within the cohort of 35 have a statement of special educational needs. This compares with just 3% nationally for all children and 21% for children in care (2012). Of these 11 students, 10 were educated in special school provision.

Currently we have results for 26 out of 35 children so percentages will change when we have the final figures as several of those in our care, have not yet received statements of special educational need.

5 pupils in Brighton & Hove achieved five A* - C GCSEs including English and Maths which equates to 14.2%. This is currently a significant increase on last year's validated figure of 6% and is slightly below the national average of 14.6% (2012). This year's data cannot be validated until January 2014. We expect an improvement on the figure reported above as we have a significant number of students (10) who have achieved a D in English. We will be requesting remarks for those who are close to the borderline.

Of the 26 students 9 (25.7% of the whole cohort) achieved 5A* - C at GCSE. This is currently below the national average of 36.8% (2012.) Of the 26 students 20 (57.1% of the whole cohort) achieved 5 A* - G at GCSE. This is currently higher than the national average of 51% (2012.) Of the 26 students, 25 (71.4 % of the whole cohort) achieved 1 A* - G at GCSE. This is currently slightly lower than the national average of 73%

5. Closing the Gap in Educational Achievement for Children with English as an Additional Language (EAL): Ethnic Minority Achievement Service (EMAS)

Comparison with National data

The national data shows an average for the last 5 years when compared to the current B&H average it looks as though there will be a substantial drop in EAL attainment. However, for reasons detailed below, it is likely that the actual EAL data will be quite different following individual school's choice to discount EAL pupils before data becomes public.

There appears to be some inconsistency between schools on whether to enter pupils for SATs. Schools choose to enter pupils working at the level of the test. Some newly arrived pupils have been entered for Maths and have an interpreter (provided by EMAS) for the paper and can achieve a good level of attainment. However, these pupils are also automatically entered for reading, writing and grammar where there is no real chance of achieving level 4. Due to this low achievement for Reading Writing and Grammar, some pupils who arrived as recently as 2011/12 school year have been discounted.

Early Years English as an Additional Language (EAL)

The gap between children with English as an Additional Language and the 'average child' is 14.4%.

%EAL GLD	31.7%
% Not EAL GLD	46.1%
EYFSP EAL gap	14.4%

Key stage 1 data

The gap in maths at level 2+ is narrower initially for children with English as an additional language. Achievement has declined by 0.3 percentage points. Non EAL achievement has improved by 2%. The gap has widened because of improved local non EAL results.

In writing, there has been a steady increase of over 10% in EAL performance from 65% achieving level 2+ in 2011 to 75.3% in 2013. Non EAL children achieving level 2+ has risen by 4% in 2013. Attainment has improved in both groups and the gap remains the same. In reading, attainment has improved in both groups and the gap has narrowed by 2.1%

Key stage 2 data

There has been a sustained upward trend of 14% in attainment of EAL pupils achieving level 4 in Reading, Writing and Maths since 2011. There has been an increase for Non EAL of 13% over the last 3 years. In 2013 the EAL cohort achieving level 4 at Key Stage 2 increased by 1% and the non EAL by 4% which makes the gap appear bigger this year but over the last 3 years, the actual increase in attainment has been greater in the EAL group.

Key stage 2 by ethnicity

There are 94 pupils in the key stage 2 dataset who are in the Black/Black British, White/Black African, other Black African, Black Sudanese and Black Caribbean categories. All of these groups have a significant achievement gap when compared to the white British Average. For example Other Black African (40 children) had an average of 62.5% and a gap of 17%.

Key stage 2 by language

The Chinese group of 12 children have particularly low attainment in their writing. This is a trend EMAS are aware of. The Chinese community in Brighton and Hove is not typical of the national Chinese community. There are many housing issues, poverty, living without recourse to public funding, possible trafficking of women and parents working long shifts. EMAS have responded to this by training our Home Liaison Worker for the Chinese community to deliver Triple P and to offer an enhanced service to the Chinese families we support.

Hungarian is another language with poor writing results. This group are often recent arrivals to the UK and have not had any prior literacy education, because in Hungary school does not start until children are 7. EMAS also recognises that there are Gypsy Roma pupils amongst the Hungarian cohort. These families do not always choose to record this as their ethnicity. We are working with our Hungarian and Slovak Home Liaison team and the Traveller Service to begin to address this.

EMAS will target particular training and interventions, for example Talking Maths intervention for schools identified as having a larger gap in that area. EMAS will ensure the schools know which areas we have identified as being weaker for their EAL cohort and work with them toward improved outcomes.

Key Stage 4 by ethnicity

Provisional data produced by EPAS shows that young people from non white British ethnic groups do not perform adversely when compared with white British young people at GCSE, in general. However, approximately a quarter of Black African and black other young people continue to fall below expected levels of progress in English and maths and in GCSEs generally, continuing the trend at Key Stage 2. However, by Key Stage 4, provisional EPAS data shows that Chinese young people (12) outperform White British young people, with 75% achieving 5 GCSE's including English and Maths. This reverses the trend at Key Stage 2 and demonstrates the impact of the EMAS teachers. 80% of the 5 young people who were Pakistani obtained 5 GCSE's including English and Maths. This group performed the best of all ethnic groups.

Key Stage 4 by language

English as an Additional Language	Pupils	% 5+ A*-C inc E&M	% English 3+ Levels Progress	% Maths 3+ Levels of Progress
No	2115	62.8	73.0	66.1
Not known	1	100.0	100.0	100.0
Yes	182	52.7	75.8	78.3

Over 2000 young people at Key Stage 4 speak English as an Additional Language. 53% of them achieved 5 or more GCSE's at grades A*-C and over 75% of them made expected progress.

Travellers

No Traveller children participated in public exams in the summer of 2013. This was mainly due to the fact that the City's transit site was closed during April and May because of essential works. No housed Gypsy Roma Traveller children were in the appropriate year groups to be tested.

Traveller Case Study

As part of our introduction to learning about travellers, a parent brought in his caravan to show the children. The children were very excited and loved exploring the caravan! Then Jennie came and shared a story about a traveller family using a persona doll and lovely props. After Jennie spoke about travellers at Hello Time, the children played extensively with the caravans and eagerly read and discussed the books that were available about travellers.

Thinking about journeys followed this play and the children went on a wander in the neighbourhood. An advance party chose a route and drew arrows on the ground, pavements and walls to show the 'rear guard' where to go. The children developed this further by noting arrows in the environment. They took photos of the trip themselves; this is how they saw it!

The children loved this so much they asked to repeat it the next day. The children's learning experiences throughout this topic included mark-making, measurement and distance, understanding the world (communities and different ways of life), reading books with a traveller theme, role play, creative work from decorating lace doilies to collaging a giant caravan, singing songs accompanied by musical instruments around a camp fire, map-making, photography and lots and lots of talking!

10. Looking Ahead – priorities

We appreciate that there is still much improvement to be made and our priorities looking ahead are:

1. All schools inspected to be judged good or outstanding
2. The achievement of boys in the EYFS
3. Raise standards and achievement in secondary schools to be in the top quartile of statistical neighbours
4. Improve the progress of maths across the city by at least five percentage points
5. Close the gaps in education achievement between pupils in vulnerable groups (Free School Meals, Special Educational Needs, English as an Additional Language and Children in Care) and their peers to less than the national average
6. Reduce the number of fixed term exclusions to below the national average

11. How the Local Authority will work with schools

The revised School Improvement Strategy has just been published. This document sets out how the Council will work closely in partnership with all schools and education providers. It is based on the set of principles outlined below.

When carrying out its school Improvement role the LA will:

- Respect schools' autonomy for their own development, using school self-evaluation (SSE);
- Maintain strong and dynamic relationships between headteachers, governors and the LA, characterised by regular professional dialogue;
- Promote a school led system as the main vehicle for building sustainable school improvement, and for sharing good practice, supported and held to account by parents, and the LA with the Learning Partnership;
- Advance equality of opportunity, foster good relations and aim to eliminate discrimination;
- Intervene early and commission support to prevent schools becoming a cause of concern;
- Encourage / share responsibility and accountability, with parents, carers and other stakeholders, to support the attendance, behaviour and safety of all pupils;
- Inform the focus on pupil progress and attainment across the ability range, and the many factors which influence it, including pupil health and well-being and parental involvement;
- Promote effective partnership and collaboration, to identify, share and develop good practice;
- Coordinate support for vulnerable learners with other teams within Children's Services.

We will work collectively to build on and share good practice that is shown to work, putting learning and teaching at the centre and developing school to school support, excellent maths teaching and a focus on closing the gaps – outlined in the Strategy – Closing the Gaps in Educational Achievement.

Governors

School governing bodies have a vital role to play in school support and challenge through

- Help schools to set high standards by planning for the school's future and setting targets for school improvement.
- Keep the pressure up on school improvement and be a critical friend to the school, offering support and advice.
- Help the school respond to the needs of parents and the community
- Make the school accountable to the public for what it does
- Work with the school on planning, developing policies and keeping the school under review (DfE website)

We provide support for governors to help them fulfil their role. An analysis of Ofsted reports show that Ofsted were largely very positive of the impact of governing bodies in the city.

Appendix One - unvalidated data

5+ A*- C including English & Maths GCSE									
School	Total no of Pupils 2012	Total no of Pupils 2013	2013 Early Data from Schools %	2013 No of Pupils 5 A-C E&M	2012 Final Result %	Difference from Last Year	2013 School Forecast as at May 2013 %	Difference from School Prediction	*FFT 'D' Estimate 2013 %
BACA	109	136	46	62	40	6	45	1	40
Blatchington Mill	309	302	72	216	61	11	70	2	77
Cardinal Newman	337	347	73	252	69	4	74	-1	77
Dorothy Stringer	335	316	71	223	67	4	75	-4	81
Hove Park	287	295	65	191	61	4	67	-2	66
Longhill	235	230	50	114	45	5	52	-2	60
PACA	117	149	60	89	39	21	50	10	52
Patcham	178	171	57	97	57	0	58	-1	57
Varndean	237	292	63	183	56	7	62	1	67
ACE	18	13							
Cedar Centre	15	14							
Downs Park	14	7							
Downs View	6	10							
Hillside	7	4							
Patcham House	11	11							
Local Authority	2213	2297	62	1427	56.4				66
LA excluding Special Schools		2238	64	1427					
England (all schools) 2012					59.4				
England (state funded only) 2012					58.8				

Unvalidated data, schools self-report: August 2013

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