

Appendix 2

Consultation Responses – Panel Topics

1. Primary School Admissions

A number of responses related to primary school admissions, either for a specific area, or across the entire city. This is already an issue CYPOSC has on its work-programme, with a report going to September's meeting (Agenda item 18).

Based on the content of this report members will be able to decide whether they wish to undertake further scrutiny.

2. School Appeals System

The appeals process is a statutory responsibility and operates separately to school admissions. The council operates the appeals process but this is seen as independent to the Council as are the panel members (who are volunteers). The appeals team are neutral in the operations of the appeals process and provide neutral advice to parents, panel members and the admissions team.

If an appellant feels that an appeal hearing has not been held in compliance with the relevant legislation they have two options; referral to the Local Government Ombudsman or an application to the High Court for a Judicial Review of the decision. An Ombudsman cannot overturn the appeal decision but can recommend that a fresh appeal is held if there is proof of maladministration. The High Court can overturn a decision of the Panel if the Judicial Review is successful.

Legislation

Appeal hearings have to be held in line with both relevant legislation including the School Standards and Framework Act 1998, Human Rights Act 1998 and the Equalities Act 2006 and with statutory guidance in the School Admission Appeals Code. The Administrative Justice & Tribunals Council (AJTC-based in London) is the governing body which inspects the Council's Appeals processes. The last visit was in December 2008 –which resulted in a “glowing report”.

Local powers

Council's do not have the powers to change the appeals process. Therefore scrutiny would have very limited opportunities to make recommendations that the rigid framework would allow to implement.

Data

On average around 400 School Admission appeals are held every year. Appeals are received both for those who are moving up to infant, junior and

secondary school, and for those who wish to change school during the academic year.

For 2010 to date, 29% of the appeals heard for Years 3 to 11 were successful. This figure is slightly lower than the national average. For the same time period, 0% of appeals for Reception Year to Year 2 were successful, which is in line with the national average (legislation covering infant school appeals allows very little scope for an appeal to be successful). To date there have been 6 complaints to the Ombudsman, of which 4 were not upheld and 2 are waiting for decisions. In 2009, there were 8 complaints to the Ombudsman – none of these were upheld. No decision of the appeal panel has been referred for a Judicial Review.

Recommendation – If there are specific questions that Members have a report can be added to CYPOSC's work-programme.

3. Teenage Pregnancy

At its meeting in November 2009 CYPOSC considered the issue of teenage pregnancy. The report contained detailed information on performance, interventions and actions-planned.

The CYPP refers extensively to teenage conception, and a considerable amount of work has been undertaken in this area, further work planned includes:

- reviewing young people's services,
- reviewing agency working
- working closer with the substance misuse team
- working to the Total Place agenda
- planning how the service will fit into the Intelligent Commissioning model

Monitoring data shows significant progress; quarter 2 -2009 showed 18% reduction from the same quarter in 2008. There has been a rapid decline in teenage pregnancies over the previous 5 quarters (March 2008 – March 2009).The latest rate is 16% lower than the England rate and 4% higher than the South East rate.

It is therefore not recommended that CYPOSC take further action at this stage.

4. Obesity – planning and fast food outlets

CYPOSC considered a report entitled 'The Healthy Weight of Children and Young People' in November 2009. This report detailed the work being undertaken within the city to reduce levels of childhood obesity. Childhood Obesity is a:

- National priority within the NHS Operating Framework
- NHS Brighton and Hove World Class Commissioning health priority
- Local Area Agreement (LAA) target -to reduce obesity among primary school age children in Year 6 to 17.5% by 2010/11.

A Strategy “Promoting Healthy Weight and Healthy Lives in Children and Young People in Brighton and Hove 2008/09-2011/12” was produced and presented to the PCT Board on 17th February 2009. A Healthy Weight of Children and Young People Delivery Plan to implement the recommendations of the strategy was developed jointly by NHS Brighton and Hove and the CYPT in February 2009.

Childhood obesity data is collected through the implementation of the National Child Measurement Programme (NCMP) which weighs and measures children in Reception (typically aged 4–5 years) and Year 6 (aged 10–11 years). The most recent data (for the academic year 2008-09) suggests that the prevalence of obesity for pupils in year 6 is 16.4%. This compares to 17.7% prevalence recorded in 2007-08. Although this appears to be a decrease in obesity prevalence, the decrease is not significant and the data is insufficient to show that there is a downward trend due both to natural variation in the statistics and to the lack of trend data available at this early stage in the programme.

The suggestion for scrutiny related specially to obesity and planning powers regarding fast-food outlets.

The Healthy Urban Environments Steering Group is already looking into this area as it is part of the Childhood Obesity work/delivery plan. A recent court case ruling concerning fast food outlets has interesting ramifications that the council may wish to explore.

The group is currently putting together a research project that will aim to gain a better understanding of the locations of schools and fast food outlets and what if any impact this has.

It's recommended that CYPOSC requests to see early results from the work undertaken by adding the issue to its work programme for 2011.

5. Support/outcomes for YP 16-25 from the care system – transition into adulthood

The Corporate Parenting Strategy went to the CYPT Board in May of this year. Corporate Parenting describes the collective responsibilities that members and officers of Brighton & Hove City Council and its partner organisations have towards children and young people in care of the Local Authority.

The strategy is about ensuring that these children and young people are safe, secure and healthy, are encouraged and supported to achieve their potential and aspirations, are encouraged to lead fulfilled lives and are successfully

prepared for a future where they will be valued and involved citizens who are economically independent and able to contribute positively to the communities in which they live.

As Corporate Parents, members, officers and partners need to ask two questions:

- “If this was my child, would this be good enough for them?”
- “If I was that child or young person, would this have been good enough for me?”

It is suggested that this issue is added to CYPOSC’s work-programme, with the focus of the report being the transition. Should CYPOSC be dissatisfied with the approach to transition, or corporate parenting further scrutiny work could be undertaken.