

Chief Executive's Office

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Your Ref:

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To: All Members of Cabinet:
R.J. Phillips (Leader)
Mrs. L.O. Barnett
P.J. Edwards
Mrs. J.P. French
J.C. Mayson
D.W. Rule MBE (Deputy Leader)
R.V. Stockton
D.B. Wilcox
R.M. Wilson

8th March, 2006

Dear Councillor,

MEETING OF CABINET
THURSDAY, 16TH MARCH, 2006 AT 2.00 P.M.
THE COUNCIL CHAMBER, BROCKINGTON, 35 HAFOD ROAD, HEREFORD

AGENDA (05/22)

**HEREFORDSHIRE COUNCIL - NOTICE UNDER REGULATION 15 OF THE LOCAL
 AUTHORITIES (EXECUTIVE ARRANGEMENTS((ACCESS TO INFORMATION) REGULATIONS
 2000 (AS AMENDED)**

Notice is hereby given that the following item contains a key decision. When the decision has been made, the Chairman of the relevant Scrutiny Committee will be sent a copy of the decision notice and given the opportunity to call-in the decision

Item No	Title	Portfolio Responsibility	Scrutiny Committee	Included in the Forward Plan Yes/No
6	Joint Area Review - Improvement Plan	Children and Young People	Children's Services	Yes

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To receive any declarations of interest by members in respect of items on this agenda.



Putting People First Providing for our Communities Preserving our Heritage Promoting the County Protecting our Future

County of Herefordshire District Council, PO Box 239, HEREFORD, HR1 1ZU

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3. CONSULTATIONS ON NEW STRATEGIC HEALTH AUTHORITY, PRIMARY CARE TRUST AND AMBULANCE SERVICE ARRANGEMENTS

To consider the Council's response to three consultations regarding the future configuration of NHS Services in the West Midlands. *(Pages 1 - 6)*

4. LOCAL PUBLIC SERVICE AGREEMENT

To receive a report on the final performance against the first Local Public Service Agreement (LPSA1). *(Pages 7 - 10)*

5. COMMUNITY FORUMS

To receive a report on the January 2006 round of Community Forum meetings. *(Pages 11 - 26)*

6. JOINT AREA REVIEW - IMPROVEMENT PLAN

The draft Improvement Action Plan was submitted to the Chief Inspector of the Commission for Social Care Inspection on Thursday, 9th February, 2006. That Plan is now subject to report to the relevant Minister and an oral update will be given at the meeting. If a decision is received prior to the meeting then a copy of the draft as amended and/or with comments will be circulated.

7. EDUCATION WHITE PAPER OCTOBER 2005 - HIGHER STANDARDS, BETTER SCHOOLS FOR ALL: IMPLICATIONS FOR HEREFORDSHIRE

To receive a report on the local implications for Herefordshire of the Government's latest white paper on Education. *(Pages 27 - 62)*

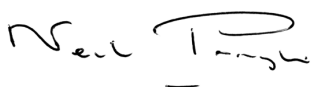
8. REVIEW OF THE PROVISION OF SCHOOL PLACES

To approve a County-wide review of school provision in primary, secondary and post-16 phases of education. *(Pages 63 - 68)*

9. EU FUNDING PROGRAMMES 2007-2013

To receive a report on the European Commission's key proposals on the EU Structural Funds, particularly the Competitiveness and Employment Fund and England Rural Development Programme. *(Pages 69 - 72)*

Yours sincerely,



**N.M. PRINGLE
CHIEF EXECUTIVE**

Copies to: Chairman of the Council
Chairman of Strategic Monitoring Committee
Vice-Chairman of Strategic Monitoring Committee
Chairmen of Scrutiny Committees
Group Leaders
Directors

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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CONSULTATIONS ON NEW STRATEGIC HEALTH AUTHORITY, PRIMARY CARE TRUST AND AMBULANCE SERVICE ARRANGEMENTS

PORTFOLIO RESPONSIBILITY: CORPORATE STRATEGY AND FINANCE

CABINET

16TH MARCH, 2006

Wards Affected

County-wide

Purpose

To consider the Council's response to three consultations regarding the future configuration of NHS services in the West Midlands.

Key Decision

This is not a key decision.

Recommendation

That the comments set out in this report be used as a basis for the Council's response to the three consultations to be agreed jointly with the Health Scrutiny Committee.

Reasons

The Secretary of State for Health has approved consultation on proposals to reconfigure NHS services following the publication of the "Commissioning a Patient Led NHS" the national NHS document which asked all Strategic Health Authorities to undertake an assessment of all NHS organisations focusing on a change in the way services are commissioned and delivered to reflect patient choices.

Strategic Health Authorities, including the proposed West Midlands Strategic Health Authority, will have to develop new approaches to managing their health care as a result of an increased range of health care providers and an increase in patient choice. The way Ambulance Trusts and PCTs are structured and managed will also have to change to enable them to continue to deliver responsive and efficient services.

National consultation exercises regarding new boundaries for Strategic Health Authorities (SHAs), Primary Care Trusts (PCTs) and Ambulance Trusts are taking place between 14th December, 2005 and 22nd March 2006. The consultations relate to changes to organisational boundaries and do not include any proposals for service change. In terms of SHAs in the West Midlands, the proposal being consulted on is to bring together Birmingham and the Black Country SHA, Shropshire and Staffordshire SHA and West Midlands South SHA, to establish one SHA for the West Midlands that is coterminous with the Government

Further information on the subject of this report is available from
Geoff Hughes, Director of Adult and Community Services on 01432 260695 or Sue Fiennes, Director
of Children's Services on 01432 260048

Office for the Region.

For PCTs in the South West Midlands, the proposal is to bring together the current PCTs of Wyre Forest, Redditch and Bromsgrove and South Worcestershire to form one Worcestershire PCT. Additionally North Warwickshire PCT, Rugby PCT and South Warwickshire PCT would be merged to create a Warwickshire PCT with Herefordshire PCT and Coventry PCT remaining as currently configured.

The proposal being consulted on for ambulance services in the West Midlands is to bring together the current four Ambulance Trusts (Staffordshire; Coventry and Warwickshire; West Midlands and Shropshire; Hereford and Worcester) to be replaced by one Ambulance Trust covering the whole of the West Midlands conterminous with the Government Office for the Region.

The results of the consultation will be reported by the SHA to the Department of Health who will make a final decision on the re-configurations.

The proposals have been discussed at a series of public meetings across the County including Hereford City, Golden Valley, Ross-On-Wye, Ledbury and Leominster. In addition, the Health Authority and the Primary Care Trust have met with the Health Scrutiny Committee of Herefordshire Council and the Primary Care Trust PPI forum. The West Midlands South Strategic Health Authority has also had discussions with local MPs and other stakeholders.

Copies of the consultation documents on all three consultations are available in the Members' Room for information or on request.

Considerations

1. Members are invited to consider their response on the proposed reconfigurations. The main issues arising from the public consultation process in respect of delivery of NHS services in Herefordshire are set out below.

Regional Health Authority Consultation

2. A proposal to establish one new West Midlands SHA to replace the existing three SHAs of Birmingham and the Black Country, Shropshire and Staffordshire and West Midlands South has the following benefits:
 - The West Midlands is a geographic area widely recognised by the resident population;
 - There would no longer be the need for the same number of SHAs, this will reduce management and administrative costs by approximately £7.5 million to be reinvested in front line services;
 - Shared boundaries for the Government Office for the Region, Regional Development Agency and Assembly should offer significant advantages in influencing and decision making to enhance health improvement and reduce inequalities.
3. However, the distances of services or support away from the locality raises questions about the ability to maintain both staff familiarity with local issues and existing quality of provision, for example West Midlands South SHAs work on raising the public health agenda. Members may wish to see these points clearly addressed in the detailed

delivery arrangements for the new Regional Health Authority.

4. The overall view emerging from the public meetings in Herefordshire is that the proposed reorganisation is beneficial. Local people would generally see the benefits of a Strategic Health Authority covering the identifiable West Midlands area with the advantage of shared boundaries with other Government Agencies. In addition local people have largely welcomed the reduction in management savings at Health Authority level with the assurance that these are going to be ploughed back into front-line services.

Ambulance Trust Consultation

5. The Department of Health is currently consulting on a proposal to create 11 new Ambulance Trusts in England. The Department of Health notes that these proposed changes are purely administrative and do not involve changes to service provision. However, notwithstanding this point, the Department welcomes feedback from a wide range of individual groups or organisations which includes local authorities.
6. The proposed impact within the West Midlands would be that the four current NHS Trusts covering West Midlands, Hereford and Worcester, Coventry and Warwickshire and Staffordshire would merge together into a new Ambulance Trust covering the West Central Midlands area. All four Ambulance Service Trusts are working together to ensure plans are in place to maintain current standards and ways of working and that all services move to a standard of the best. The proposals do not include any proposals to change the models of service provision locally or local control centres. Indeed local delivery units would be created to ensure local focus maintained.
7. The consultation suggests that the merged Ambulance Trust would have the capacity to drive up standards and achieve better, more consistent, performance and clinical outcomes. Patients across the Region should benefit from the best practice standards from each of the current services. There should be improved coordination on emergency planning across the West Midlands, there should be a flexibility to invest time improving training of staff and it is indicated that the money saved, approximately £3million in management costs, can be reinvested into front line ambulance services. However, the benefits of a single Ambulance Trust will only be fully realised if a large degree of the locally focused drive management and pride is maintained and locked into new organisations via local delivery units.
8. The major concerns reflected by local people in the consultation events held to date by the PCT has been the concern to ensure that the re-organised Ambulance Trust can respond quickly and effectively to local needs. Different communities have different requirements and it is important that the new Trust delivers a service tailored to the rural nature of Herefordshire. In addition the local service has developed excellent partnership working with other local NHS organisations and out of hours providers, this is particularly important in the management of unscheduled care and out of hours care.
9. The new Trust should maintain these key relationships to ensure the delivery of a high quality service that meets the different needs of the local communities served, particularly the rural population of Herefordshire. A key point is to ensure that any new control room facilities build in an understanding of the various localities within the region. Staff familiarity with local issues is often key to fast responses to emergency situations. On the basis that these considerations are taken into account, the proposed boundary changes should provide more consistent, convenient, high quality and appropriate ambulance services for the population of Herefordshire and it is proposed that the Council's response to the consultation should be developed on this basis.

Primary Care Trust Consultation

10. The proposal here is to establish new PCTs across the County including West Midlands South. The proposals out for consultation specifically includes the maintenance of an independent Herefordshire PCT as currently configured. The new approach will require PCTs to enhance and strengthen their role in commissioning services, that is, the process by which the NHS plans and pays for health services. PCTs will focus increasingly on public health and on supporting GPs to be more involved in commissioning via practice based commissioning.
11. The Council has previously indicated its support for an independent Herefordshire PCT in its pre-consultation response to the Strategic Health Authority. Herefordshire can already demonstrate the benefits that co-terminosity between the Primary Care Trust and local authority has produced to date. The recent White Paper (Our health, our care, our say: a new direction for Community Services) reinforces further, the requirement for close partnership working and on a wider well-being agenda including for example leisure, transport and housing.
12. There has already been positive progress with the Herefordshire Primary Care Trust in developing proposals for integrating commissioning, planning, public health and related functions of the Council and PCT into a new Public Service Trust as set out in the report to Cabinet on 23rd February, 2006. The proposals for a Herefordshire Public Service Trust would create an organisation to deliver two of the key themes of Herefordshire's Local Area Agreement (Children and Young People and Healthier Communities for Older People). Any option which undermines the PCTs current co-terminosity with the Council would threaten to undermine joint working and make current Section 31 arrangements and Children's Trusts arrangements more difficult.
13. Key points made in the pre-consultation stage also related to the fact that Herefordshire is a large rural County with its own identity which is in a peripheral location on the edge of the West Midlands. There is therefore a strong public view in favour of maintaining a local organisation responsible for health which will be sensitive to local needs. There is also concern that any larger geographical PCT which created a locality structure recognising Herefordshire is likely to be expensive and therefore would either undermine management cost reductions or prove impossible to achieve meaningfully within management costs.
14. There is also an opportunity in developing a Public Service Trust for Herefordshire to explore alternative models for mental health commissioning. The Council has already indicated that it would wish to encourage the Regional Health Authority to consider widening Public Service Trust considerations to include mental health commissioning, to provide a vehicle for an integrated mental health service to be sustained in Herefordshire.

Risk Management

The comments on the consultations are aimed at minimising any negative impact of the proposed reconfigurations on the residents of Herefordshire.

Alternative Options

There are no Alternative Options.

Consultees

There have been a number of public consultation meetings.

As set out in report

Appendices

None

Background Papers

None identified.

LOCAL PUBLIC SERVICE AGREEMENT

PORTFOLIO RESPONSIBILITY: CORPORATE STRATEGY AND FINANCE

CABINET

16TH MARCH, 2006

Wards Affected

County-wide

Purpose

To receive a report on the final performance against the first Local Public Service Agreement (LPSA 1).

Key Decision

This is not a Key Decision.

Recommendation

That the performance against targets within LPSA 1 as set out in Appendix 1 be noted.

Reasons

A significant level of performance reward grant PRG was available for the achievement of the LPSA 1 targets and it is important for members to be aware of the final performance against these targets.

Considerations

Background

Funding the Agreement

1. The first Local Public Service Agreement finished on 31st March, 2005. Internal Audit staff have now completed the verification of the reported performance figures and these are set out in detail in Appendix 1. These will need to be signed off by the Chief Executive and submitted to the Office of the Deputy Prime Minister in order for the performance reward grant to be paid.
2. Cabinet received an interim report on LPSA 1 performance in May 2005. This made an estimate of the reward grant earned at £1.6m. The actual PRG earned, prior to agreement by the Government, is £1.65m which is 47% of the total available of £3.54m. This grant will be paid in two equal amounts over the next two years and has been approved by Cabinet for investment in LPSA 2. This will be supplemented by the pump priming grant by the Government of £930,000.
3. An analysis has been carried out by the ODPM on national performance for LPSA 1

Further information on the subject of this report is available from
Andrew Tanner, Assistant County Treasurer on 01432 260162

based on the first 20 pilot authorities. The overall percentage of PRG earned amongst these authorities is 63%, however there is a recognition that some targets, most noticeably in the educational attainment area have been very difficult to achieve. The level of PRG earned by Herefordshire can therefore be seen as disappointing, despite robust corporate monitoring. Lessons learnt from LPSA 1 need to be carried forward into ensuring a higher level of reward grant is secured in the second agreement. The Council and its partners will rely heavily on additional investment for performance improvement in the future and the LPSAs provide a very good opportunity for this to happen.

Performance Considerations

4. A sustained focus on those targets which were within the Council's control would have resulted in a higher level of PRG. It has been accepted in previous debates on LPSA 1 that some of the targets negotiated were going to be extremely difficult to meet: the Homelessness and Educational attainment targets being two obvious examples. Targets such as domestic burglaries were also never going to be reached due to changes in definitions on national crime performance indicators and this ultimately was a risk borne by the Council.
5. There were however a number of targets where the Council had a greater control over final performance but ultimately fell short of securing the available reward grant. Examples include nursery settings and e-government. The delay in the Community Access Point project under HIT resulted in target 13.3 being missed whilst the operational programme for the Single Assessment Process was not delivered meaning that reward grant has been lost here also. Target 11.2, relating to the percentage of nursery settings on a one to two year outcome for three consecutive years failed because of one setting.
6. The Head of Internal Audit has now completed the detailed Audit process and the formal submission for the reward grant can now be made.

Alternative Options

There are no alternative options.

Risk Management

Local Public Service Agreements represent an opportunity for the Council and its partners to secure significant future investment in priority areas. Failure to focus adequately on the performance management aspects of the agreement will have an adverse impact on the Council and its partners to sustain important service improvements in the future.

Consultees

There are no consultees.

Background Papers

None identified.

LPSA 1 Targets

PRG		Available PRG £	PRG Earnt £	LPSA Target	Actual
Target 1		272,000			
1.1	Intensive Home Care as % of intensive home and residential care. B11	68,000	-	20%	14.20%
1.2	Intensive Home Care. C28	68,000	-	6.5	5.32
1.3	Older People helped to live at home. C32	68,000	-	120	58.9
1.4	Avoidable harm for older people (falls & hypothermia)	68,000	68,000	22	14
Target 2		272,000			
2.1	Fire per 10,000 dwellings - BVPI 142 iii	136,000	136,000	15	13.04
2.2	Deaths & injuries per 100,000 population - BVPI 143 I & ii	136,000	136,000	6.95	6.64
Target 3		272,000			
3.1	The no of killed and seriously injured casualties per annum.	136,000	136,000	197	141
3.2	Course visual inspection of roads % exceeding threshold. - BVPI 97 a) & b)	136,000	136,000	10%	10%
Target 4		272,000			
4.1	Vehicle crimes per 1,000 population	90,667	90,667	8.75	6.21
4.2	Domestic burglaries per 1,000 households.	90,667	-	7.4	8.1
4.3	% young people offended in last 1/4 of year who reoffended..	90,667	-	42.60%	46.70%
Target 5		272,000			
5.1	Adoptions of looked after children - BVPI 163	272,000	-	21	15
Target 6		272,000			
6.1	Employment, education and training for care leavers	90,667	90,667	72%	80%
6.2	% of children leaving care aged 16, obtaining 5 GCSE's grades A* to C	90,667	-	5%	1%
6.3	Children looked after absent from school.	90,667	61,653	11	12.60
Target 7		272,000			
7.1	% of Electoral Register voting in 3 postal wards at district elections.	90,667	90,667	All met	
7.2	%+B25 of younger people surveyed answering + to "council giving young people influence over important decisions.	90,667	-	24.80%	19.20%
7.3	% of citizens panel - local people influencing important decisions.	90,667	90,667	20%	33%
Target 8		272,000			
8.1	% of homeless households needing repeat housing.	272,000	-	0%	Conditions not met
Target 9		272,000			
9.1	% of pupils attaining 5 or more A* - C grades at GCSE	272,000	-	62%	58.20%

Appendix 1

Target 10		272,000			
10.1	% of pupils attaining 5 or more grade A* - B GCSE's	136,000	136,000	31%	32.20%
10.2	% of pupils attaining level 5 or above in English, Maths, Science at end of Key stage 2.	136,000	136,000	18%	18.40%
Target 11		272,000			
11.1	% of settings on 1-2 year outcome	90,667	-	2%	3.70%
11.2	% of settings on 1-2 year outcome for 3 consec yrs.	90,667	-	0%	0.90%
11.3	% of settings accredited on Quality Assurance Scheme.	90,667	-	45%	22%
Target 12		272,000			
12.1	Increase in cost effectiveness	272,000	272,000	8%	8%
Target 13		272,000			
13.1	BVPI 157 - 100% delivery of e government	90,667	68,000	100	75
13.2	% of Council services relating to Single Assessment, Supporting People and community legal services, delivered in partnership with county agencies and available via the Herefordshire Partnership portal by 2005.	90,667	-	50%	??
13.3	The maximum travelling time for any Herefordshire resident to their nearest community access point (a public web access point provided by the Herefordshire Partnership).	90,667	-	15	25

PRG Earnt	1,648,320
PRG Available	3,536,000
	47%

COMMUNITY FORUMS

PORTFOLIO RESPONSIBILITY: CORPORATE STRATEGY AND FINANCE

CABINET

16TH MARCH, 2006

Wards Affected

County-wide

Purpose

To receive a report on the January 2006 round of Community Forum meetings.

Key Decision

This is not a key decision.

Recommendation

That the report be noted.

Reasons

To comply with the agreement that issues raised and discussed at Community Forums should be presented to Cabinet after each round of meetings.

Considerations

1. A full report of the Forum meetings is set out at Appendix 1. The issues raised provide a useful indicator of local concerns for Cabinet to consider.
2. In addition to advertising in more than 30 Parish Magazines and in the local press, colour posters were issued to all Councillors for display in their local area. Posters were sent to every Parish Clerk, with a letter explaining the importance of Forums and asking them to inform all Parish Councillors.

Attendance varied. Figures were:

Hereford City	28
Golden Valley	50
Ross-on-Wye	27
North Herefordshire	13
Central Herefordshire	3
East Herefordshire	16

3. Total attendance was 137. 63 people (46%), completed feedback sheets. Of these, 40 (65%) had attended a Forum before. Of those who had attended before, 98% said they would attend again and one person was not sure whether they would attend again. 22 (35%) had not attended before. Of these, 64% would attend again and 36% were not sure whether they would attend again. No-one said they would not attend again. As only 46% of those who attended Forums completed the feedback sheets, no reliable conclusions can be drawn. However, these figures, taken together with the September 2005 figures, suggest that, in terms of community involvement, it

is largely the same 70 - 90 people who attended the Forums in each round, but that around 10 – 15 new people attend each round, who think they will attend future Forums.

4. On a scale of 1 to 5, where 5 was very worthwhile and 1 not worthwhile at all, 36% rated the Forum very worthwhile (5); 43% rated it quite worthwhile (4); 14% rated it OK (3); and 7% rated it not very worthwhile (2). No-one said it was not worthwhile at all. Of the 22 respondents who had not attended a Forum before, 20 (90%) answered this question. Of these, seven (35%) rated it very worthwhile (5); seven (35%) rated it quite worthwhile (4); four (20%) rated it OK (3), and two (10%) rated it not very worthwhile (2).

Consultees

Community Forum Chairmen; Cabinet Members and the Leader of the Council.

COMMUNITY FORUM MEETINGS: JANUARY 2006**AGENDA ITEMS PRESENTED AT MORE THAN ONE FORUM****Council Tax and the budget (All Forums)**

Presentations were given by Sonia Rees, Director of Resources, Andrew Tanner, Assistant County Treasurer and David Keetch, Assistant County Treasurer. The presentation outlined the Council's expenditure for 2005/06, showing the percentage spent on each service area. The presenter explained that the budget setting process continues throughout the year, taking account of national and local factors and priorities. There were pressures on Council Tax from the responsibilities imposed by central government, which were not always adequately funded by government grant. In order to maintain service provision at a reduced cost, it was necessary for the Council to make efficiency savings. This would be achieved by efficiencies in procurement, ICT and operational improvement, rationalising Council accommodation and focusing on priorities. It was emphasised that Herefordshire was a low-spending, low funded Council. The Council had achieved a score of 3 out of 4 in independent assessments for Value for Money and the Corporate Performance Assessment. In response to questions, it was explained that:

- The Government Grant and business rates were set by central government and the Council had no control over them. For that reason, any increase in spending had to be funded from Council Tax;
- The Council was trying to impress on central government the particular problems facing rural counties. The Council was campaigning consistently and was working with the Local Government Association (LGA), to gather evidence to support this;
- The Council was committed to making efficiency savings. Council staff pay increase was 3% this year. Directors' pay was driven by national market prices and was linked with good management. Major services had been contracted out. Staff vacancies were not automatically filled, and a system was in place for the responsible Cabinet member to approve any requests for extra staff. Improvements in and greater use of ICT would help to achieve efficiencies;
- The sale of existing buildings would help to fund a rationalisation of Council accommodation;
- Although there was no known research, the change to a Unitary Authority almost certainly resulted in substantial savings. Compared with other authorities, where there were district, city and county councils who did not always share interests, unitary authorities had far fewer costly administrative structures;
- Herefordshire was on course to receive a substantial financial return for Public Service Agreement targets achieved;
- The Government was now using updated census statistics to calculate the Government Grant;
- The problem with free transport for older people being provided in the towns, but no buses being available in rural areas where there was a clear need, would be taken up with the Transport Officer;
- The Council acted only as a collection agency for fire, police and parish revenues;
- The proposals for a revaluation exercise had stopped and it was not known when they might resume. The Lyons Report might impact on this;

- A decision on the Council Tax increase for the next financial year would be made by the Council taking account of advice from the Chief Executive and the Director of Resources. It was thought that the Government might cap increases at 5%, and the Council was provisionally considering an increase in line with that, but the final decision would depend on the Government Grant;
- Local authorities were under increasing pressure from central Government to provide more services, but without corresponding increases in grants. These were statutory responsibilities, sometimes originating in EU requirements. The new licensing laws were an example of a costly new statutory duty imposed on councils;

The Primary Care Trust consultation (All Forums)

The first presentation was given by Tamar Thompson, the Director of Modernisation and Nursing for the West Midlands South Strategic Health Authority. Other presentations were given by Simon Hairsnape, the Deputy Chief Executive of the Herefordshire Primary Care Trust. Others present were:

For the West Midlands South Strategic Health Authority:

Mike Deakin, Director of Public Health and Clinical Engagement
Bronwen Bishop, Director of Primary Care Development and Corporate Services
Colin Bexley, Director of Strategic IT
Grace Hampson, Locality Director

For the Herefordshire Primary Care Trust:

Paul Bates, Chief Executive
Ted Willmott, Chairman
Julie Thornby, Director of Corporate Development
Mike Thomas, Director of Operations
Brian Handford, Director of Finance, Information & Performance
John Campbell, Director of ICT
Dr Richard Cook, GP Locality Director - Ross
Christine Penning, Non-executive Director
Trish Jay, Director of Clinical Development, Lead Executive Nurse

For the Hereford and Worcester Ambulance Trust:

Joanna Newton, Chairman

The Primary Care Trust was conducting a public consultation exercise on behalf of the Secretary of State for Health on proposals for new arrangements affecting the Primary Care Trust (PCT), the Strategic Health Authority (SHA), and the Hereford and Worcester Ambulance Trust. The preferred option for the PCT was to leave Herefordshire PCT in its present form. There were many advantages to having the PCT co-terminus with the County (ie: sharing the boundary), for example, the links between hospitals and care homes. This debate was important to the future of both Herefordshire Council and the PCT. There was a good track record of co-operation between Herefordshire Council and the PCT, and this had been a factor in preserving the PCT. The fact that the PCT was able to work within its budget was also a major factor. It was emphasised that it was important for the public to take part in the consultation if they wished to ensure the retention of the Herefordshire PCT, since the other options were still open for consideration.

For the Ambulance Trust, it was proposed that 11 ambulance service trusts should be established across England. There were currently four Ambulance Trusts in the West Midlands area. It was proposed to create one West Midlands-wide Ambulance Service. There were no proposals to change the model of service provision locally; Local Delivery Units would be created to ensure local focus was maintained. The proposals would provide better capacity in terms of planning, particularly for major emergencies and disasters.

In terms of the Strategic Health Authority (SHA), it was proposed to replace the three existing SHAs in the West Midlands with one. With a reduced number of Primary Care Trusts, three SHAs would be unnecessary. This new SHA would share boundaries with the Government Office of the West Midlands, offering advantages in terms of influencing decisions affecting the provision of health services.

The consultation period would end on 22 March 2006. Detailed information about the proposals was available at the Forum for those present to take home. Details of how to respond and forms to complete were also available. In response to questions, it was explained that:

- The air ambulance was not included in the consultation because it was a charity co-ordinated by the Ambulance Trust, but not part of it;
- The proposals were for organisational change, not any change to the service provided, and would not impact on the working practices of frontline staff;
- The increasing role of the PCT as commissioners of services, rather than providers, would give patients genuine choice and strengthen the powers of GPs;
- The PCT currently managed three hospitals. There were no proposals in this consultation exercise to make changes to community hospitals;
- Administrative and managerial posts would be lost. The resulting reduction in bureaucracy would provide extra money for frontline services. Reorganisation and the loss of some management posts would provide around £250m nationally for frontline services;
- Partnership working between the PCT and Herefordshire Council was very good, for example, the links between mental health services, for which the PCT was responsible, and Herefordshire Council's Learning Disabilities Service;
- Over the last five to six years, ambulances had been positioned where patients were, rather than in ambulance stations. At this stage, there were no proposals to close ambulance stations, but even if some ambulance stations closed, the service would be maintained. The Ambulance Trust would consult with local people on the best way to provide services;
- There were no proposals in this consultation exercise for changes within the PCT, but this would be addressed over the next 1 – 2 years. It was acknowledged that "red tape" could cause frustration in individual cases, and the PCT was anxious to minimise this. The Government wanted PCTs to be commissioners of services, not providers. Kington and Ledbury Hospitals were currently managed by private sector organisations and were run as well as PCT managed hospitals;
- The waiting times for GPs on the Out of Hours Service were determined case by case, and were one, two or six hours. All Herefordshire GPs opted out of providing this service. The service was a Government initiative and PCTs had to work with it. The standards set for the service were a national issue;
- The PrimeCare contract expired in March 2006. Other options had been explored, but PrimeCare proved to be best able to provide the service required. There had been month on month improvements in their performance;
- The PCT balanced its budget and had no reason, therefore, to reduce services.

- Herefordshire Council had a record of successful joint working with the PCT, and strongly supported the retention of Herefordshire PCT.

National Grid Gas Connection Projects (Golden Valley and Ross-on-Wye)

The presentations were given by Steve Knight-Gregson, the Consents Manager (Land and Development Group), National Grid. Other representatives of the National Grid present were:

Brian Smethurst, Project Manager
Phil Allen, Assistant Project Manager
Diane Owen, Community Relations Manager

Natural Gas terminals were under construction at Milford Haven and would be operational by October 2007. These would provide around 20% of UK gas requirements. The National Grid had a statutory duty under the Gas Act 1986 to develop and maintain a safe, efficient, co-ordinated and economical gas transportation system. Transmission System reinforcements and modifications would be needed to transport the gas. The project started in February 2005, and 16 route corridors had been identified and investigated for the gas pipeline following consultations with strategic-level statutory bodies, including the Environment Agency, English Nature and the Brecon Beacons National Park. All 16 options had been appraised and the preferred option – Felindre to Tirley – had been announced in October 2005. Whichever route was chosen, a temporary 44m wide construction corridor would be constructed to take 90% of all site traffic. Pipelines would be laid in 2.4m deep trenches with 1.2m cover. After pressure testing, all soils, drainage, hedgerows and land would be reinstated. A pressure reducing station would be needed at Treadow, attached to the existing Compression station. During 2006, work would commence on discussions with landowners, EIA surveys, refinement of the pressure reduction station and pipeline proposals, and other consultations. Answers to questions were:

- All farmers on the preferred route had been notified. However, the exact route had still to be finalised, and the National Grid were currently looking within a 1km-wide route. Parish Councillors had been offered the opportunity for a briefing meeting and the Project leaflet contained a Freephone number for enquiries;
- The National Grid would discuss traffic management plans with the Highways Department;
- Construction would take place during daylight hours on weekdays, with shorter working on Saturdays. The final consents from the DTI would carry conditions relating to working times and noise levels, including noise levels at the pressure reducing station;
- All other options including an offshore option, had been considered, but were unsuitable. A sea route would be much longer and substantially more expensive, and could not be delivered in the time available;
- The shippers had chosen Milford Haven because of the deep harbour. The National Grid had no control over that as they do not ship gas, but are responsible for transporting it;
- Work would be completed during the summer months (March to October) in 2007. Good weather would ensure good progress;
- The route of the railway was unsuitable because the pipeline was required to be 134m away from buildings and residential areas;
- Plans were still at an early stage, and there was a lot of consultation and discussion still to do;

APPENDIX 1

- This project would not result in any further compressors at Peterstow Compression station;
- The pipelines would be heavy section made from 6mm special high resistance steel;
- Although residents near the route would not benefit directly from having a gas supply, 40% of electricity was generated from gas;
- Each section of pipe laying would be completed in a matter of weeks, and the land reinstated, so there would not be disruption in any one area over the whole period of the construction;
- The pressure reducing station would take about 12 – 14 months to complete, and should be completed by October 2007;
- Security issues would be regularly discussed with the Home Office and Special Branch, as they are at present for existing pipelines;
- There would be regular, but not predictable, helicopter inspections along the route;
- Pipelines must be designed to last 40 years, but in practice, will last at least twice that time. There would be regular checks on condition and potential lifetime.

Hereford City, Committee Room 1, The Shire Hall, Hereford	Tuesday 10 January 2006
Present: Cllr D Fleet (Chairman) Cllr Mrs J French (Cabinet representative) Cllr P Edwards Cllr Mrs P Andrews Cllr Mrs G Powell Cllr Mrs E Taylor	Sonia Rees, Director of Resources, Herefordshire Council Richard Wood, Sustainability Officer (Environment) Herefordshire Council Geoff Perrott, (Environment) Herefordshire Council Tamar Thompson, Director of Modernisation and Nursing for the West Midlands South Strategic Health Authority Other representatives of the SHA, Herefordshire PCT and Hereford and Worcester Ambulance Trust (See main report) Hazel Lavelle, Community Forum Co-ordinator
Members of the public	28

Agenda

- Council Tax and the budget
- The Primary Care Trust public consultation
- Climate Change

Council Tax and the budget

See main report

The Primary Care Trust public consultation

See main report

Climate Change

The presentation focused on three aspects: the fact that scientists were convinced that the climate was changing; what we could do to address the problem; and whether it was too late to do anything. There was a need to reduce CO₂ emissions by 60% by 2050. Some of the unavoidable consequences of climate change were, for example, the need to build more flood defences and the government's "heat stroke strategy". The public had grown accustomed to relatively cheap fuel, in terms of the proportion of income spent on fuel. The cost of fuel could rise from around 5% of income to around 10% in the future. Herefordshire was one of the first counties to get 100% of its electricity from renewable sources, and in Herefordshire, the emission of greenhouse gases from landfill sites was offset by woodland, which absorbed 7% of greenhouse gases produced in the county. Agriculture produced 41% of the total output. Responses to questions were:

- All nuclear power stations had been switched off and could not be restarted;
- The Edgar Street Grid was carbon neutral because it would use a micro generator. It might be possible to sell electricity back to suppliers, and the Council was looking at all the available options;
- There was an education programme in place in schools, but people became less concerned as they got older. It was important to reach the 18 – 32 age group.

Other questions

- Herefordshire Council's Environmental Health Officer was actively working with the Welsh Water Liaison group to address the problems of smells from the sewage works.

Cllr Edwards would ask for an update and make a written answer publicly available. There was a timetable in place for action;

- The Environmental Health Officers had tested noise levels at the Liquid Lounge Club. Doody's could not legally open. They had applied for a licence but did not have one at present. The third of three hearings would take place in a month's time;
- There had been a survey to assess the impact of the traffic lights at Folly Lane/Ledbury Road. Cllr Wilcox would report back on the results.

Other issues

The Community Forum Co-ordinator would report back at the next meeting on the following issues:

- The underpasses had been resurfaced, and the gulleys and pumps to prevent flooding had been covered. This could present a safety hazard, particularly in freezing weather;
- In view of the forecast of a cold winter, the stainless steel street furniture installed at Eign Gate could present danger if anyone touched it.

Golden Valley, Peterchurch Community Centre	Thursday 12 January 2006
Present: Cllr D Taylor (Chairman) Cllr C Mayson (Cabinet representative) Cllr P Turpin Cllr J B Williams	Andrew Tanner, Assistant County Treasurer, Herefordshire Council Simon Hairsnape, Deputy Chief Executive, Herefordshire Primary Care Trust Other representatives of the Strategic Health Authority and Herefordshire Primary Care Trust (See main report) Steve Knight-Gregson, Consents Manager, National Grid Other representatives of the National Grid (See main report) Mike Willmont, Southern Team Leader, Planning (Development Control) Hazel Lavelle, Community Forum Co-ordinator
Members of the public	50

Agenda

- Council Tax and the budget
- The Primary Care Trust public consultation
- The National Grid gas pipeline proposals

Council Tax and the budget

See main report

The Primary Care Trust public consultation

See main report

The National Grid gas pipeline proposals

See main report.

Ross-on-Wye, John Kyrle High School, Ross-on-Wye	Tuesday 17 January 2006
Present: Cllr Mrs A Gray (Chairman) Cllr D Rule (Cabinet representative) Cllr Mrs M Cunningham Cllr Mrs J Davis Cllr R Lincoln Cllr G Lucas Cllr M Wilson Cllr S Thomas	Sonia Rees, Director of Resources, Herefordshire Council Simon Hairsnape, Deputy Chief Executive, Herefordshire Primary Care Trust Other representatives of the Strategic Health Authority, Herefordshire Primary Care Trust and Hereford and Worcester Ambulance Trust (See main report) Steve Knight-Gregson, Consents Manager, National Grid Other representatives of the National Grid (See main report) Mike Willmont, Southern Team Leader, Planning (Development Control) Hazel Lavelle, Community Forum Co-ordinator
Members of the public	27

Agenda

- Council Tax and the budget
- The Primary Care Trust public consultation
- The National Grid gas pipeline proposals

Council Tax and the budget

See main report

The Primary Care Trust public consultation

See main report

The National Grid gas pipeline proposals

See main report.

North Herefordshire, Lady Hawkins Leisure Centre, Kington	Thursday 19 January 2006
Present: Cllr J Stone (Chairman) Cllr J Hope Cllr JP Thomas Cllr R Phillips	Stephanie Canham, Head of Social Care (Adults), Herefordshire Council Andrew Tanner, Assistant County Treasurer, Herefordshire Council Simon Hairsnape, Deputy Chief Executive, Herefordshire Primary Care Trust Other representatives of the Strategic Health Authority, Herefordshire Primary Care Trust and Hereford and Worcester Ambulance Trust (See main report) Hazel Lavelle, Community Forum Co-ordinator
Members of the public	13

Agenda

- The Learning Disabilities Service
- Council Tax and the budget
- The Primary Care Trust public consultation

The Learning Disabilities Service

Stephanie Canham, the Head of Social Care (Adults), explained that the term Learning Disabilities covered a range of conditions from very mild difficulties to very severe conditions, such as Cerebral Palsy, Epilepsy and Autism (including Asperger's Syndrome), requiring a high level of support. There were around 3,400 people in Herefordshire with learning disabilities, representing a wide range of dependency, of whom 580 received support from the statutory authorities. However, a number of young people with disabilities lived with carers, normally their parents, who were over 70. The Service was working with those families to plan ahead for meeting the needs of the disabled person when the time came. The aim was to allow people to live as independently as possible in the community, contributing to the community through paid or voluntary work where appropriate. It was important to ensure they could live safely in the community with the appropriate level of support from the statutory authorities. Answers to questions raised were:

- While it was true that some people needed the security and support provided by institutional care, this level of care could be provided in normal accommodation. It was important not to be over protective, but to balance this with care appropriate to the needs of the individual;
- Herefordshire Centre for Independent Living provided advice and help to enable disabled people to make the best use of funds they received. They will play an active role in ensuring value for money as people receive cash to buy services, rather than directly provided services;
- Rural communities presented a challenge to the Service because, as such communities change, they become less likely to support disabled people within the community and it was more expensive to provide support in rural communities than in towns;
- Independent living was not necessarily a cheaper option than providing institutional care;
- "Workmatch" was a Hereford based organisation sponsored by Herefordshire Council, which trained disabled people in life and work skills. They were involved in setting up co-operatives, paying normal wages for work done. Profits were used to help those involved, and there had been some successes.

- Although the Disability Discrimination Act placed requirements on employers in respect of the employment of disabled people, this was not always easy to enforce. However, people with learning disabilities generally made good employees.

Council Tax and the budget

See main report

The Primary Care Trust public consultation

See main report

Central Herefordshire, Bartestree Village Hall	Monday 23 January 2006
Present: Cllr B Matthews (Chairman) Cllr DB Wilcox (Cabinet Member) Cllr M Wilson Cllr J Guthrie Apologies received from Cllr Mrs J Pemberton	David Keetch, Assistant County Treasurer, Herefordshire Council Simon Hairsnape, Deputy Chief Executive, Herefordshire Primary Care Trust Other representatives of the Strategic Health Authority, Herefordshire Primary Care Trust and Hereford and Worcester Ambulance Trust (See main report) Hazel Lavelle, Community Forum Co-ordinator
Members of the public	3

Agenda

- Council Tax and the budget
- The Primary Care Trust public consultation
- Climate Change

Council Tax and the budget

See main report

The Primary Care Trust public consultation

See main report

Climate Change

Speaker unable to attend.

Other issues:

Simon Hairsnape, the Deputy Chief Executive of the Primary Care Trust, answered some questions about the provision of NHS Dental care in Herefordshire. Answers to questions were:

- Dentists were small businesses and were free to decide whether, and to what extent, to contract with the NHS to provide dental services. The contracts had become unattractive and many dentists had chosen to end them;
- It was difficult to attract new young dentists in rural counties. They were more likely to opt for towns and cities and places where there were more private practices;
- About 18 months ago, the PCT set up Dental Access Centres to plug the gap in provision. The Centres provided routine NHS treatment and an emergency service. Waiting times for a routine appointment were about 4 – 6 months;
- About 50% of the Herefordshire population were registered with an NHS dentist. A new eight surgery NHS dental practice to be built in Leominster would substantially improve the situation, raising the figure to 65%. Some people chose to use private treatment;
- New NHS contracts would be used from 1 April 2006 and these should prove more attractive to dentists;
- The supply of dentists was only part of the solution. It was also necessary to look at children's diet, as poor nutrition was a major cause of dental decay in children. The second issue was the fluoridation of the water supply. Although this had been shown to reduce dental decay, there was some public opposition. The Council would address this issue with the Water Companies next year.

East Herefordshire, St Katherine's Hall, Ledbury	Wednesday 25 January 2006
Present: Cllr T Hunt (Chairman) Cllr P Edwards (Cabinet Member) Cllr R Mills Cllr D Rule Cllr R Stockton Cllr S Thomas	David Keetch, Assistant County Treasurer, Herefordshire Council Simon Hairsnape, Deputy Chief Executive, Herefordshire Primary Care Trust Other representatives of the Strategic Health Authority, Herefordshire Primary Care Trust and Hereford and Worcester Ambulance Trust (See main report) Hazel Lavelle, Community Forum Co-ordinator
Members of the public	16

Agenda

- Council Tax and the budget
- The Primary Care Trust public consultation
- Climate Change

Council Tax and the budget

See main report

The Primary Care Trust public consultation

See main report

Climate Change

Speaker unable to attend

Other issues

Responses to questions on waste management were:

- Recycling was an environmental issue, not a cost-saving one. Recycling cost more than using landfill. Since the introduction of a tax on landfill and fines for overuse, the Council had made even greater efforts to recycle where it was practicable and economic to do so. The greater costs of recycling made it uneconomic in some rural areas;
- A request for more recycling bins in the Little Marcle area would be passed to the relevant Council officer;
- The Colwall paper recycling bin was a private enterprise. The Council had to be aware of potential noise problems arising from bottle and can recycling bins. The supermarkets provided recycling facilities.

EDUCATION WHITE PAPER OCTOBER 2005

HIGHER STANDARDS, BETTER SCHOOLS FOR ALL IMPLICATIONS FOR HEREFORDSHIRE

PORTFOLIO RESPONSIBILITY: CHILDREN AND YOUNG PEOPLE

CABINET

16TH MARCH, 2006

Wards Affected

County-wide

Purpose

To receive a report on the local implications for Herefordshire of the Government's latest white paper on Education published in October 2005.

Key Decision

This is not a key decision

Financial Implications

There are no immediate financial implications

Recommendation

The proposals in the White Paper be noted as a significant reference document for the current and future development of both the quality and provision of education in Herefordshire.

Reasons

Attached at Appendix 1 is the Ten Policy Briefing Paper, which provides a succinct and comprehensive summary of the White Paper. The briefing paper commentary on pages 15-18 describe some of the tensions and contradictions contained in the White Paper.

At the time of writing this report, the proposals in the White Paper are the subject of considerable debate nationally and it is difficult to predict with any degree of certainty the precise nature of any legislative outcomes. A Short Guide to the Education and Inspections Bill 2006 is attached at Appendix 2.

Considerations

1. The White Paper's central theme is that increasing parental choice and giving greater autonomy to schools will lead to higher standards. However, every government for the last two decades has subscribed to this belief and locally

Further information on the subject of this report is available from
Ted St George, Head Of School Effectiveness on 01432 260803

Herefordshire schools already enjoy significant levels of autonomy over the budget and the way in which the school curriculum is organised and delivered. Herefordshire Council has actively encouraged schools to develop individually whilst working together in partnership with it and each other. Any limitations on schools are set mainly by national policy, for instance on testing and the national curriculum, and the code of practice on admissions. Indeed it is difficult to identify what could not be done now by schools that requires changes in law proposed by the White Paper.

2. The proposals in the White Paper do little to resolve the paradox of increasing parental choice and competition between schools, whilst ensuring the Every Child Matters agenda is met, particularly in relation to the most vulnerable pupils and families.
3. It can be argued that the revised role for Local Authorities (LAs) to act as commissioners of services and champions of children and parents is a natural extension of the Every Child Matters vision and supports its practical implementation. LAs will be able to re-focus their energies and resources on the needs of the groups of children most at risk. However, the debate surrounding Trust Schools and admission arrangements has highlighted the risks that schools across England, mindful of published league tables on examination results, attendance and exclusions, may seek to covertly 'select' pupils. This could have a very negative impact on the delivery of the five outcomes of Every Child Matters particularly for the most vulnerable groups of pupils.
4. Some of the proposals in the White Paper are likely to have a limited impact locally. For instance:
 - (a) The greater powers of intervention in failing schools are not necessary currently since the Council has a good record in this area, both in the very small numbers of such schools and the speed in which they have been turned around.
 - (b) At a time of falling rolls and some very good Sixth Form provision, it is difficult to imagine how new schools or increased Sixth Form provision would be either sensible or justified whoever may suggest it, including parents. [Separately to the White Paper the DfES has suggested that all specialist colleges should be able to develop post-16 provision]
 - (c) If the number of schools remains the same, parents are more likely to be offered their first choice of school as spaces become available, particularly in secondary schools. The limiting factor will be the cost and availability of personal or school transport.
 - (d) Cost and transport are limiting factors. The White Paper suggests that students entitled to Free School Meals [2015 at present] would be entitled to free transport to school if they lived more than two miles but less than six miles from any of three schools as measured by a straight line between school and home. Although the motive of providing choice to less well off families is admirable, the details of the proposals create some oddities in its application in a County such as Herefordshire e.g. Pupils entitled to Free School Meals living in Leominster would not be eligible for free transport to any school other than the Minster. Pupils living south of the River Wye in Hereford could be entitled to free transport to Whitecross High School and Aylestone. Others in South Wye living within the two mile radial distance of these schools would not be entitled yet their journeys might be equally long

because of the river. All of this assumes children are offered places at alternative schools, and there is a proposal for 'banded' admissions, allocating a percentage of places to pupils from areas of disadvantage. The White Paper suggests that this is explored in 'pathfinder' projects. School transport is a major issue in the County and it would be useful to explore how improvements could be achieved by moving away from the 1944 two mile and three mile eligibility criteria. However, the make-up of 14 high schools in the County is not generally so skewed to suggest banded admission system would bring significant benefits.

5. The key education issue facing Herefordshire is how to maintain and further improve educational standards in the County at a time of falling rolls.
6. The numbers of children known to be living in Herefordshire as at 31 August 2005 is as follows:

AGE GROUP	CHILDREN IN COUNTY	CHILDREN ON ROLL
0-1	1695	0
1-2	1770	0
2-3	1723	0
3-4	1707	379
4-5	1722	1486
5-6	1917	1720
6-7	2038	1816
7-8	2039	1823
8-9	2044	1800
9-10	2146	1872
10-11	2023	1851
11-12	2000	1914
12-13	2119	1896
13-14	2201	2045
14-15	2165	2061
15-16	2137	2001

7. The numbers of children attending the 104 maintained schools in the County is given in the second column. Some children attend maintained schools in other counties and some attend private schools. From past experience each age cohort tends to reduce in size due to mortality, or out migration exceeding immigration.
8. However from these figures and projection of future births it is expected that the numbers of children in schools will continue to fall over the next 10 years.
9. The White Paper does not address the issue of falling rolls directly, but there are a number of references which could have an impact. It is proposed that the School Organisation Committee be abolished as they 'add to bureaucracy and give a bias in favour of the status quo'. Powers to decide on School Organisation issues will transfer to the local authority. However it does state all 'new schools will be trust schools'. In this respect the White Paper proposals surrounding "Trust Schools" may be helpful and act as a driver for re-thinking how schools are organised and led locally.
10. The Trust School Prospectus has just been published and states, "There is no single blueprint for Trust Schools". This is potentially good news because groups of schools within defined geographical areas of the County (or in faith groups) may

wish to consider acquiring Trust status or adopting a federated model in response to the falling roll. This could provide a very creative solution to educational provision in an area where there are several very small schools, recruitment is difficult (particularly to headship) and a new model of school leadership needs to be developed.

11. There are risks, however, associated with what is currently known about Trust Schools, particularly in relation to individual schools operating on their own as Trusts and with governance and admissions. Nevertheless, despite the national controversy surrounding the idea, Trust Schools or the less radical federated school may be the proposal in the White Paper that is of most interest to Herefordshire and the problem of the falling roll.
12. The DfES is organising a consultation exercise on the White Paper and invited Herefordshire, as a rural authority, to send a delegation of ten parents and parent workers, including two Council Officers, to a meeting in London on 8th February. There is a further consultation with fifty local parents in Herefordshire on Saturday 4th March. It is to be welcomed that the County has been asked to contribute to the White Paper debate.

Risk Management

Appendices

Appendix 1 - Ten Policy Briefing - Schools White Paper

Appendix 2 - A short Guide to the Education and Inspections Bill 2006

Background Papers

None identified



Schools White Paper

Summary

This briefing summarises the Schools White Paper, *Higher Standards, Better Schools For All*, published by the DfES on 25 October 2005, and highlights the main implications for local authorities.

The White Paper may be downloaded from the DfES website at:

<http://www.dfes.gov.uk/publications/schoolswhitepaper>

Contact at TEN: [Martin Rogers](#)

The information in this policy briefing applies to England only but the issues raised may be of a wider interest to our subscribers

You are encouraged to circulate this policy briefing to anyone in your authority who may find it useful, including headteachers and school governors.

Introduction

The White Paper, *Higher Standards, Better Schools For All* is sub-titled *More choice for parents and pupils*. It sets out over 116 pages, the Government's, and in particular the Prime Minister's, vision for 'radical improvement to the schools system by putting parents and the needs of their children at the heart of it, by freeing up schools to innovate and succeed and by bringing in new dynamism and providers. This will ensure that every school delivers an excellent education, that every child achieves to their potential and that the system as a whole is increasingly driven by parents and by choice' (in the words of the e-mail from the DfES to local authority Chief Executives).

Much of the media speculation focused not only on the emphasis on 'parent power' but also on the anticipated demise of the local education authority role – represented in one major broadsheet as 'councils will be stripped of their responsibility for schools'. In fact, local authorities will acquire a number of significant new duties and powers in relation to schools. But, in the words of Tony Blair, 'the role of the LEA will change fundamentally'.

In his speech (<http://www.number-10.gov.uk/output/Page8363.asp>), Tony Blair described the substantial improvements since he came to power, but acknowledged criticism that headline figures concealed shortcomings in important areas of achievement: "If the critics should accept the improvement, we must accept the challenge. We must do better. We must do better to tackle the pockets of deep educational disadvantage; do better in lifting schools from average to good; do better in enabling more good schools to become genuine centres of excellence, giving as good an education in the state sector as anyone can buy in the private school system."

That is clearly his ambition – and the White Paper seeks to set out how this will be brought about; it includes two forewords: four pages from the Prime Minister and one from the Secretary of State for Education and Skills, Ruth Kelly.

The White Paper

The document combines a description of recent change with proposals for the future. There are nine chapters, plus an annex on the resource and legislative implications (and an Executive Summary). The main points from each chapter – particularly those relating to local authorities – are as follows.

1. The challenge to reform

Significant improvements in the number of primary school pupils attaining Level 4 in English and maths have been echoed in the rising numbers of secondary pupils achieving 5+ A*-C GCSEs. The number of failing schools is less than half the figure in 1998. Ofsted reports 75% of leadership and management is good or better, compared with 56% in 1997. 'Our goal is no less than to transform our schools system by turning it from one focused on the success of institutions into one which is shaped and driven by the success, needs and aspirations of parents and pupils.'

A number of ambitions are described, including raising standards for all – especially amongst the least advantaged; helping parents engage with the education of their children; dealing with schools which are coasting, rather than striving for excellence; overcoming the negative effects of poor behaviour; and breaking the link between poverty and low aspiration 'once and for all'. The Government believes that 'this requires schools to have the freedom to tailor the way they manage themselves, and the teaching and support they offer, to the needs and talents of individual pupils and their parents. Working within the principles of fair funding and fair admissions, schools will benefit from new energy in the system through a more diverse set of providers that allows parents to choose the school that suits their child.'

Specialist schools (which will be virtually every secondary school within two years) and Academies are cited as successful models, with characteristics shared by others – many of which, it is claimed, 'would like to go further: this means opening up the system as a whole to the opportunities presented by such innovation and dynamism'.

'A system designed around the needs of children will require us to deliver the radical vision we have set out for integrated services for children, families and young people [*in Every Child Matters*] ...It needs the local authority which has important insight into local knowledge – to play a role analogous to the one it now plays in early years provision: commissioning and championing the needs of parents and pupils, pushing for improvement rather than interfering in the day to day running of good schools which are empowered with light-touch inspection.'

There should be catch-up classes for children who have fallen behind, stretch for those with special talents, access at other schools or colleges for those

wishing to pursue specialist courses and a flexible and engaging curriculum with the ability to take exams when pupils are ready rather than at fixed ages.

2. A School System Shaped by Parents

'We are determined to transform our school system into one that responds better to the needs and aspirations of parents...And the nation needs to ensure that areas of underperformance which undermine our efforts to improve social mobility are tackled vigorously.'

All primary and secondary schools will be encouraged to become self governing and to acquire a Trust, *ie.* not-for-profit, charitable organisations able, if they wish, to appoint a majority of the governors (though required in that case to establish a Parents' Council (see Chapter 5). The governing body of an existing primary or secondary school will be able to create its own trust or link its school with an existing Trust. (More work is felt necessary on the situation for special schools.)

Acquiring a Trust would require consultation with parents to ensure support followed by publication of formal proposals; a separate statutory process would be required before schools acquiring a faith-based Trust could become faith schools. The local authority could refer the governing body's decision to the Schools Adjudicator where the decision failed to take proper account of the views of the majority of parents or if there were serious concerns about the impact on school standards.

Existing legislation requiring all new or replacement secondary schools to be subject to competition for providers will be extended to primary schools, and all new or replacement schools will be Foundation, Trust, voluntary aided or – where appropriate – Academies. So there will be no new community schools.

Trust schools, like Foundation schools, will employ their own staff, control their own assets and set their own admission arrangements (subject to the Admissions Code of Practice). Trusts will be able to apply to the Secretary of State for flexibilities, which might include additional curriculum flexibilities and freedoms over pay and conditions for staff. If granted, these would apply across all schools supported by the Trust. In effect, this would create the possibility of school 'brands' – a term used by the Prime Minister in his speech.

A new **Office of the Schools Commissioner** will be established to act as a national champion for the development of Trust schools. The Schools Commissioner will also 'support and secure the significant changes in the way local authorities commission schools for their communities', linking authorities to Trusts, identifying opportunities for successful Trusts to form partnerships with more schools and supporting independent schools wishing to join the maintained sector. The Commissioner will also be able to challenge local authorities that fail to exercise their new duties adequately, including in relation to school expansion and sixth form provision (see below). The Commissioner will advise the Secretary of State on local authority plans for major capital investment, challenge authorities to work together to maximise choice, diversity and fair access, and liaise with authorities to identify potential Academy projects. The Commissioner will also monitor key local indicators of parental satisfaction and rising school standards, and publish an Annual Report.

'Trust schools will be, in effect, independent state schools, but will remain part of the local government family of schools.' They will be funded as other local schools, subject to the Code of Practice on admissions and to all of the accountability mechanisms that apply to other state schools. If judged by Ofsted to be inadequate, the local authority will have the same range of intervention powers as for other schools, including (in the case of severe failure) a proposal for closure and competition for a new school – in which case the assets would revert to the local authority (except where originally provided by the Trust).

Trusts would be charities regulated by the Charity Commission, and would be under a duty to promote community cohesion and good race relations. Consideration is being given to whether further safeguards are necessary to prevent the entry of inappropriate Trusts.

The role of Academies is emphasised, again, with the possibility of independent schools joining the state sector being eligible for Academy status.

Parents would be able to ask for a new primary or secondary school to improve standards of local education, to meet a lack of faith provision, to tackle entrenched inequalities or to promote innovative teaching methods. Local authorities will be under a duty to be responsive to parental interests, deciding whether a proposal to establish new school should be taken forward or whether the demands can be better met in other ways. Parents will have the right of appeal to the Schools Adjudicator if their proposals are rejected. Capital funding

would normally be provided through existing programmes, with the expectation that, to reduce costs, authorities would consider whether a new school could be housed on an existing site, possibly shared with an existing school or using temporary buildings in the short term. A dedicated capital fund will be established to support strong and innovative proposals from parents, with the expectation that authorities would normally provide a site for successful proposals.

Local authorities will be expected to move quickly to close any schools that are failing to attract sufficient pupils in the event of **surplus capacity** arising from the creation of new schools or expansion of popular schools, and to consider whether capital assets released could be used 'to inject new dynamism into the system'. (Falling rolls – not a feature of the White Paper – are also likely to lead to surplus capacity in many areas in coming years.)

It will be made easier (though how is not explained) for **independent schools** to join the maintained sector. They would not be allowed to charge fees, and would have to meet the normal requirements of the maintained sector.

It will be easier for secondary schools to open sixth forms, with a presumption that such proposals from high performing specialist schools would be approved. New provision, including competitions for new 16-19 provision, will be expected to demonstrate how it would contribute to the delivery of 14-19 reforms.

Oversubscribed schools will be encouraged to take up existing incentives to expand, and smaller scale expansion will also be encouraged (except where this would contravene the infant class size pledge). Where expansion is not a realistic option, joint ventures and mergers with other schools will be encouraged, possibly through formal federations under a single governing body.

By 2007 all secondary schools will be expected to form or join partnerships to improve the management of bad behaviour and persistent truancy, and to have admissions protocols for 'hard to place' pupils (see Chapter 7).

To tackle **school failure**, a duty will be placed on local authorities to consider the full range of their powers immediately on receipt of an adverse Ofsted report, and the 'outdated Code of Practice on local authority and school relations' will be scrapped 'to enable more decisive intervention', taking account of the introduction of the new School Improvement Partners. Possible

actions include: the immediate change of head teacher and/or members of the school management team; suspension of the delegated budget; appointment of additional governors; replacement of the governing body with an Interim Executive Board; appointment of a partner school; or immediate closure and competition for a new provider.

For schools in special measures, which do not show real progress within a year, the presumption will be that the school will be closed, with a replacement or an Academy opened on the site. If a school issued with an Improvement Notice fails to demonstrate significant improvement within a year, it will be placed in Special Measures. Particular mention is made of the disproportionate number of schools for children with behavioural, emotional and social disorders, which are failing. Local authorities will be given a new power to require a school, which is failing or at risk of failure to join a federation or other collaborative arrangement. The process by which local authorities can issue warning notices to schools where there are real concerns about performance or management will be made quicker and simpler, and extended to coasting schools as well as those with outright poor standards.

When a school is judged by Ofsted to be inadequate, local authorities will be under a new duty to ensure effective communication with parents, possibly appointing a Parents' Champion to help parents understand the nature of the problems and the options available to address them.

3. Choice and Access for All

The White Paper claims that the argument that there is no demand for choice ignores reality. 'We want to ensure that choice is more widely available to all and is not restricted to those who can pay for it.'

Proposals include better information for parents, with significantly more detail about schools available from the existing national website enabling a simple postcode search of schools in an area (www.parentscentre.gov.uk). Local authorities will be expected to improve the independent information they provide, and to provide parents with advice on how to compare secondary schools. This might combine public sessions with targeted one-to-one sessions for parents in need of more support. £12 million will be provided to enable every local authority to have a network of '**choice advisers**' in place by 2008.

The issue of **school transport** is illustrated by a chart showing that a greater proportion of pupils eligible for free school meals travel less than two miles to school, whilst a greater proportion not eligible for free school meals travel three miles or more. Legislation will be introduced to entitle those eligible for free school meals or in receipt of the maximum level of Working Tax Credit to free transport to any of the three suitable secondary schools closest to their home, where these schools are between two and six miles from their home. It is also hoped that greater access to subsidised school transport will reduce car use for the 'school run'. Pilot schemes will be established with local authorities to test the impact of an extended transport offer for all pupils and to explore the links between better transport and fair admissions – these may include charges for better off families. Authorities will be expected to consider all home-to-school and other transport as part of their new duty to support choice, diversity and fair access; this might include safe walking routes and the use of 'yellow buses', and should include consideration of journeys arising from extended provision and a broader range of 14-19 options.

'Our new system will be underpinned by **fair admissions** in order to extend choice and open access for more parents.' Specialist schools will be able to offer some places to pupils living beyond their traditional catchment area, and schools will be encouraged to work together 'to help make such choices meaningful for parents'. Selection of up to 10% of pupils by aptitude in a specialism will continue but 'there will be no return to the 11-plus'. (Selection by ability at 11 receives a number of unfavourable comments, but there are no proposals to end it.) Foundation, voluntary aided and Trust schools will be 'free to use the approach to fair admissions that they think will best suit their local circumstances, as long as it is compatible with the Admissions Code.' It will be easier to introduce banding arrangements, where appropriate, based on the local or national ability range to achieve an all-ability intake. All proposals for new schools will need to include proposed admissions arrangements, showing how these will promote community and social integration and choice. Local authorities will be able to specify the community to be served by a new school and will have the power to modify proposed admission arrangements to bring them into line with the Code of Practice. All popular and successful schools which expand will have to prove to the local authority that their admissions arrangements are in line with the Code (one requirement of which is that arrangements work to the benefit of all local children and families – see TEN briefing 53/05 on the recent draft Code).

4. Personalised learning

'Personalisation is the key to tackling the persistent achievement gaps between different social and ethnic groups.' The main proposals include:

- Intensive small-group literacy and numeracy for those falling behind
- Extra stretch for the gifted and talented
- Extra support and tuition beyond the school day
- £335 million by 2007-08 earmarked within the Dedicated Schools Grant to support schools with this work – targeted towards local authorities with the largest number of underachieving and deprived children, and through their local funding formulae to the most challenging schools
- a further £60 million in each of 2006-07 and 2007-08 for schools with the highest numbers of pupils who have fallen behind to ensure their workforce has the necessary skills
- School Improvement Partners (SIPs) and Ofsted challenging all schools to demonstrate that they are providing the catch-up support needed, with the most support for children facing the greatest disadvantage
- A growth in the number of specialist schools with an SEN specialism, or special schools with a subject specialism, with 50 more designated by 2008 and an evaluation by then comparing the respective strengths of the two models to inform developments beyond 2008
- Expanding and improving programmes for gifted and talented pupils in Key Stage 3, including sport support for the most gifted young athletes
- Up to £1 million a year to match-fund business and philanthropic contributions to the 'Go for Gold' scheme for gifted and talented pupils from disadvantaged backgrounds
- Extension of support to secondary schools for bilingual learners; expand programmes to target underachievement of young black people; focus on improving the attainment of Muslim pupils; introduce a targeted programme to address the severe underperformance of Gypsy and Traveller communities (see note of new TEN publication on final page of this briefing); and ensure spread of best practice in meeting the needs of underachieving white working class boys.

5. Parents Driving Improvement

Primary and secondary schools will be required to give information on pupils' progress to parents at least three times a year, with the opportunity for face-to-face discussion with teachers. There will be a national campaign to develop

further and to share schools' experience of the benefits of parental engagement. Materials will be provided for parents to use at home to support their children's learning. Guidance on home-school agreements will be updated and relaunched.

Ofsted will be given a new statutory power to investigate parents' concerns about a school and, where justified, to require a school to call a meeting with parents to discuss their complaints. Ofsted will then determine what action should be taken, which could include an immediate inspection. If serious failure is found, this could trigger the local authority action described in Chapter 2, including a change in the school management.

Ofsted inspections will include the quality of schools' engagement with parents, and a new statutory duty will be placed on governing bodies to have regard to the views of parents. **Parent Councils** will be encouraged, offering a relatively informal mechanism for engagement, and they will be required in Trust schools where the Trust appoints the majority of the governing body (which reduces the number of elected parent governors). Statutory guidance will address this issue.

School Councils UK, a charity, is to establish a network of school councils; guidance to secondary schools will be updated to give stronger encouragement for school councils to be engaged in decision making.

The remit of Children's Information Services will be extended from their focus on early years to provide information for parents of children up to age 19. Additional funding will be provided to enable schools to offer information sessions for parents when their children start at primary or secondary school.

6. Supporting Children and Parents

By 2008 half of primary schools and a third of secondary schools are expected to provide access to extended services, with all schools doing so by 2010 (see TEN briefing 34/05).

Schools are reminded that, although they are not 'statutory partners' in Trust arrangements under the Children Act, they have a statutory duty to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children; that this will mean working with other children's services and the new Local Safeguarding Children Boards, and playing their part in multi-

agency work to protect them – and that they will need to ensure that staff have the awareness and training they need to do this.

The DfES is consulting through the review of Pupil Registration Regulations on new measures to tighten up requirements on schools to inform the local authority of children leaving their school rolls, and by December 2005 all authorities are expected to have in place systematic arrangements for identifying **children missing from education** so that suitable provision can be made for them.

The DfES is to work with a sample of local authorities and others on a pathfinder project to develop tools to identify and assess the small number of children who might benefit from **boarding provision** to meet complex needs.

SIPs will be expected to hold schools to account for how well they support **Looked After Children** and for promoting their educational outcomes (for which authorities, but not schools, are under a statutory duty). There will be consultation early in 2006 on further proposals to improve outcomes for this group.

By 2010 every Primary Care Trust (PCT) should be resourced to have at least one full-time year-round qualified **school nurse** working with each cluster or group of primary schools and the related secondary school. A practical guide for headteachers, *Looking for a School Nurse?* will be issued in November 2005.

7. School Discipline

The Practitioners' Group on School Behaviour and Discipline, chaired by Sir Alan Steer, reported on 21 October; its recommendations underlie many of the proposals in this chapter.

Legislation will give headteachers the new powers to search pupils for knives and other weapons. A clear and unambiguous legal right for teachers to discipline pupils will be introduced, backed by the expectation that every school will have a clear set of rules and sanctions (a recommendation of the Elton committee in 1989, but never implemented). Parenting contracts will be usable earlier, and the use of parenting orders extended. A new regime will be introduced for pupils suspended from school, with parents expected to be responsible for excluded pupils for the first five days (supervised doing schoolwork at home or, for example, at a relative's house); headteachers will be

expected to use their delegated and devolved funding collectively to develop provision (on and off-site) for suspensions longer than five days, and to ensure that all exclusions are properly recorded. Local authorities, currently required to provide full time education for permanently excluded pupils from the sixteenth day following exclusion will be required to do so from the sixth day.

The Steer Group has recommended retention of **exclusion appeals panels**, but has proposed reforms which are to be implemented: panels will have to accept the judgements of headteachers and governors where it is clear that the pupil has committed the offence; headteachers and governors on panels should be from the same phase of education as the excluding school; and training for clerks and chairs will be made mandatory.

By September 2007 every secondary school is expected to be part of a partnership to improve behaviour and reduce truancy, and to make arrangements for **'hard to place' pupils** which ensure that no school takes an unreasonable share of children with challenging behaviour, including those excluded from other schools.

The DfES will explore with partners the possibility of introducing a National Behaviour Charter, as recommended by the Group, to clarify the rights and responsibilities of pupils, parents and staff in promoting good behaviour in schools. Consideration will also be given to another recommendation, for all schools to develop the function of a Pupil and Parent Support Worker to follow up cases of misbehaviour. The Anti-Bullying Charter for Action will be re-issued every two years, to sustain momentum, and further guidance will be issued on tackling bullying. Further investigation will be undertaken into improving provision for early identification of and meeting the needs of the small group of pupils with severe or complex behavioural, emotional and social difficulties (BESD).

8. The School Workforce and School Leadership

A reform of teachers' professional standards will set out what can be expected of teachers throughout their careers, including the need for up-to-date knowledge of subject specialisms as part of a commitment to effective professional development. Performance management will be made more effective. From September 2006 the value of incentives for new maths and science trainees will be increased. The Teach First scheme, to attract the best

graduates to the most disadvantaged areas, will be extended from London to five more cities.

The Training and Development Agency for Schools (TDA) will be designated as the modernisation agency for the school workforce, building on the recent work of the former Teacher Training Agency and the National Remodelling Team and continuing to work closely with unions, local authorities and other employers. (See TEN briefing 36/05.)

The National College for School Leadership (NCSL) will focus on developing the leaders of the most complex and challenging schools, and will encourage schools to make more effective succession planning arrangements. The College will be asked to identify, with a range of partners, a new group of national leaders of education, drawn from those succeeding in the most challenging leadership roles; these headteachers will work with the College to influence the direction and targeting of leadership provision across the school system, and will be able to advise Ministers on the future direction of education policy.

An enhanced role is envisaged for governing bodies as schools acquire greater autonomy, and although Ministers clearly intend to encourage the creation of Trusts, with the ability to appoint the majority of governors, it will be for existing governing bodies to decide whether or not to pursue this option, which would require a formal consultation process. They will also continue to be able to choose their own optimum size – with encouragement for the smallest effective model as being ‘the way to create energetic and focused governing bodies’. For Trust schools where the Trust appoints a majority of the governors, the school could have a governing body of 11 members. DfES is collaborating with the NCSL to develop a mentoring programme to support chairs of governors, and there will be an increased expectation that new governors will undertake induction training, and the DfES will continue to work with local authorities to promote and accredit training programmes.

9. A New Role for Local Authorities

‘The best local authorities are strategic leaders of their communities... They work with neighbourhoods and local communities to help them articulate their needs, and ensure that the pattern of local services matches up to their vision and aspirations. They act as commissioners of services and the champions of

users... We will support local authorities in playing a new commissioning role in relation to a new school system, at the heart of their local communities, and responsive to the needs of parents and pupils. They will support new schools and new provision where this a real demand or where existing provision is poor. This is a very different role from acting as a direct provider of school places. We recognise that in many ways it is more challenging. But it also offers the scope to ensure that communities receive the education they deserve and aspire to.'

Local authorities structures and ways of working are already changing to take account of their lead role in trust arrangements under the Children Act 2004; similarly, the 10 Year Child Care Strategy, the *Youth Matters* Green Paper and the 14-19 reforms all reflect this commissioner role. It is now proposed to extend this role to the school system. To reinforce the increasing integration of services, and the links to the local authority's wider community leadership role, it is planned to remove the term 'local education authority' from the statute book and to refer from now on to 'local authorities' in government publications and new legislation.

Local authorities will be placed under a new statutory duty to promote choice, diversity and fair access, to underpin this role as commissioner and champion of pupils and parents.

'Local authorities will need to plan how many schools their area needs, where and how big they need to be, what kinds of schools will serve the area best, and who the schools should serve. Local authorities will draw on their analysis of parental demand and their consultation with local partners to draw up a strategic plan for the pattern of schools in their area, as part of their Children and Young People's Plan' (due by April 2006).

The present duty to hold a competition for providers where a new secondary school is required will be extended to cover primary schools as well. If no suitable promoter can be found, authorities may publish their own proposals for a Foundation school, but no more community schools will be established.

School Organisation Committees (SOCs) are to be abolished; their powers to decide whether proposals for new schools and for major changes are accepted will be transferred to the local authority.

Authorities will be expected to use the increasing range of information and pupil level data available to them, including from the new School Improvement Partners (SIPs) employed by them and more frequent inspections, to take early and decisive action where quality of provision in schools is unacceptable. They will be expected to challenge schools which may be letting down particular groups (for example, looked after children) and those that are 'coasting'; the statutory basis for 'warning notices' will be changed to make it easier and quicker for authorities to take such action. They will also be expected to take more radical action in the case of school failure identified by Ofsted, and on shorter time-scales (with significant improvement to be apparent within a year to avoid moving to the next stage – see Chapter 2).

The expectation that authorities consult schools on their Children's and Young People's Plan, and that schools have regard to the Plan (for example, when creating their own school development plan) are to be put onto a statutory footing.

There will be continuing consultation with local government about whether they have the tools they need to play the roles described in the White Paper of supporting parents, securing high standards in schools and joining up local services, and on what, if any, further powers may be necessary.

TEN comment

This is emphatically a political White Paper, published in half-term week, and in part more about the headlines it generated than the substance of the change it will bring about; indeed, in much of the country (*ie.* England) many of its proposals relating to choice will be quite irrelevant. It was trailed to an unusual extent over the fortnight leading up to its publication, even for an era dominated by 'spin' and press manipulation, culminating in a speech by the Prime Minister the preceding day to parents in Downing Street (presumably because there were no schools open). Inevitably, therefore, the document contained few major surprises. However, since the consistently negative media line on local authorities was obviously fuelled by briefing from the usual anonymous 'sources', the very different story in the White Paper itself was pleasantly unexpected.

The document seeks to project quite a concoction – of achievements so far; a vision of a more market oriented system in which schools (headteachers and governing bodies) have greater autonomy and responsibility; parents have greater power; pupils have greater access to the personalised learning they need; disadvantaged and vulnerable groups will be better supported and provided for; all taking place within a broader system of coherent public services for children, young people and their families (many of them located in and around schools) in which local authorities are the central players – leading on the commissioning of services, and holding to account a broadening range of providers.

But there are very real tensions in this vision, and it ignores the extent to which some of the central opportunities described are already available, but have attracted little interest. The prominence given to schools acquiring a Trust and parents being able to start their own schools – both of which are possible now – suggests a somewhat inaccurate view of the present system and thus an unrealistic vision of how it is likely to change; indeed, given that the subsequent legislation will be largely permissive rather than prescriptive, it is quite possible that not a lot will change at all. There is little to justify the hyperbolic language associated with the proposals.

It has been suggested that Trust schools are simply the grant-maintained model reinstated; they are not. What attracted most schools to become GM was the unfairly advantageous funding, now gone; the chance to escape closure or re-organisation plans, now gone; and control of their admissions arrangements, now subject to a Code of Practice and an Adjudicator – much of whose work has involved sorting out and ending arrangements introduced by former GM schools which breach the Code. Flexibility over staff pay and conditions is something schools are reluctant to dabble with, and if the Government thinks flexibility over the National Curriculum is educationally beneficial, it should extend it to all successful schools, not hold it back as an inducement to persuade schools into an otherwise unattractive change. That is indefensible.

Improving the information and support to parents, and increasing the influence they can exert, is to be welcomed (though predictably hasn't been warmly so by headteacher organisations). However, the obvious danger is that, even with the additional support on offer, it will be the more confident and articulate who take greatest advantage, which can often be to the detriment of other groups.

Also welcome is any move to enable pupils' needs to be met more flexibly by collaboration between institutions rather than competition between them simply to attract the largest number of potentially successful pupils – but the constant refusal to dismantle aspects of the market system which almost nobody but English national politicians believes are a benefit illustrates the mixed messages (or disagreements) surrounding policy.

Perhaps the most significant example is the prospects for the most disadvantaged. On the one hand, they will be given greater access to popular schools with a major extension of free travel and the support of 'choice advisors'; on the other, they will face increased competition from middle class parents well able to afford fares on the newly introduced bus routes – and what are the admission arrangements that will increase their access to even more heavily oversubscribed schools? Banding is one such mechanism, though not appropriate everywhere, but what will be the incentive to encourage (let alone require) schools in predominantly middle class areas to introduce mechanisms that will favour the distant and disadvantaged? The role of the Admissions Forum will be crucial, and there will surely need to be a requirement on schools to accept and implement the advice of the Forum.

In the meantime, authorities will be expected to act strategically to keep surplus capacity down to affordable levels by 'taking out' the weakest and least popular schools – many of which, in urban areas, will be amongst those serving predominantly poor communities (so the more generous transport provision may become a necessity for some children to attend any school). And falling rolls – barely mentioned in the White Paper, despite a drop of around 10% in the next ten years – will add significantly to the pressures on the system, and increase the difficulties faced in disadvantaged areas. It will be essential that authorities' duty to promote fair access takes priority over their duty to promote diversity and choice.

Amongst other specific tensions which will require some careful attention are those between encouragement of more faith schools and concerns over social cohesion and between encouragement of new school 6th-forms and securing coherent and viable 14-19 provision.

Along with a change in their role, local authorities are set to acquire a number of new duties and powers, many of which will strengthen their influence over schools. To repeat: 'local authorities will need to plan how many schools their

area needs, where and how big they need to need to be, what kinds of schools will serve the area best, and who the schools should serve. Local authorities will draw on their analysis of parental demand and their consultation with local partners to draw up a strategic plan for the pattern of schools in their area, as part of their Children and Young People's Plan. However, the same issues of resources and capacity will face local authorities as face schools, but the White Paper only addresses the latter. (Amongst the proposals for expanding schools' leadership capacity is a clear suggestion that in future a cadre of headteachers will have a formal role advising Ministers on policy.) Indeed, authorities are under pressure to meet 'Gershon' savings targets whilst carrying through the enormous change programme associated with *Every Child Matters* – and the gratuitous undermining of local government's role which plainly accompanied media briefing on the White Paper shows an irresponsible disregard for the capacity problems, which exist.

The White Paper offers a number of opportunities for local authorities, and it will be important that they are seized and acted upon with confidence. It is equally important that authorities are given the powers and levers necessary to implement in full their new role and responsibilities, and the legislation that will follow will be essential to achieving that.

Ministers have signalled an intention to open up many previously 'exclusive' schools to a wider range of families and to engage them more fully in the system as a whole, and to put significant new pressure on many schools to improve their performance on behalf of all pupils. That is a welcome – many would say essential – concomitant to the successful implementation of the 'children' agenda (which has been dogged by the lack of coherence with the 'standards' agenda). It will be the legislation, and the subsequent actions of Ministers, which determine the extent to which they are serious about reversing the trend towards social polarisation in favour of social mobility. Local government will need to hold the Government, and Ofsted, to account if they do not act robustly to support authorities in their role as champions of children and their communities.

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Gypsy and Traveller pupils

TEN has recently published a 16-page pamphlet, *Educating Gypsy and Traveller pupils*. Full details, and a downloadable pdf, are available from our website: www.ten.info

A Short Guide to the Education and Inspections Bill 2006

This document has been produced by the Department for Education and Skills in order to assist the general reader in understanding the Bill's provisions.

Overview

The Education and Inspections Bill represents a major step forward in the Government's aim of ensuring that every child in every school in every community gets the education they need to enable them to fulfil their potential.

Trust schools

We know that schools work best when they tailor their curriculum to meet their pupils' needs and take responsibility for their own school improvement, working closely with other schools and external partners. The Bill will empower schools by devolving as much decision-making to them as possible, while giving local authorities an enhanced strategic role as the champion of pupils and parents.

All schools will be able to become Trust schools by forming links with external partners who will be able, should the school choose, to appoint the majority of the Governing Body. We expect that many schools will acquire shared Trusts that can foster and deepen collaboration and help to deliver improved children's services and a new 14-19 offer.

Acquiring a Trust will give schools access to the freedoms enjoyed by other foundation schools – owning their own assets, employing their own staff (subject to the School Teachers Pay and Conditions Document) and setting their admission arrangements (subject to the law and a newly strengthened Code on School Admissions). Trusts will also be able to apply for additional flexibilities which can be used by all the schools with which they are associated.

There will be new safeguards around the acquisition of Trusts to ensure that they operate in the best interests of local children. Where the Trust appoints the majority of governors, they will also have to set up a Parent Council. All schools, including Trust schools, will be given new duties to have regard to the views of parents and to the local Children and Young People's Plan.

Local Authorities

Local authorities will take on a new strategic role, with duties to promote choice, diversity, high standards and, for the first time, the fulfillment of **every child's** educational potential. They will respond to parental concerns about the quality of local schools – and, in doing so, they will have new powers to intervene earlier where performance is poor. As the commissioner of school places, local authorities will be able to propose expansions to all categories of school, set the terms for school competitions and take all decisions relating to school organisation.

Fair Access

The Bill will tighten the admissions framework to ensure fair access for all. As well as reaffirming the ban on new selection by ability, it will outlaw interviewing; strengthen the status of the Code on School Admissions; create a new power for Admission Forums to produce an annual report and to refer objections to the Schools

Adjudicator; and make the Adjudicator's decisions binding for three years.

Fair access will also be supported by an extended duty on local authorities to provide free transport for the most disadvantaged families and by a new duty to provide advice and assistance to parents in expressing a preference for a school for their child.

Behaviour

Behaviour has long been a major concern for school staff and for parents alike. The Bill will give effect to some of the key recommendations of the recent Steer report. It will create, for the first time, a clear statutory right for school staff to discipline pupils – putting an end to the “You can't tell me what to do” culture. It will extend the scope of parenting orders and contracts and will improve provision for excluded pupils, with parents taking responsibility for excluded pupils in their first five days of an exclusion. Governing bodies and local authorities will be required to provide full-time alternative provision from the sixth day of an exclusion.

14-19

The Bill gives effect to the most important reforms of curriculum and qualifications since the introduction of the National Curriculum. In the 14-19 White Paper, we set out our plans to transform opportunity for young people through changes to curriculum, qualifications and the organisation of education and training, so that every young person would be able to pursue a course of study that prepare them for success in life. Central to this is the introduction of 14 new specialised Diplomas, available to every young person aged 14-19, wherever they are in the country. The Bill makes access to Diplomas an entitlement for every young person everywhere. In order to deliver the entitlement to young people aged 14-16, schools will need to work with each other and with colleges and other providers – the Bill also empowers them to enter into formal collaboration with FE Colleges.

School Food

The Bill will revolutionise the provision of school meals. It establishes the power to create tough new nutritional standards for food and drink served in maintained schools to ensure that all children have access throughout the day to good quality food and drink.

Youth

The Bill will give local authorities responsibility for making sure young people have a range of exciting and positive things to do in their spare time, as promised in the recent Youth Green Paper, Youth Matters. This will increase their access to new opportunities and new experiences, and empower them to shape the services they receive.

Inspectorate Reform

Finally, the Bill will merge several existing inspectorates to bring all learning issues within one body that covers the full range of services for children and young people, as well as lifelong learning. This will reduce the burden of inspection and associated bureaucracy and ensure that all inspection has a stronger focus on delivering for citizens and ensuring value for money.

Part by Part summary

Part 1 (Education Functions of Local Authorities)

The Schools White Paper set out a vision for a new local authority role, as champion of parents and pupils. Part 1 of the Bill gives local authorities some new legal responsibilities as part of this new role.

Clause 1 places a duty on local authorities to promote high standards and, for the first time, the fulfillment of **every child's** educational potential. Clause 2 requires them to promote choice and diversity when carrying out their strategic duties in relation to the provision of school places. Clause 3 gives parents more say in the provision of schools in their area by requiring local authorities to respond to representations from parents who are not satisfied with the local provision of schools.

There are still too many children who are not receiving any formal education. Clause 4 places a new duty on local authorities to make arrangements to identify children of compulsory school age missing education in their area.

Clause 5 requires local authorities to appoint accredited School Improvement Partners for maintained schools. The School Improvement Partner will provide the governing body and the head teacher with challenge and support, helping them to focus on priorities and targets for school improvement. This is a crucial step in raising standards and closing educational achievement gaps.

Clause 6 places a duty on local authorities in England to promote the well-being of persons aged 13-19 (and up to 25 for persons with learning difficulties) by securing access to educational and recreational leisure-time activities and facilities. This gives effect to the proposals contained in the Youth Green Paper, *Youth Matters*.

Part 2 (Establishment, Discontinuance or Alteration of Schools in England)

We are committed to a new strategic role for local authorities, and to offering all parents a real choice of a school which suits their child's strengths and interests. This Part of the Bill contains a range of school organisation provisions which take forward these objectives.

Clauses 7 to 13 deal with the establishment of new schools. In its role as commissioner of local services, the local authority will consult on the specification for any new school (clause 8), and invite promoters to bring forward proposals to set up the school (clause 7). Regulations will prescribe the areas that can be covered by specifications, but these will include the opportunity for local authorities to set out their expectations for the community the new school would serve and the sorts of extended services that should be on offer. The successful proposal will be decided upon in a competition, which is judged by the local authority unless the local authority itself has entered the competition. Clauses 7 and 9 allow the local authority to propose a new community or community special school with the Secretary of State's agreement. In this case, the competition would be judged by the Schools

Adjudicator. The reason the Secretary of State, rather than the Schools Adjudicator, is involved is because the Adjudicator cannot both rule on whether a community school proposal should be allowed and be the decider of the competition. The Secretary of State will consider each case on its individual merits. However, where a local authority with a good track record proposes a community school that will command the support of parents, the Secretary of State will not normally intervene. A local authority may enter a competition with proposals for a new foundation school without the Secretary of State's consent.

Clause 7 extends the competition provisions (that were legislated for in the 2002 and 2005 Acts) to primary and special schools; this will further develop the diversity of local provision available to parents. Only nurseries, 16-19 provision and schools replacing existing independent schools will be outside the competition process, as they are at present.

Part of the local authority's new strategic role is to plan local school provision, including making decisions about the establishment, alteration and closure of any maintained mainstream, special and nursery schools. This means that the local authority will take over existing functions of the School Organisation Committee which is abolished by clause 27. In the light of this, clauses 14, 15 and 16 introduce procedures for the closure of maintained schools. Local authorities will also have extended powers (under clause 18) to propose the enlargement of the premises, the addition or discontinuance of SEN provision or the addition of a sixth form to any foundation, foundation special or voluntary school.

A key reform in the White Paper was the development of Trust schools. Clause 17 enables every school to become a foundation school¹, acquire a foundation and allow that foundation to appoint a majority of governors. All of these changes can only be made where the school agrees. Clause 20 ensures that only governing bodies can decide these changes, although local authorities may refer their decision to the Schools Adjudicator in some circumstances. The Bill makes the acquisition of a foundation and the decision to allow that foundation to appoint a majority of governors prescribed alterations. This means that safeguards and the consultation process will be set out in regulations and guidance.

Although a relationship with a Trust is designed to be lasting, we recognise that there should be some safeguards to deal with changing circumstances. The White Paper set out how local authorities would be able to remove a Trust in circumstances of school failure. Clause 23 will allow a school, where there is real dissatisfaction at the performance of the Trust, to remove the Trust. Regulations will prescribe the process, but it will be possible for a minority of governors to trigger a formal consideration of the Trust's future. If the governing body decides, by a two-thirds majority, to retain the Trust, there can be no new minority resolution for seven years.

¹ Thus giving schools access to the freedoms enjoyed by foundation schools – owning their own assets, employing their own staff and setting their admission arrangements, subject to the law and the Code on School Admissions. A summary of these freedoms can be found in the table at Annex A.

Part 3 (Further Provisions about Maintained Schools)

Part 3 sets out a number of provisions relating to maintained schools including further safeguards around Trusts and changes to the admissions framework to ensure fair access – a central part of the White Paper.

Clause 31 sets out a number of requirements that must be met by Trusts. They must be incorporated charitable bodies and they will have to have specified objects (to be set out in regulations). The clause enables local authorities to be a partner in a Trust. Finally, it gives the Secretary of State a reserve power to remove trustees (and to appoint replacements), and provides for regulations to prevent unsuitable persons from becoming trustees. Proposals for the acquisition of Trusts will have to demonstrate how they will contribute to community cohesion.

To strengthen the voice of parents in Trust schools where the majority of governors are appointed by the Trust, there is a duty in clause 32 for governing bodies to establish Parent Councils in order to secure parental influence in the running of the school.

Clause 33 amends the definition of capital expenditure for Voluntary Aided schools to reflect modern accounting practices. Clause 34 changes the assets regime around disposals for foundation and voluntary schools. It ensures that if a Trust school wishes to dispose of non playing-field land provided or enhanced at public expense, it must inform the local authority in advance, who will be able to object or to claim a share of the proceeds. Where agreement cannot be reached, the Schools Adjudicator will play a mediation role. Local authorities will also be able to make proposals to use any surplus land held by Trusts for other children's services. Any proceeds from disposals must be used for capital investment for the purpose of improving education. The existing rigorous restrictions on playing field disposal will apply to all maintained schools. Assets will revert back to the local authority in the case of school closure (except where Trust originally provided the land).

Clause 35 places a new duty on the governing bodies of maintained schools to have regard to the views of parents and to the relevant Children and Young People's Plan in their conduct of the school and in their provision of extended services.

We are committed to a system of fair admissions that delivers for all pupils. Clause 36 reaffirms the ban on new selection by ability. Clause 37 strengthens the legal status of the Code so that admission authorities will have to "act in accordance" with it, rather than simply "have regard to" it, while clause 38 widens the role of admissions forums, and strengthens their powers and organisation so that they can refer objections to the Adjudicator and can produce an annual report on fair access in their area.

Clause 39 gives the local authority a duty to support parents to express a preference for a particular school, thereby helping a broader range of parents to exercise their right to choose the most suitable school for their child and take advantage of the diversity of local provision.

Clause 40 bans interviewing as part of any school's admission arrangements. Clause 41 will prevent new and expanded schools, and schools which have had an objection against their admission arrangements upheld by the Schools Adjudicator or Secretary of State, from amending their admissions arrangements for three years. This is to allow fair admission arrangements, in line with the Code, to bed in and to prevent schools reintroducing arrangements which have been ruled out. Clause 43 makes it easier for schools to introduce banding and allows them to do so based on local or national ability ranges – this enables schools to achieve an all-ability intake.

Clause 44 makes minor amendments to the Secretary of State's role in maintained schools' delegated budgets, giving more power to local decision-makers.

Clause 45 removes the outdated Code of Practice on local authority and school relations to enable more decisive intervention, and to take account of the introduction of School Improvement Partners (SIPs) through the New Relationship with Schools.

Part 4 (Schools Causing Concern)

Despite the sharp improvement in the number of good schools, too many children are still let down by teaching and learning which do not live up to the high standards that parents and children rightly expect and deserve. The White Paper set out a series of measures to toughen the regime for turning around underperforming and failing schools more quickly and this Bill will make these proposals law.

The Bill will give local authorities an enhanced role in tackling underperformance through supporting and challenging schools earlier. So that underperformance does not become entrenched, authorities must also have an unremitting focus on tackling school failure and securing sustainable improvements at the school, immediately after it has been judged by Ofsted to require special measures or significant improvement

Clause 47 re-enacts existing legislation with amendments so that local authorities can intervene earlier and more easily tackle underperforming schools by issuing them with a formal warning notice. Schools will be given a right to make representations to Ofsted against the issue of the notice.

Provisions within Schedule 7 require local authorities to act more quickly and decisively in relation to schools which have received an adverse Ofsted report. Clauses 50 to 53 give the local authority powers (most of which are re-enactments of existing provisions with minor amendments) to intervene in schools causing concern; clause 50 contains a new power which enables the local authority to require a weak school to collaborate with another school or to work with a partner on school improvement.

Clauses 54, 55 and 56 re-enact with minor amendments the Secretary of State's existing reserve powers of intervention in schools causing concern.

Clause 59 requires local authorities to have regard to guidance in using their

intervention powers under this Part of the Bill.

Part 5 (Curriculum and Entitlements)

Part 5 of the Bill gives effect to the most important reforms of curriculum and qualifications since the introduction of the National Curriculum. In the *14-19 Education and Skills White Paper*, we set out our plans to transform opportunity for young people through changes to curriculum, qualifications and the organisation of education and training, so that every young person would be able to pursue a course of study that would meet their needs and aspirations and prepare themselves for success in life. Central to this is the introduction of 14 new specialised Diplomas, available to every young person aged 14-19, wherever they are in the country - and offering a route to success for young people who want to learn through practical experience. The Diplomas are being designed by partnerships led by employers and higher education, so that they provide young people with the skills and knowledge that they will need to progress to employment and to further study at university. The Diplomas will be available at three levels - level 3 being equivalent to A level standard - so that young people can study at an appropriate level for them, knowing that succeeding at that level will prepare them to progress to the next level.

Clauses 61 and 62 put in place the powers to make access to Diplomas an entitlement for every young person everywhere. In order to deliver the entitlement to young people aged 14-16, schools will need to work with each other and with colleges and other providers in order to make sure that between them they offer young people the full entitlement, because no school could be expected to deliver every Diploma on its own. The Bill gives local authorities the strategic lead for securing the entitlement for these young people, with the essential role of making sure that in every area, schools and colleges between them make the full range available.

Through these provisions, the Bill puts in place the essential underpinnings for achieving our ambition that at least 90% of young people continue to participate in education and training until at least the age of 17. In doing so, it is crucial to ending once and for all the lack of opportunity in this country for those whose preference is for practical learning

Part 6 (School Travel and School Food)

Clause 64 reduces the impact of transport as a barrier to parents from low income groups exercising their choice of school; it improves and extends the offer of free transport which was first set out in the 1944 Education Act. The Bill will place a new duty on local authorities to provide free transport for some of the most disadvantaged pupils (i.e. those eligible for free school meals or whose parents are in receipt of the maximum level of Working Tax Credit) to attend any of three suitable secondary schools closest to their home, where these schools are more than two (and less than six) miles away, and for primary-aged pupils to the nearest school more than two miles from their home.

Clause 63 gives local authorities a duty to prepare and publish a sustainable school travel strategy, leading to health and environmental benefits.

Clauses 65, 66 and 67 will enable a small number of 'Pathfinder' local authorities to develop school travel schemes to pilot innovative approaches to home to school travel. 'Pathfinder' authorities will put in place new travel arrangements to support school choice, reduce the distances pupils are expected to walk to school, and increase the proportion of pupils traveling by sustainable means. 'Pathfinders' may also trial transport arrangements that support the provision of a wider 14-19 offer and extended services and that address the problems faced in rural authorities – for example, by using Yellow Buses. The Pathfinders will also test the efficacy of co-funding arrangements.

Poor diet can be a real barrier to learning and the School Meals Review Panel report in October 2005 recommended new standards for school meals. We are determined to transform the quality of school food: clause 74 covers our commitment to providing children with high-quality, nutritious food at school by permitting nutritional standards to be applied to all food and drink supplied on school premises. Clause 74 changes the existing 'duty to charge' into a 'power to charge'; this will enable schools and local authorities to provide free meals, including breakfast, if they wish to do so.

Part 7 (Behaviour, Discipline and Exclusion)

Though Ofsted tells us that behaviour is good in most schools most of the time, we have made tackling bad behaviour a major priority, providing schools with unprecedented powers, training and resources. Part 7 of the Bill takes this further, and gives us the legislative framework we need, implementing and building on some of the key recommendations of the recent Steer Report.

Chapter 1 of Part 7 deals with school discipline. Clauses 75 and 76 require schools to have a behaviour policy. Clauses 77 and 78 provide a new statutory power to discipline, which will give all staff in lawful charge of pupils the power to discipline pupils for inappropriate behaviour or for not following instructions. This will provide greater clarity for schools, pupils and parents on the extent of school staff's power to discipline pupils, including when they are off school premises. Clause 78 also provides flexibility for Heads to respond to the particular needs of their school when exercising disciplinary powers. Clause 80 re-enacts provisions around the use of force. Clause 79 replaces existing provisions on detention with new powers giving schools greater scope and flexibility to employ the sanction. Clause 81 provides a defence for school staff in confiscating inappropriate items.

Clauses 84, 85 and 86 extend parenting contracts and orders so that they can be used more widely to ensure that parents take proper responsibility for their children's behaviour at school. We are bringing forward the availability of parenting contracts so that they can be used as an earlier intervention, well before the pupil has been excluded. We are enabling parenting orders to be used where the pupil has seriously misbehaved (regardless of whether or not they have been excluded). And schools are being empowered to make their own applications for parenting orders.

Clauses 90, 91 and 92 require parents to take responsibility for excluded pupils in their first five days of exclusion, whether fixed term or permanent; and provide for prosecution or penalty notices to be issued to parents where excluded pupils are found in a public place during school hours without

reasonable excuse. Governing bodies and ultimately local authorities will be required to provide alternative provision from the sixth day of their exclusion (clauses 87 and 88). Clause 89 makes reintegration interviews compulsory for pupils who have been excluded.

Part 8 (The Office for Standards in Education, Children's Services and Skills)

Part 8 of the Bill provides for the enlargement of Ofsted to create a new single inspectorate for children and learners as the Office for Standards in Education, Children's Services and Skills, still colloquially to be known as Ofsted.² This is part of the Government's strategy for public service inspection. This seeks to refocus inspection on what is relevant to the people who use public services, the way they use them and the outcomes they experience, and to reduce the amount of inspection activity and the burden it generates.

Chapter 1 of Part 8 creates a non-executive board to set the strategic direction and hold Her Majesty's Chief Inspector (HMCI) to account. It also sets out the general duties which will be placed on HMCI (based extensively on HMCI's current duties). It gives the Office and HMCI the overarching purpose of encouraging improvement, user-focus and efficient and effective use of resources. It places other statutory duties on the board and HMCI. It is important to note that HMCI will remain solely responsible for inspection judgements. Chapter 1 also transfers the Children's Rights Director from CSCI (Commission for Social Care Inspection) to Ofsted.

Chapter 2 transfers to the new HMCI the functions of the existing HMCI. These include, for example, powers to inspect schools, child minding and nursery education.

Chapter 3 transfers to HMCI the existing ALI (Adult Learning Inspectorate) inspection functions covering further education and training, together with the existing inspection functions of the existing HMCI, as currently contained in Part 3 of the Learning and Skills Act 2000. It also re-enacts the existing 14-19 Area Inspection provisions.

Chapter 4 transfers to HMCI CSCI's local authority inspection functions with regard to services for children, and integrates these with his existing local authority inspection functions.

Chapter 5 provides for the transfer of inspection of CAFCASS (Children and Family Court Advisory Service) functions in England from HMICA (Her Majesty's Inspectorate of Court Administration) to HMCI.

Chapter 6 contains further provisions relating to HMCI. It transfers new areas of responsibility to him, such as the inspection of secure training centres, and the registration of children's homes, residential family centres, fostering agencies, voluntary adoption agencies, and adoption-support agencies. It also contains general provisions for HMCI, including his interaction with other

² The Government published *A Single Inspectorate for Children and Learners: The Government's Response to Consultation* in December 2005, making clear the intention to create this new enlarged inspectorate.

public sector inspectorates.

Chapter 7 contains transitional provisions facilitating the transfer of staff and property to the Office from existing inspectorates.

Part 9 (Miscellaneous)

This Part contains a number of miscellaneous policy provisions.

In order to ensure that the legitimate concerns of parents are given proper consideration, clause 145 creates a new parental right of complaint to Ofsted, when local complaints procedures have been exhausted. The Chief Inspector of Schools will be given a new power to gather additional information as part of following up a complaint.

Clause 146 extends the existing Power to Innovate provisions, which allow schools to apply for legislation to be set aside or modified if they believe that it is inhibiting innovation that could raise standards. The existing provisions will be extended to give the same powers to Further Education colleges, and to enable Trusts to apply for freedoms on behalf of all their schools.

Clause 147 is a technical provision which will allow us to update references in legislation to "local education authorities" and "children services authorities" making clear that they are all the same (integrated) local authority.

Clause 149 provides an enabling power for maintained schools to collaborate formally with Further Education colleges, as they can already do with other maintained schools, and vice versa. It also allows for formal collaboration between Further Education colleges. This collaboration will be essential for the delivery of the new 14-19 entitlement set out earlier.

Clause 148 enables the collection of data on children who are not educated at school.

Clause 152 extends the powers of the Learning and Skills Council (LSC) to provide support for under-16s.

Clause 153 removes the requirement that university bodies seek the consent of the Secretary of State or National Assembly for Wales (as relevant) before imposing restrictive covenants on their tenants who wish to acquire the freehold or extend the lease of land under the Leasehold Reform Act 1967. Such covenants can currently be imposed for the purpose of reserving the land for possible development by them or a related university body. In future, a university body will only be able to impose these restrictive covenants on their tenants to reserve the land for possible development for university purposes by them or a related university body.

Part 10 (General)

This Part of the Bill contains a number of technical and general provisions which are common to all Bills.

Clause 154 gives Wales a framework power to make its own secondary legislation in a number of areas. The Framework powers are drafted to grant

the National Assembly for Wales wide powers to determine the detail of how legislative provisions should be developed and implemented in Wales. This approach implements the Government's policy set out in the White Paper "Better Governance for Wales" of delegating to the Assembly maximum discretion in making its own provisions in subject areas where it already exercises legislative and executive functions. The Education and Inspections Bill is the second Bill to include framework powers³.

The policy areas included in the proposed framework power are:

- school organisation ;
- school admissions;
- the curriculum in maintained schools;
- attendance, discipline and exclusion;
- entitlement to education and training;
- services to encourage, support or assist young people with regards to education and training;
- travel of persons receiving education and training; and
- food and drink provided for children in education and childcare settings.

Clause 164 sets out the timing for the legislation to come into force. In this case, the legislation that deals with school food (Part 6), and which provides for regulations to be made relating to the establishment of the new Inspectorate (Part 8) will be commenced immediately on Royal Assent.

³ The NHS Redress Bill is the first Bill to include framework powers.

ANNEX A - DIFFERENCES BETWEEN FOUNDATION AND COMMUNITY SCHOOLS (IF BILL PASSED)

	FOUNDATION	COMMUNITY
Composition of governing body	If school has a foundation, the foundation may appoint governors. The instrument of government may provide for the foundation to appoint a majority of the governing body.	May not have a foundation.
Ownership of the land and buildings	Foundation (if there is one) - otherwise governing body. Disposal of playing field land continues to require SoS consent. New legal safeguards apply to other disposals of publicly-funded land.	Local authority. Disposal of playing field land continues to require SoS consent.
Building Projects	Foundation schools can contract and procure building projects themselves (as can voluntary aided schools).	Will normally contract and procure through their local authority.
Employs the staff	Governing body	Local authority
Appointment of Headteacher	Governing body selects and appoints	Governing body selects but the local authority makes the appointment.
Decides admission arrangements (within the Admissions Code)	Governing body	Local authority
Publishes proposals to change the school	Governing body. The Bill will allow the local authority to publish proposals for enlargement of the school, the addition of SEN provision or the establishment of a sixth form.	Local authority (but also governing body for proposals to change category, expand or add a sixth form)
Sets dates of terms	Governing body	Local authority
Religious character	May have a religious character only if established on that basis.	May not have a religious character.

REVIEW OF THE PROVISION OF SCHOOL PLACES

REPORT BY DIRECTOR OF HEALTH, HOUSING AND SOCIAL CARE

CABINET

16TH MARCH, 2006

Wards Affected

County-wide

Purpose

To approve a county-wide review of school provision in primary, secondary and post-16 phases of education.

Key Decision

This is not a Key Decision.

Recommendation

THAT the review be agreed in line with the phased programme set out in the report.

Reasons

- Falling Rolls in schools are significant, are projected to continue until 2016, and are already causing difficulties for schools to maintain the quality of teaching and learning and to consider the additional initiatives expected of them.
- The existing review policies within the School Organisation Plan do not provide an adequate basis to consider the full impact of the problem.

Considerations

1. Numbers in primary schools are projected to fall from a peak of 14,342 in 1999 to below 12,000 in 2016. There could be some recovery in the early 2020s but population projections suggest that numbers will recover by less than 5%.
2. Fewer children in schools will lead to reduced allocations from Central Government, and lead to reduction in teacher numbers. It will be important to ensure that the resources that are available are used to best effect. Indeed it is estimated that over 40% of the budget of a small school is spent on fixed costs [premises, head, secretary, caretaker] but only 13% of a large school.
3. This trend is highlighted by the age profile of children resident in the County.

Further information on the subject of this report is available from
George Salmon, Head of Policy and Resources on 01432 260802

AGE GROUP	CHILDREN IN COUNTY	CHILDREN ON ROLL
0-1	1695	0
1-2	1770	0
2-3	1723	0
3-4	1707	379
4-5	1722	1486
5-6	1917	1720
6-7	2038	1816
7-8	2039	1823
8-9	2044	1800
9-10	2146	1872
10-11	2023	1851
11-12	2000	1914
12-13	2119	1896
13-14	2201	2045
14-15	2165	2061
15-16	2137	2001

4. The School Organisation Plan does have policies setting out the criteria when schools should be reviewed. On the basis of these policies the future of three small schools would be reviewed and provision in the Leominster, Ross-on-Wye and Hereford areas. Reviews confined to these schools would not address the issues evident in all areas of the county.
5. Falling Rolls create 'surplus space' and this suggests that resources are not being used to best effect.

	Primary Schools		High Schools	
	Total Pupil Numbers	Total School Capacity	Total Pupil Numbers	Total School Capacity
Weobley, Kington, Wigmore	1588	1876	1364	1460
Leominster, Bromyard	1661	2086	1081	1300
Kingstone, Peterchurch	1071	1316	1018	995
Hereford City	5296	6293	4818	4900
Ledbury & Ross	2759	3255	2176	2100
Total	12,375	14,826	10,457	10,755

6. The LSC is responsible for planning post 16 provision. They support the review given
 - It would be very difficult to review high school provision to 16 without taking account of sixth form provision, especially within the context of a developing 14-19 phase of learning and the need for curriculum progression routes that are increasingly indifferent to the traditional break at 16.
 - A changing context as the result of:
 - Criticism voiced during the Area Wide Inspection in January 2005 which was repeated in the recent Joint Area Review that some sixth form curricula remain insufficiently broad and also do not cater for learners at levels 1 and 2.

- Linked to the previous point, the DfES 14-19 Implementation Plan which will make great demands on schools with regards to the phased introduction of 14 new Vocational Diplomas.
 - The development of the New Measures of Success for Value Added at “A” level which will provide a new context for considering sixth form performance.
- The demographic decline of young people in the county is inescapable even though its full effects will take some years to work through to sixth forms.
7. It is acknowledged that no parts of the County operate entirely separately, but by considering each part of the County more thought can be given to the possibilities of cooperation between schools. It is suggested that the countywide role played by St. Mary’s R C High School and Bishop of Hereford Bluecoat High School be part of the Hereford City process.
 8. It is proposed that in each area, a discussion document be produced for consultation with schools, parents and diocesan bodies LSC and others. This would lead to recommendations from the local authority for further discussion. It would only be at the end of that stage that any statutory notice if required would be issued.
 9. In this review the following issues will be addressed.
 10. The SOC supported the proposal for a review, with one suggestion being made that primary schools should be reviewed on an area basis, but there should be a separate countywide review of high school provision. Consideration is being given to this, recognizing the need to balance the desire to explore cooperation between primary and high schools, and also to assess the possibilities or cooperation between high schools. In addition, consideration is being given to sixth form review and the links with the Area Wide Inspection of 14-19 provision and the improvement plan agreed by DfES.
 11. It is to be noted that schools are funded by a direct grant from Central Government. In the main this grant will vary in direct proportion to pupil numbers, and not reflect the number of schools within the County.

Alternative Options

There are no alternative options

Risk Management

The review does create risks in introducing uncertainty and anxiety for school and parents. Parents may assume certain outcomes which are deleterious to some individual schools. The recruitment of staff to either small schools or from outside the county may be affected. Although there are these risks they can be mitigated by maintaining the review timescale and having clear communication strategy throughout the exercise to reduce uncertainty.

The risks associated with not proceeding with the review are greater.

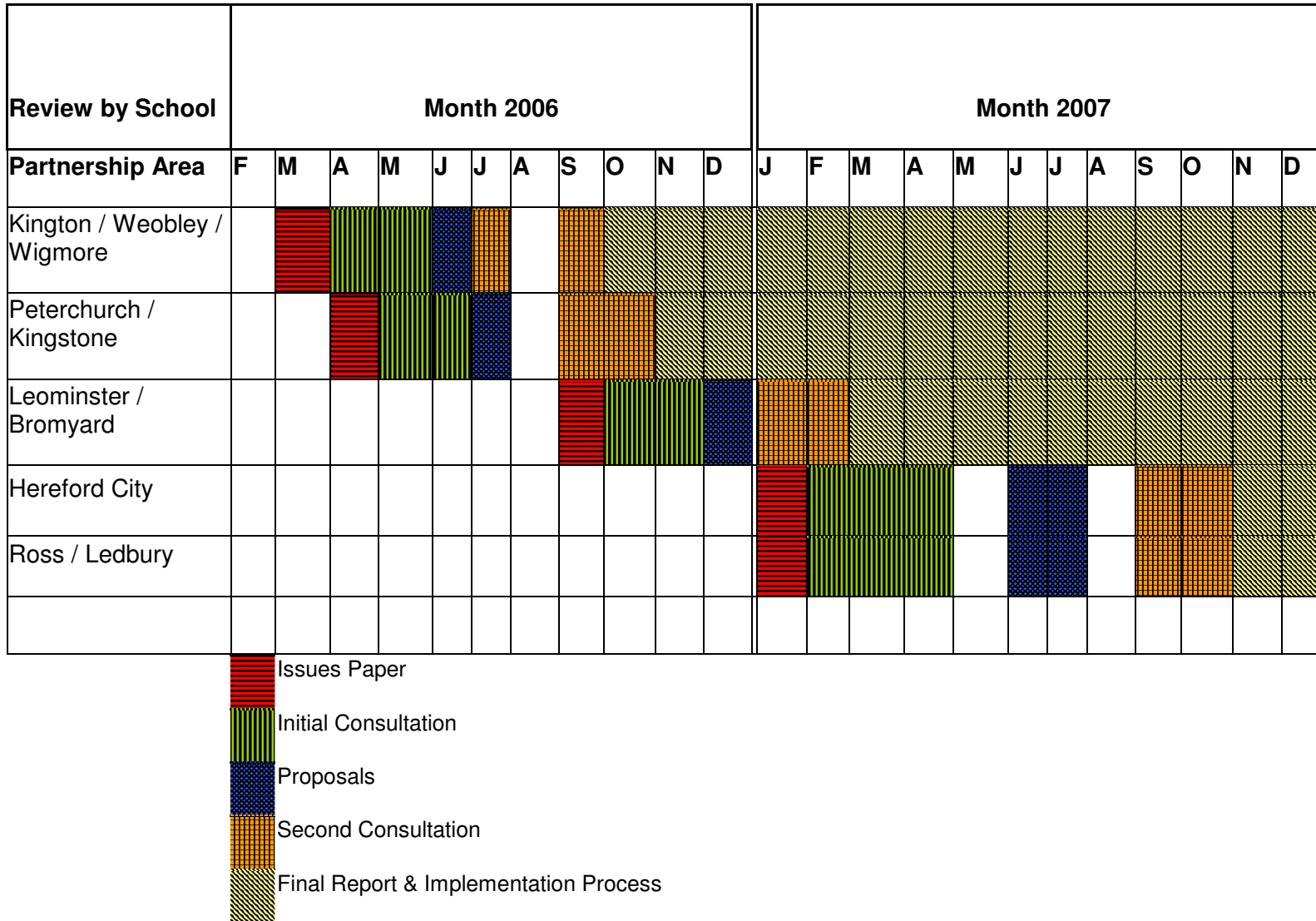
It should also be noted that the review will require much staff time. The timetable proposed, although demanding should be met within existing resources. However, if there are other demands on staff the programme may have to stop or additional resource found.

Consultees

School Organisation Committee
Learning & Skills Council

Background Papers

School Organisation Plan
School Organisation Committee Report date 9.02.06
Letter from LSC to High Schools with Sixth Forms



EU FUNDING PROGRAMMES 2007-2013

PORTFOLIO RESPONSIBILITY: ECONOMIC DEVELOPMENT AND RURAL REGENERATION AND STRATEGY

CABINET

16TH MARCH, 2006

Wards Affected

County-wide

Purpose

To receive a report on the European Commission's key proposals on the EU Structural Funds, particularly the Competitiveness and Employment Fund and England Rural Development Programme.

Key Decision

This is not a Key Decision.

Recommendation

THAT:

- (a) officers be authorised to continue engagement in shaping the programme and lobbying for support.
- (b) the contents of the report be noted.

Reasons

To note the different European funding opportunities which will be made available to Herefordshire for the period 2007-2013.

Considerations

Background

1. Herefordshire has a long and successful track record of using the EU Structural Funds to support the regeneration of our rural areas.
2. The current EU Structural Funds Programme ends in 2006 (although projects can still spend until 2008). Funding for these Programmes is now fully committed and we are entering into a transition period where the future of EU funding is being decided.
3. Herefordshire has successfully used EU funding to address the economic and regeneration priority aims of Herefordshire Council. It is therefore important that Herefordshire continues to influence the work that is being undertaken on the future of EU funding.

Further information on the subject of this report is available from
Jennifer Watkins, Team Manager, Herefordshire Partnership on (01432) 260610

Current Position

4. Alun Michael, Minister of State for Industry and the Regions, who has responsibility for European funding provided a written statement to parliament in December 2005 on the future of EU Structural Funds in the UK from 2007 – 2013 which included:-
 - Total Structural and Cohesion funds for the period 2007 for the whole of Europe will be Euro 308 bn.
 - Overall the UK will receive an estimated Euro 9.4 bn, over the period 2007-13.
 - Euro 6.2 bn will go to the poorest regions e.g. Cornwall, West Wales and the Valleys.¹
 - Euro 6.2 bn will go to the rest of the UK, including the West Midlands.
 - Euro 0.6 bn will be allocated for cross border and transnational projects (successor to the Interreg funding stream).
5. The UK Government is currently considering how it proposes to run and manage these programmes and who shall have the responsibility to do it.

Future EU Funding Programmes (2007-13)

6. New Objective 2 and 3 Programmes which will be called the Competitive and Employment Programme

Euro 6.2 bn will be available for the new Competitive and Employment Programme and a further 0.6 bn will be available for the new Interreg Programme across the country. Regional allocations have still to be determined by Central Government, but current thinking suggests it is like to be in the region of £350 million for the West Midlands. The new Competitive and Employment Programme is likely to be strongly influenced by the Region's priorities within the Region's Economic Strategy and the Regional Spatial Strategy. The Regional Economic Strategy provides the main planks upon which the new Competitive and Employment Programme will be prioritised, i.e. the focus on Regeneration Zones, High Technology Corridors and clusters e.g. Food and Drink, Environmental Technology, Tourism and Leisure, etc.

7. England Rural Development Programme 2 (ERDP2)

Funding levels will be about the same as the current levels which is £3.5 million per year for the West Midlands.

ERDP will fund actions to improve agriculture, forestry, the environment and rural diversification, the LEADER approach, rural transport, tourism and leisure, access to services and local capacity.

8. Framework Programme 3 (Research and Development)

The Framework Programme 7 is the European Union's main instrument for funding research and development. The nine high level themes are the following:

¹ The Highlands and Islands will receive transition funding.

- health
- food, agriculture, and biotechnology
- information and communication technologies
- nanosciences, nanotechnologies, materials and new production technologies
- energy
- environment and climate change
- transport and aeronautics
- socio-economic sciences and the humanities
- space and security research.

9. Integrated Lifelong Learning Programme

The Integrated Lifelong Learning Programme will fund activities which will contribute to the development of the European Community in knowledge society, sustainable economic development, more and better jobs and greater social cohesion. The programme aims to foster interaction, cooperation and mobility between education and training systems with the European Community.

How do we influence the shape of future European funding programmes?

10. On 28th February the Government launched its consultation on the new Regional Competitiveness and Employment Programme, based on a National Strategic Reference Framework (NSRF). This will set out the broad objectives for the future programme.
11. The Region has drawn up an initial response to which Local Authority officers have contributed. This will be available for wider consultation in the region, together with a statement of principles confirming the role of the Region and its Sub Regional partners in the design and management of the new programme.
12. On 27th February, 2006 the Department for Food, Drink and Rural Affairs launched a consultation on the priorities for the next Rural Development Programme for England, which will run from 2007-2013. The consultation provides an opportunity to comment on how the next Programme could be used to make a real difference in the rural areas, by safeguarding and enhancing our rural environment and fostering thriving rural communities.
13. Regional officer groups are already examining the opportunities for the Region under the programmes listed above. Local authorities will also need to examine carefully the opportunities arising under these new Programmes.

Risk Management

There is a risk that we will miss out on some European funding opportunities for 2007-2013 if we do not actively engage in European policy and lobby work at the European, national and regional levels.

Alternative Options

There are no Alternative Options.

Background Papers

None identified.

