

**MINUTES of the meeting of Children's Services Scrutiny Committee held at : The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday, 21st April, 2008 at 10.00 a.m.**

|                 |                                    |   |
|-----------------|------------------------------------|---|
| <b>Present:</b> | <b>Councillor</b>                  | <b>SJ Robertson (Chairman)</b>  |
|                 | <b>Councillor</b>                  | <b>WU Attfield (Vice Chairman)</b>  |
|                 | <b>Councillors</b>                 | <b>ME Cooper, BA Durkin, P Jones CBE, G Lucas, RV Stockton, AM Toon and JD Woodward</b>   |
|                 | <b>Church Members</b>              | <b>Revd. I. Terry (Church of England)</b>   |
|                 | <b>Parent Governor Members</b>     | <b>Mr N Parker (Secondary School Parent Governor), Mr R Stevenson (Primary School Governors) and Mr A Wood (Special School Governors)</b> |
|                 | <b>Teacher Representatives</b>     | <b>Mr C Lewandowski (Teachers)</b>  |
|                 | <b>Headteacher Representatives</b> | <b>Mr S Pugh (Primary Headteacher Representative) and Mrs D Strutt (Secondary School Headteachers)</b>                                    |
|                 | <b>Representatives</b>             | <b>Ms K Berry (Connexions) and Ms D Scott (The Alliance Community Representative)</b>   |

**In attendance: Councillors: WLS Bowen, ACR Chappell, PJ Edwards, JP French, JA Hyde (Cabinet Member - Children's Services), TM James, RI Matthews, AT Oliver and J Stone**

**46. NEW ATTENDEES AT COMMITTEE**

The Chairman welcomed Councillor BA Durkin and explained that he had been appointed to the Committee in place of Councillor JK Swinburne.

She also welcomed Mr S Pugh, Primary School Headteacher representative, and Mr N Parker, Secondary School Parent Governor representative. She also informed the Committee that Mr R Aird was now the representative for Special School Headteachers.

She also welcomed Mr Chris Baird, Head of Performance, Planning and Development in the Children's Services Directorate.

**47. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor JE Pemberton, Councillor WJ Walling and Mr JD Griffin.

**48. NAMED SUBSTITUTES**

There were no named substitutes.

**49. DECLARATIONS OF INTEREST**

The following declarations were made:

|                         |   |   |
|-------------------------|---|---|
| Councillor SJ Robertson | Item 7 - Swimming Provision in Hereford City and Surrounding Area.                            | Personal - Primary School Governor.   |
| Councillor W U Attfield | Items 7 - Swimming Provision in Hereford City and Surrounding Area and 8 - Wyebridge Academy. | Personal - High School Governor.  |
| Mr RI Stevenson         | Item 7 - Swimming Provision in Hereford City and Surrounding Area.                            | Prejudicial and left the room during discussion. Director of potential contracting company. |
| Revd I Terry            | Item 8 – Wyebridge Academy.   | Personal - As Diocesan Director of Education connected with the Sponsors of the Academy.    |
| Mr S Pugh               | Item 7 – Swimming Provision in Hereford City and Surrounding Area.                            | Personal - Head of school using the pool.   |
| Councillor JD Woodward  | Item 7 - Swimming Provision in Hereford City and Surrounding Area.                            | Personal - Primary School Governor.   |
| Councillor AM Toon      | Item 11 – Capital Budget Monitoring.  | Personal - Primary School Governor.   |
| Councillor ACR Chappell | Items 7 Swimming Provision in Hereford City and Surrounding Area and 8 - Wyebridge Academy.   | Personal - High School Governor and Director of South Wye Regeneration Partnership.         |

**50. MINUTES**

The Chairman reported that two questions had been received from Mr M Gibson in relation to agenda item 4 – Minutes with reference to the Review of Provision of School Places: Progress Report namely: 'can you provide exact details of: a) the name of the person who was responsible for making the decision to announce the proposals as they stood, without them first being made subject to the scrutiny of your Committee? and b) what disciplinary action will be taken against this person?

The Chairman responded that the matter of any disciplinary action was a personnel issue and was out side the remit of scrutiny committees.

Questioned on the third paragraph of minute 38 - Review of Provision of School Places: Progress Report – the Director of Children's Services reported that as at the meeting on 22nd January the proposals had been withdrawn. Subsequent to this the Leader of the Council had made a statement to Council on 8 February 2008 and there was now no review. She further reported that Dr Boden, who had undertaken the independent review of schools data, would be reporting in April to Council Members and schools on the findings from the review. Following this, meetings would be held to pick up and progress the outcomes identified. Further meetings were anticipated later in the year with school clusters to find ways forward.

**RESOLVED:** that the minutes of the meeting held 22 January 2008 be approved and signed by the Chairman.

**51. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY**

The Chairman referred to an e-mail suggestion received from Mr M Gibson. Following on from Minute No 38 (Review of Provision of School Places: Progress Report) of the previous meeting and in particular the final paragraph, he put the following written suggestion: "I would strongly request that the Committee investigate what strategies will now be put in place to ensure accountability and credibility in any future plans and decisions made by the council with particular relation to Children's Services."

The Director of Children's Services reminded Members that, as reported by the Leader of the Council at Council on 8 February 2008, the Review proposal had been withdrawn. She assured the Committee that in the future there would be closer liaison with the Chairman and Vice-Chairman of the Committee and that timely reports on issues for scrutiny would be brought to Committee. Any decisions would be in accordance with the Councils Constitution.

The Committee noted the position and assurance by the Director of Children's Services.

**52. COMMITTEE MEMBERSHIP - UPDATE**

The Committee were informed of the membership of the Committee with particular reference to the co-opted membership.

The Democratic Services Officer presented a report outlining the changes to the co-opted membership following consideration of the membership by the Committee in June 2007. He reported that appropriate representatives for current vacancies were being sought. He highlighted that having considered the implications of the Local Government Act 2003, Cabinet on 18th December 2003 had decided not to confer voting rights on non-statutory co-opted members. He also highlighted alternative means of obtaining wider information on specific issues. He also confirmed that co-opted members were expected to abide by the Councils constitution in relation to their appointment to Committees.

The Chairman referred to a recent request that further representation by small primary schools be included on the Committee. She commented that the education sector, particularly the primary sector through the co-opted and Councillors as governors of schools, was in her view adequately represented. She assured the Committee that should an issue arise on which she or the Vice-Chairman decided that wider input was needed then it would be sought, as demonstrated at this meeting by the invitation of external witnesses for agenda items 7 and 8.

**RESOLVED:** That the current membership of the Committee and action in relation to current vacancies be noted.

**53. SWIMMING PROVISION IN HEREFORD CITY AND SURROUNDING AREA**

A prejudicial interest was declared by Mr RI Stevenson and he left the room. Personal interests were declared by Mr S Pugh and Councillors: WU Attfield; ACR Chappell; SJ Robertson; JD Woodward.

The Committee considered the alternatives for making provision for school

swimming in Hereford City and informed the Cabinet Member (Children's Services) of their preferred option.

The Chairman welcomed the following who had been invited to attend: Mr J Argent, Chief Executive, Halo Leisure; Mr J Moynihan, Mr A Thomas and Miss A Taylor representing Headteachers of schools using the St Martin's (LEA) Pool and Mrs W Lewis, Swimming Instructor, LEA Pool.

The Head of Commissioning & Improvement – Schools Services, reported upon the history of the St. Martin's (LEA) swimming pool, the background to its closure and the temporary arrangements made for schools to use the Hereford Leisure Pool operated by Halo Leisure. He also outlined the capital and revenue implications of repairing and continued provision of the St Martin's facility, as set out in the agenda report and appendix 2.

Invited by the Chairman to comment on the use of the Leisure Pool, Mr Argent responded that due to the short notice there had been a number of initial operational issues but these had been overcome. In relation to the problems highlighted by schools, listed at paragraph 7 in the report, he reported that these were not insurmountable and could be reduced or eliminated. Halo had been happy to accommodate the 38 schools for swimming lessons at the Leisure Pool and welcomed the discussions with school Heads concerning its continued use.

Responding to the invitation by the Chairman to comment on the use of the Leisure Pool, Miss Taylor highlighted concerns that the Leisure Pool had not been designed to accommodate the teaching, changing, security and safety of large numbers of pupils (approximately 50) in one session. She also highlighted the inconvenience to the public by having large areas restricted for teaching use.

Mr Moynihan concurred with the comments made by Miss Taylor and reemphasised the importance of safety and supervision set out in paragraph 11 in the agenda report.

Mrs Lewis commented that the LEA Pool had received good Ofsted reports and achieved a high degree of success in its curricular teaching. She further commented that, out of hours, the pool was used by the Hereford Swimming Club and the Blind College, both of which contributed to income generation.

Invited by the Chairman to comment, Councillor ACR Chappell, a Ward Member for St. Martins & Hinton, responded by: outlining the complaints he had received concerning various aspects of using the Leisure Pool; reporting on the use of the LEA pool by swimming clubs; commenting on the potential use by a local Health Centre and questioning how the loss of the facility would effect the Extended Schools Programme. He highlighted the need for the Council's Executive to explore alternative avenues of financing the facility once the repairs had been undertaken. He also commented on the possible use of Section 106 Agreement funding (developer contribution to community infrastructure).

During the course of discussion the following principle points were noted:

- The Director of Children's Service clarified that the recent Section 106 funding had not been specifically allocated to swimming but towards education or Children's Services capital projects. Its use towards the pool would detract from spending on other projects.
- While the Leisure Pool could provide 'Aquamark' and ASA levels of swimming teaching questions were raised whether they matched the specific curriculum teaching levels.

- While Halo were thanked for accommodating the temporary teaching programme and praised for the facilities at the Leisure Pool, a number of comments were made that the specialist teaching at the LEA Pool should continue where the safety and security of the child could be closely monitored.
- Following the closure of the Sydonia Pool, Leominster, a study was undertaken into the total swimming provision in the County. Following the building of the Leominster pool the County as a whole now had a small surplus of swimming provision.
- Questioned further on the revenue costs it was noted that there was a net deficit in the region of £50,000 per annum. This assumed schools continued at the current level of contribution at £66.00 per hour in common with other schools using other pool facilities around the County. In light of the Local Management of Schools (LMS) funding regulations the retention of a central budget, already at the maximum of £80,000 for a facility benefiting certain schools could not be increased. If a Service Level Agreement (SLA) were introduced for schools using the facility then to break-even a charging level of approximately £138.00 per hour would need to be introduced, which schools may not be willing or able to afford. To ensure some level of financial planning it was considered that SLAs covering at least 3 years be entered into.
- Providing further clarification concerning the reduced income over the recent years it was noted that schools had been reducing the number of visits and this had effected income levels.
- It was acknowledged that water leaks from the skimmer channels had contributed to the increased cost of water.

Having debated the issue a general consensus appeared that in view of the value to the local school population the facility should continue. The Cabinet Member should consider undertaking the works set out at paragraph 16 to the value of £72,500.00 to re-open the pool provided that sufficient schools commit themselves to a 3 year period of charge which would cover the net costs. The Committee also considered that a review of the financing of the pool was needed to ensure that it could operate within budget into the longer term.

The Chairman thanked the invited guests for attending and contributing to the debate.

**RESOLVED: That the Cabinet Member (Children's Services) be recommended to consider:**

- a) That works within the budget of £72,500 to reopen the St Martin's Pool be undertaken, once sufficient schools had committed themselves for a 3 year period at a level of charge which would cover the net costs; and
- b) A wider review of the financing of the pool be undertaken to ensure that it could operate within budget.

#### **54. WYEBRIDGE ACADEMY: PROGRESS REPORT**

Personal interests were declared by Revd I Terry and Councillors: WU Atfield; ACR Chappell.

The Committee received a report on the progress being made in Wyebridge Sports College becoming an Academy.

The Chairman welcomed the following who had been invited to attend: Mr P Adams, Partnership for Schools; Mr M Evans, Department for Children, Schools and Families (DCSF); Mr I Main, Navigant Consulting; Mr J Sheppard, Principal (Designate) Wyebridge Academy.

The Head of Commissioning & Improvement (Schools & Services) presented the agenda report and updated the Committee on the following five points:

1. As set out in paragraph 6 Cabinet had authorised the issue of Statutory Notices to close Wyebridge Sports College. While these notices ran for a minimum of 6 weeks the closure of the consultation period had been extended from 8th May to 28th May 2008. Three consultation meetings (dates yet to be confirmed) would be held at other community centres to ensure that members of the community were aware of what was being proposed.
2. Advantage West Midlands (AWM) had now confirmed that provided the Residents Association were accommodated in the relocated info zone building, then no claw back of the £60,000 grant to the Residents Association would be imposed.
3. He confirmed that the 'ICT vision' document need to be included in the Outline Business Case (OBC) document. The ICT Vision document was currently awaiting approval by BECTA.
4. No problems had been raised by Sport England concerning the playing fields as indicated in the Outline Business Case. However, they had recommended that reinforced grass rather than artificial grass be used. They had also recommended that the Academy should not aim to provide for all sports but to work in partnership with other schools.
5. Arrangements were being made concerning the tendering of the project in late May 2008. This would be in accordance with the intended timetable for the project.

During the course of debate the following principle points were noted:

- Mr Main reported that initial costings for ICT indicated that, including a contingent sum for variations, the cost would be within the allocated capital budget.
- In response to two planning issue questions namely: taking account of the sloping ground levels at the site and the potential for parking problems, the Committee were advised that discussions would be held between the Academy and the Council's Planning Service to broker an acceptable solution to the potential parking issue. The possibility of imposing similar parking conditions to those at the 6th Form/Learning Village were mentioned, however, it was cautioned that a limited sum was contained in the project for parking and any extra provision would be to the detriment of the overall learning provision.
- Questioned on the transfer of staff from College to Academy the Committee were advised that the transfer would recognise the National Conditions of Service for teaching staff.
- Responding to questions on the ICT "Cost per pupil" the Head of Commissioning & Improvement (Schools & Services) reported that the sponsors had made a commitment to support teaching and learning and would commit to supporting the ongoing ICT revenue costs. Indications had been made that spend per pupil would be at the higher end of the range and this would be supported from the Academy's Dedicated Schools Grant Funding. The level to be allocated would be set by the Principal.
- Reference was made to recent publicity concerning construction companies rigging tender bids for contracts. Mr Adams reported the National Framework

listed major contractors that had signed up to undertake works to a pre agreed rate. He confirmed that six contractors on the National Framework list were being investigated and that the Framework was being looked at to ensure that it provided a robust tendering mechanism.

- Questioned on the rights of parents to the admissions appeal process Mr Evans responded that to the best of his knowledge the sponsors expected the Academy to apply similar procedures as local authority schools and to abide by the terms set out by the Local Admissions Forum. The Committee noted that parents, staff and pupils would be represented on the Board of Governors.
- In relation to the ICT provision the Committee noted that pre tender talks were being held with potential bidders in an attempt to clear up technical issues at a early stage.
- Reference was made to agenda page 37 "Appendix 1 results of 4th July and 10 December consultation" in that it was alleged that the list of those consulted may be inaccurate.

The Chairman thanked the invited guests for attending and contributing to the debate.

**RESOLVED: That the reported progress on the Wyebridge Sports College becoming an Academy be noted and the Scrutiny Working group continue to meet on an ad hoc basis to consider issues of concern if they arise.**

#### 55. KINGTON CHILDREN'S CENTRE NURSERY

The Committee considered the related issues around the proposal to close Kington Children's Centre Nursery, 3 Gravel Hill, Kington, and informed the Cabinet Member (Children's Services) of their recommendation.

The Chairman reported that questions or comments on this item had been received from Mr Ian Flood on behalf of concerned parents; Mr Bob Widdowson, Chair, Kington Area Regeneration Company, and Katie Flood on behalf of the Governors at Kington Primary School. The questions together with the written response handed out at the meeting have been entered in the Committee minute book.

The Head of Integrated Services and Inclusion reported that the Committee were being consulted prior to a Cabinet Member (Children's Services) decision on the issue. She presented the agenda report and highlighted the various efforts made by local residents and the authority over the years to identify the needs, retain and finance the nursery facility in Kington, which due to the low attendance numbers and cost of provision, was being considered for closure.

The Manager of Early Years and Extended Services reported that since publication of the agenda report two possible options to continue a nursery facility had come forward, and urgent work was currently underway to assess their viability. She warned that even if an alternate provider could be found the current provision by the authority (the Kington Children's Centre Nursery) may still need to close in September 2008.

The Chairman invited Mr I Flood, nominated representative for concerned parents, to expand on his submitted questions and to put the parent's point of view.

Mr Flood criticised the short notice given to parents over the proposals and the time scale in which to submit questions to the Committee. He highlighted that parents

were now seeking to find suitable alternate provision in the area. While acknowledging there was local crèche provision e.g. at Lady Hawkins, he commented that this did not meet the requirements of working families and that some parents now faced the prospect of having to give up work. Staff at the current facility were seeking new employment and therefore, assuming a new employer could be found, the business would suffer through lack of continuity. He also questioned the level of local advertising for the facility as many locals seemed unaware of it.

The Chairman invited Councillor TM James, local ward member, to comment.

Councillor TM James criticised the apparent rush towards closing the facility. He commented that many of the answers given to the written questions were flawed highlighting inconsistencies in the expected number of new houses. He also highlighted the difficulties for parents in accessing alternative provision at Eardisley and Lyonshall. He suggested there needed to be some breathing space e.g. 2 or 3 months, to explore possible alternatives. He further commented that to his knowledge Smart Start Nurseries had only advertised the facility by word of mouth.

The Head of Integrated Services and Inclusion reported that there needed to be a point at which a decision was made. She emphasised that help and support would be offered to any family disadvantaged by the closure which was not proposed to happen until July 2008. She responded to the comment concerning new housing numbers that attendance numbers would still not be viable even if double the expected new housing were built. Responding to comments regarding the consideration of options she emphasised that at many times in the facilities history options had always been considered. Currently it did not present a viable business case to offer it for tender, however, the two recent options that had come forward would be urgently explored.

Responding to whether the Government Office West Midlands (GOWM) would claw back the £210,000 Neighbourhood Nursery Initiative funding the Manager of Early Years and Extended Services reported that a case would have to be put to GOWM for individual assessment. Responding to the earlier comment regarding advertising she informed the Committee that a degree of marketing had been undertaken when issues arising out of the Ofsted inspection had been addressed.

**RESOLVED that the report be noted and in light of the comments made, particularly regarding two further options, the Cabinet Member (Children's Services) be recommended to reconsider the closure of Kington Children's Centre Nursery if a viable alternative option can be found. However members were anxious not to extend this period indefinitely and suggested a 6 week window of review before a final decision by the Cabinet Member**

#### **56. CHILDREN AND YOUNG PEOPLES PLAN 2008-2011**

The Committee considered the new Children and Young People's Plan 2008 – 2011.

The Business Manager – Children's Trust, presented the agenda report and appended draft Plan, and highlighted that the Children and Young People's Plan was a statutory document and contained the key priorities for children and young people. She outlined the process and consultation undertaken and reported that the appended draft had been approved by the Councils Cabinet and all agencies within the Children's Trust arrangement. The Plan would now be presented to Council for final approval.

Responding to why "developing a sustainable peer support approach to



breastfeeding" was connected with obesity against the outcome '2 Promote healthy lifestyles...' on agenda page 78, the Director of Children's Services reported that the Plan followed a set process for its lay out and therefore on the face of it some elements may not have obvious connections, however, following advice from the Primary Care Trust, she assured the Committee that medical links had been established between the two..

Responding to a question on how the priorities, identified at section 7.5 and further set out at sections 8 and 9 in the draft Plan, would be monitored the Business Manager – Children's Trust reported that the associated delivery plans were being formulated. The Director of Children's Services commented that the Committee would be kept appropriately involved.

Referring to agenda page 94 – Key Data: Additional Needs – concern was expressed that mixed messages were being given to parents concerning pupils under the 'statemented' and 'banded funding system' and whether this required further review.

**RESOLVED: That the report be noted and the Children and Young People's Plan 2008-2011 be endorsed.**

**57. CAPITAL BUDGET MONITORING REPORT 2007/08**

A personal interest was declared by Councillor AM Toon.

The Committee were updated on the position of the Capital budget for 2007-08 for the Children and Young People's Directorate.

The Finance Manager presented the agenda report. Details of expenditure on capital projects were listed in appendix 1. He emphasised that expenditure, rather than any underspend, for projects at both Riverside and Minster College had been re-profiled due to slippages in the schemes.

In response to a question on the Hunderton/Hollybush scheme (agenda page 101) the Head of Commissioning and Improvement reported that this was a scheme to improve both sites under the Children's Centres programme and was separate from the Riverside junior and infant school amalgamation project.

Following recent proposals to change the Governments Building Schools for the Future programme, in that a number of phases may be accelerated for consideration, the Head of Commissioning and Improvement confirmed that subject to receiving further guidance from DCSF a number of school building schemes submitted under the previous programme would be revised and re-submitted under the accelerated programme.

**RESOLVED: That the report be noted.**

**58. REVENUE BUDGET MONITORING REPORT 2007/08**

The Committee considered a report on the 2007/08 revenue budget position for the Children and Young People's Directorate.

The Finance Manager reported that the end of year forecast indicated an underspend of £196,000 which would be rolled forward to 2008/09. The underspend within the Dedicated Schools Grant of £476,000 was ring fenced and would be considered by the Herefordshire Schools Forum in June.

Responding to comment regarding the anticipated underspend of £172,000 in Assessment and Family Support (agenda page 105) and how its early use in intervention work could have produced savings in other budgets the Head of Safeguarding and Assessment reported that greater thought would be given to how budgets were set and aligned to give better outcomes.

**RESOLVED: that the revenue budget monitoring report 2007/08 be noted.**

**59. PERFORMANCE DIGEST - QUARTER 3 - 2007/2008**

The Committee considered the Quarter 2 Performance Digest for Children's Services (October to December 2007).

The Performance Improvement Manager presented the report and arising from discussion the Committee were informed that overseas recruitment had taken place for experienced social workers and it was hoped that a number would be taking up employment in August from the USA.

**RESOLVED: That the position set out in the Performance Digest for Quarter 3 be noted**

**60. COMMITTEE WORK PROGRAMME**

The Committee considered its work programme.

The Committee had earlier identified that under the Children and Young People Plan, delivery plans would be submitted to Committee for consideration and that statemented/banded funding issues may be considered as an issue for further consideration. It was noted that Members of the Shadow Children's Trust Board may attend future meetings of the Committee.

Comment was also made regarding the governance arrangements for the Children's Trust and in response the Director of Children's Services stated that the work of the Trust was rapidly developing but she would be considering new guidance.

**RESOLVED: That subject to consideration of the above issues by the Chairman the work programme be approved and reported to Strategic Monitoring Committee.**

**61. MRS ANNE HEATH- HEAD OF INTEGRATED SERVICES AND INCLUSION MR GEORGE SALMON - HEAD OF COMMISSIONING AND IMPROVEMENT**

The Chairman reported that this had been the last scheduled Scrutiny Committee meeting for both Mrs Anne Heath and Mr George Salmon as both would be retiring in June 2008. On behalf of the Committee she wished them both a long and happy retirement and thanked them for their commitment to the education of young people in the County and latterly the implementation of the wider Children's Agenda.

The meeting ended at 1.01 p.m.

**CHAIRMAN**