

A G E N D A

Education Scrutiny Committee

Date: **Tuesday, 23rd September, 2003**

Time: **10.00 a.m.**

Place: **Council Chamber, Brockington,
Hafod Road, Hereford**

Notes: Please note the **time, date** and **venue** of
the meeting.

For any further information please contact:

*P. R. James, Members Service 35 Hafod
Rd. Hereford*

*tel (01432) 260460 e-mail:
pjames@herefordshire.gov.uk*

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Education Scrutiny Committee

To: Councillor D.C. Short MBE (Chairman)
Councillor J.P. Thomas (Vice-Chairman)

Councillors H. Bramer, Mrs. S.J. Robertson, N.J.J. Davies, D.C. Taylor, Ms. A.M. Toon, R.M. Manning, W.J. Walling, Mrs. J.E. Pemberton, J.D. Grffin, Rev'd. M. Smith, M. Burgess, S.E. Wright and Brig. P. Jones CBE

Church Members: J.D. Griffin, Rev'd M Smith

Parent Governor Member: M Burgess (Special), Mrs S.E. Wright (Secondary)

Co-opted Teacher Representatives: C. Lewandowski (Secondary), J.D. Pritchard (Primary)

Co-opted Headteacher Representatives: A. Marson (Secondary)

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 14th July, 2003.	5 - 14
5. YEAR 2003 PROVISIONAL RESULTS FOR HEREFORDSHIRE SCHOOLS To consider the Summer 2003 provisional results at Key Stages 1, 2, 3, 4 and 5 for Herefordshire Schools.	15 - 18
6. MONITORING OF PERFORMANCE INDICATORS 2002 - 2003 To consider the Performance against Best Value Performance Indicators (BVPI) and Local Public Service Agreement (LPSA) targets for 2002-2003.	19 - 26
7. SCHOOL WORKFORCE REMODELLING To consider the introduction of the National School Workforce Remodelling Programme and its implications for Herefordshire.	27 - 30
8. BEST VALUE REVIEW STAGE 1 REPORT - SPECIAL EDUCATIONAL	31 - 54

NEEDS PROVISION AND SUPPORT SERVICES

To consider the Stage 1 report of the Best Value Review of Special Educational Needs Provision and Support Services.

9. STAFF SICKNESS ABSENCE 55 - 58

To consider levels of staff sickness and absence in the Education Service.

10. TRAINING AND SUPPORT OF GOVERNORS 59 - 66

To review current plans for the training and support given to governors.

11. MONITORING OF EDUCATION CAPITAL AND REVENUE BUDGETS FOR 2003/04

To report on expenditure to date on the Education Revenue Budget, and to inform the Committee about the progress of the 2003/04 Capital Programme for Education, and the prospects for further schemes to be committed.

Late report - Monitoring of Education Revenue and Capital Budgets for 2003/04

The attached report was issued after the agenda despatch but prior to the meeting. Copies were also available at the meeting. Please note that Table 2 to the report is exempt

12. HOME TO SCHOOL/COLLEGE TRANSPORT - DISCRETIONARY AREAS OF POLICY 67 - 68

To approve the remit, membership and timetable of a group to consider discretionary policies on home to school/college transport.

Handout for Home to School item 69 - 70

The attached document was issued at the meeting for information.

PUBLIC INFORMATION

HEREFORDSHIRE COUNCIL'S SCRUTINY COMMITTEES

The Council has established Scrutiny Committees for Education, Environment, Social Care and Housing and Social and Economic Development. A Strategic Monitoring Committee scrutinises Policy and Finance matters and co-ordinates the work of these Committees.

The purpose of the Committees is to ensure the accountability and transparency of the Council's decision making process.

The principal roles of Scrutiny Committees are to

- Help in developing Council policy
- Probe, investigate, test the options and ask the difficult questions before and after decisions are taken
- Look in more detail at areas of concern which may have been raised by the Cabinet itself, by other Councillors or by members of the public
- "call in" decisions - this is a statutory power which gives Scrutiny Committees the right to place a decision on hold pending further scrutiny.
- Review performance of the Council
- Conduct Best Value reviews
- Undertake external scrutiny work engaging partners and the public

Formal meetings of the Committees are held in public and information on your rights to attend meetings and access to information are set out overleaf

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- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of the Cabinet, of all Committees and Sub-Committees.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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MINUTES of the meeting of the Education Scrutiny Committee held at the Education & Conference Centre, Blackfriars Street, Hereford on Monday, 14th July, 2003 at 2.00 p.m.

Present: Councillor J.P. Thomas (Vice-Chairman)

Councillors: H. Bramer, N. J. J. Davies, Mrs. J.E. Pemberton,
Mrs S.J. Robertson, D. C. Taylor, Ms. A. M. Toon, W.J. Walling.

Church Representatives: J. D. Griffin, Rev M. Smith.

Parent Governor Representatives: Mrs. S.E. Wright.

Co-opted Teacher Representatives: Mr C Lewandowski, Mr J.D. Pritchard.

In Attendance: Councillors: D.W. Rule (Cabinet Member – Education), J. B. Williams, R.M. Wilson (Cabinet Member – Highways and Transportation)

VICE-CHAIRMAN IN THE CHAIR

1. CHAIRMAN AND VICE-CHAIRMAN

The Committee noted the appointment at Council of Councillor D.C. Short as Chairman and Councillor J. P. Thomas as Vice-Chairman.

The Vice-Chairman informed the Committee that the Chairman was unable to attend the meeting due to illness.

RESOLVED: That the Clerk to the Committee write to the Chairman, Councillor D.C. Short, to express the Committee's best wishes for a speedy recovery.

2. APOLOGIES FOR ABSENCE

Apologies were received from Mr M. Burgess and Councillors R.M. Manning and D.C. Short (Chairman).

3. NAMED SUBSTITUTES

There were no named substitutes.

4. DECLARATIONS OF INTEREST

Councillors Mrs S.J. Robertson and Ms A.M. Toon expressed 'Personal Interests' in item 11 – Home to School/College Transport. Mr Lewandowski and Mr Pritchard expressed 'Personal Interests' in item 19 – Statutory Members and Co-opted Representatives on Education Scrutiny Committee.

5. MINUTES

RESOLVED: That the Minutes of the meeting held on 26th March, 2003 be approved as a correct record and signed by the Chairman.

6. SCRUTINY – ROLE AND TECHNIQUES

The Committee received a presentation on the role of scrutiny and the techniques that Scrutiny Committees can use in their work.

The Policy Officer briefly described the background to scrutiny and outlined some of the key principles and risks to effective scrutiny. She advised in relation to questioning skills, the development of work programmes and highlighted the 10 steps to undertaking successful in-depth reviews. She further advised that some issues could be investigated by methods other than by formal Committee for example select Committee style, task and finish groups, presentations, briefings or by meeting in other venues. She summed up by directing Members to a number of useful documents and websites.

The Committee noted that the role of scrutiny was that of 'critical friend' rather than that of adversary. On questioning the level of public involvement in scrutiny, the Committee were informed of the current level of publicity. It was suggested that the Council's newspaper 'Herefordshire Matters' be used to inform the public of the role of scrutiny generally.

RESOLVED: That the presentation be noted and the Council's newspaper 'Herefordshire Matters' be used to inform the public of the role of scrutiny.

7. THE OUTCOME OF INDIVIDUAL OFSTED SCHOOL INSPECTIONS FOR HEREFORDSHIRE SCHOOLS SINCE SEPTEMBER 2002

The Head of Inspection, Advice and School Performance (IASPS) presented a report on the outcomes of the Ofsted inspections of Herefordshire schools undertaken since the start of the academic year in September 2002.

He reported that twenty-seven Herefordshire schools had been inspected by Ofsted during the current school year and appendix 1 to the report gave a brief summary of the outcomes of those published Ofsted reports. One school, Brookfield EBD Special School, had been placed in special measures in September 2002. That was an unexpected decision as the school had only been open for two terms and had many strengths. However, the school had now been removed from Special Measures after only two terms following follow-up visits by HMI. At the end of June 2003, Herefordshire had no schools in a negative Ofsted category. He further commented that Ofsted reports were awaited on schools at Clehonger, Kingsland and Madley, which he anticipated would contain similar, favourable comments.

The Committee discussed a number of the reports and noted that the governors of individual schools arranged any press coverage on the outcome of their inspection; that the Ofsted reports took a realistic view of conditions in schools and that due to physical constraints at some schools, the Act of Worship by the whole school was not always possible.

RESOLVED: That the report be noted

8. LOCAL PUBLIC SERVICE AGREEMENT TARGETS

The Committee received a report on progress towards the Local Public Service Agreement (LPSA) targets.

The Head of Policy and Resources reported that under the LPSA scheme the Council had agreed to work towards targets in 13 areas of work, three of which specifically related to education. He reported that progress was being made in relation to the target 'Improving Quality in Early Years Provision'. The report set out details of the stretch targets under the LPSA; the outcome of Ofsted inspections of early years settings and commented on the more demanding area of quality assurance accreditation.

The Committee noted that good progress was being made in generating interest in a quality assurance accreditation scheme. However, achieving the target would depend on a further 57 early years settings expressing an interest and the majority of the 191 registered childminders in the County being persuaded to join the childminder network or join the accreditation scheme.

The Head of Inspection, Advice and School Performance (IASPS) reported upon the 'Pupil Attainment Targets'. The report outlined progress on target 9, "Improving the attainment levels of pupils in Herefordshire" and target 10, "Increasing the proportion of higher ability pupils obtaining 5 or more A* - B grades at GCSE and level 5 and above in English, maths and science at the end of Key Stage 2". He commented that overall while the targets were extremely challenging they were still attainable.

The Committee acknowledged the difficulty in attaining targets which were dependent on pupil performance. While recognising there were ethical questions, it was suggested that the Cabinet Member (Education) consider possible methods of encouraging high school and special school pupils concerned to achieve the targets.

Concerning the target 'Improving the life chances for children in care by improving their educational outcomes' the Head of Children's & Student's Services reported that while parts of the target had already been achieved, care needed to be taken not to lose the momentum.

The Committee briefly discussed the role of the Council as 'Corporate Parent'; the level of care received by children in care when not at school and the criteria for referral of children for special attention.

RESOLVED: That the position outlined in the report be noted and it be recommended that the Cabinet Member (Education) consider methods of encouraging relevant pupils to achieve the LPSA targets by making available small sums of money for schools involved to achieve this purpose.

Note: Reverend M. Smith requested that his abstention from voting be recorded.

9. EXCELLENCE CLUSTER AND LEADERSHIP INCENTIVE GRANT

The Committee received an up-date on the Excellence Cluster Bid (EC) and the Leadership Improvement Grant(LIG).

The Head of Inspection, Advice and School Performance reported that following on from the successful Education Action Zone (EAZ) a Transformation Outline Plan (TOP) had been submitted to the DfES, which had resulted in the submission of a more detailed Transformation Action Plan (TAP). This Plan had been accepted, with amendments, and the Excellence Cluster would begin its formal work in September 2003. He reported that the Excellence Cluster in Herefordshire would receive an annual grant of £660,000 from the DfES for three years beginning September 2003. In addition, the three high schools in the Excellence Cluster (Haywood, Kingstone

and Fairfield High Schools) would each receive £125,000 annually for three years as part of the Leadership Improvement Grant (LIG). None of this funding required matched funding from the Council, although a significant amount of senior officer time had been used in securing the bid and would be needed to support the programme from 1st September onwards. He also drew attention to the 9 primary schools in the Associate Group which would be linked with particular strands of work to the national initiative.

The Committee briefly discussed the issue of defining 'gifted and talented pupils', one of the strands, and any potential consequences. The Committee acknowledged that the success of the bid would bring additional finance to those schools named in the report. However, while the bid had had to comply with national policy, it was noted that a degree of inequity would be created with other schools in the County that were equally deserving. The Committee questioned how the benefits derived through the EAZ and the EC bid were being cascaded down to other schools around the County.

RESOLVED: That the report be noted and future reports on this subject should specify how benefits derived through these schemes were being cascaded down to other schools in the County.

10. BEST VALUE REVIEWS 2003/2006

The Committee were invited (a) to determine Councillor representation on the review teams for the 2003/04 Best Value Reviews, following the local elections, (b) to review the scope of the best value review of SEN Assessment and provision for statemented pupils, and (c) to consider the remaining reviews in the 5-year programme.

Review Panels

The Director of Education reported that there were currently two reviews under the Best Value programme. The reviews covered the Inspection and Advisory Service (IASPS) and the Assessment of Special Educational Need (SEN) and provision for statemented pupils. The membership of both review teams needed to be reconsidered following the local elections. It was proposed that as a preliminary step for the reviews, familiarisation seminars would be held for each group. The Committee were therefore invited to determine two or three Councillor representatives for each of the two panels. The Committee noted that a number of other representatives would continue to serve on the current review panels.

Scope of the review of SEN assessment and provision for Statemented Pupils

The Head of Children's and Student's Services reported that, given recent national changes in funding, inclusion and disability legislation, the opinion of the review panel was that the remit of the review was too narrow. The proposal was to widen its research and discussions to cover the role of other SEN support services, the wider role of Educational Psychology Service, other funding mechanisms, delegation of SEN funding, monitoring, and the possibilities of inter-agency working. The widened remit would involve bringing forward the review of the Learning Support Service and the Physical and Sensory Support Service and, to some extent, revisiting the earlier Review of the Medical and Behavioural Support Service. The Committee noted that the proposal would involve lengthening the time frame of the review to the Spring of 2004 to allow for additional research and that the proposal was in line with Audit Commission recommendations.

The Review Programme

The Director of Education referred to appendix 1 to the report which listed the programme of reviews completed to date and indicated the remaining subject areas yet to be reviewed. He commented that, from experience, each review was likely to be resource intensive and it was therefore important to ensure that the scope of each review was sufficiently wide to make it possible for a comprehensive review of the Education Service to be completed in a programme covering one or two reviews each year.

RESOLVED:

- That (a) Councillor Mrs JE. Pemberton, Councillor J.P. Thomas Mr C. Lewandowski and Mrs S.E. Wright be appointed to the Inspection and Advisory Service Review and Councillor Ms. A.M. Toon, Councillor Mrs. S.J. Robertson and Mr J.D Pritchard be appointed to the review of Special Education Need;**
- (b) having considered the programme of reviews set out at appendix 1 it was decided that no further adjustments were required at this stage.**
- (c) the scope of the Best Value Review of Special Educational Needs Assessment and Provision for Individual Statemented Pupils be widened to include other SEN support services (including Learning Support Services and Physical Sensory Support Services) the wider role of the Educational Psychology Service, other funding mechanisms, delegation of SEN funding, monitoring and the possibilities of inter-agency working.**

11. HOME TO SCHOOL/COLLEGE TRANSPORT – REVIEW OF DISCRETIONARY AREAS OF POLICY

The Committee considered the scope of a possible review of the Council's discretionary policies on home to school/college transport.

The Director of Education reported that the best value review covered transport in support of people benefiting from services provided by the Social Care Directorate, public transport services provided or arranged by the Environment Directorate, and home to school/college transport. A summary of the main recommendations was set out at appendix 1 to the report.

The Director reported that good progress was being made in relation to the joint planning of routes and services. Software had been assessed and a decision to purchase was imminent. Work had begun to develop ideas around the recommendation that changes in the daily opening/closing times of schools and other relevant Council services might be considered. He also highlighted that consideration needed to be given to the scope of a possible review of discretionary areas of home/college transport. The current discretionary policy, including costs, were detailed in the report.

The Director indicated there were several areas in which the Council currently exercised discretionary arrangements, namely: walking distance to pick up points; travelling time on school transport; denominational transport and charges for post-16

transport and vacant seats for all age groups. The report outlined a number of options and considerations for the review. He commented upon the inclusive nature of education and the substantial contribution the denominational schools made to education in the County

In response to a question concerning the 'yellow bus' scheme, as used in America, the Committee were informed that the capital costs to initiate such a scheme with sufficient busses to cover the County was prohibitive.

The Committee agreed that an in-depth review should be undertaken into all the discretionary policies identified in the report and requested that officers formulate a structure and mechanism (a project plan) for undertaking such a review.

RESOLVED: That the report be noted and officers present a draft project plan to the next meeting for undertaking a review of the discretionary policies on home to school/college transport.

12. SCHOOL ORGANISATION PLAN

The Committee were invited to comment on the draft School Organisation Plan (SOP) for Herefordshire 2003 to 2008.

The Head of Policy and Resources reported that the key purpose of the SOP was to set out clearly how the Local Education Authority (LEA) planned to meet its statutory responsibility to secure sufficient education provision within its area in order to provide an adequate number of places and promote higher standards of attainment. He highlighted six key points contained in the draft plan and commented upon the conclusions drawn. He also outlined the process for further consultation.

The Committee briefly debated the range of data collected. In response to a question, The Director of Education reported that while data in relation to ethnic group and gender (shown at table 5 to the report) was collected it would be inappropriate, particularly in relation to community schools, to collect data on pupil denomination.

RESOLVED: That the report be noted.

13. PUPIL ADMISSION POLICY FOR COMMUNITY HIGH SCHOOLS

The Committee considered the preparations for implementing the new co-ordinated admissions arrangements for high schools for admissions in September 2004.

The Director of Education reported that, following consultations, and consideration by the Local Admissions Forum, the Council had approved the general criteria for admission of pupils to community high schools in September 2004 as set out at Appendix 1 to the report. He further reported that, under the Education Act 2002, Local Education Authorities were required to co-ordinate admissions to maintained schools within their area, on the basis of arrangements agreed through the Admissions Forum and approved by the Secretary of State. The co-ordination duty applied to high schools for admissions from September 2005, but could alternatively be introduced one year earlier. Following consultation the Council had agreed that the new, co-ordinated arrangements be introduced for admissions for the school year beginning September 2004. The report outlined the progress being made with the implementation namely in relation to: the booklet of information for parents; the preparation of an information leaflet for parents (Appendix 2) and the circulation of information and application forms for parents. Following approval by Council a

detailed co-ordination scheme for Herefordshire had been submitted to, and approved by, the DfES. The scheme, which was underpinned by agreements reached with neighbouring LEAs and voluntary aided schools, was set out at Appendix 3. The report also indicated administrative issues concerning allocating places after applications had been received and dealing with late applications and appeals.

The Committee noted the change to the admission policy at Aylestone High School and that the move to a co-ordinated scheme for 3 school preferences may result in a greater level of parental preference appeals.

RESOLVED: That the position concerning the Pupil Admission Policy for Community High Schools be noted and further progress reports be provided at appropriate points in the coming year.

14. THE STANDARD SCHOOL YEAR

The Committee were invited to consider the proposed standard school year for 2004/05, following the decision by other West Midland Local Education Authorities to move away from an earlier agreement.

The Director of Education reported that the Local Government Association (LGA) had set up an Independent Commission to consider the organisation of the school year. The Commission's principles for a six-term year were detailed in the report. The West Midlands LEAs had met to produce uniform term dates across the West Midlands. As a result of a number of meetings four options were produced (Appendix 1). Despite earlier meetings a number of LEA's had reverted to the original holiday arrangements. Locally, the problem had been compounded by neighbouring LEA's who had changed their proposals to include Good Friday and Easter in the 2-week holiday break. He recommended that to avoid problems for families living close to county boundaries, the term dates should be as set out in Appendix 2 to the report.

RESOLVED: That the position be noted and the term dates for 2004/05 as set out in Appendix 2 to the report be accepted.

15. COMPLAINTS AND APPEALS

The Committee considered the summary of comments, complaints and appeals relating to the Education Directorate, for the period 25th January 2003 to 30th June 2003.

RESOLVED: That the report be noted.

16. INFORMATION ITEM – ANNE FRANK EXHIBITION

The Committee noted the arrangements for the internationally renowned Anne Frank, a history for today, Exhibition to be held in Hereford Cathedral from 3rd to 30th October 2003.

RESOLVED: That the report be noted.

17. EDUCATION CAPITAL PROGRAMME

The Committee received details of the current capital programme, were invited to identify issues to be addressed to improve the monitoring of the programme and were asked to consider priorities for future capital expenditure particularly in 2004/5 and 2005/6.

The Head of Policy and Resources reported that the current capital programme had been developed, and was being implemented, within available resources. Capital investment in schools must reflect the needs identified in the assessments of condition, suitability, and sufficiency within the Education Asset Management Plan. Following the work carried out in 2001/02, 9 priorities, detailed in the report, had been set in the local policy statement of the Education Asset Management Plan. A full list of schemes (other than the maintenance programme) reflecting the three categories: (a) final payments (b) schemes under contract and (c) design fees on projects which had not yet been contractually committed, was attached to the report at Appendix 1. He also reported that there was a significant amount of work to be undertaken to meet the 9 priorities set in 2002 and these were detailed in the report. To formalise the assessment of projects, it was proposed that a project assessment questionnaire, a draft of which was attached to the report at appendix 2, be sent to schools for completion.

He further reported that the DfES had launched the 'Building for the Future' initiative under which all high schools in the country would be replaced or refurbished between 2005 and 2020. He commented in particular on the bid criteria and the possible submission of a bid under a rural pilot scheme.

The Committee noted the report and supported in principle a bid under a rural pilot scheme. The Committee also noted that the bid under the New Opportunities Fund for a sports hall at Kingstone had reached its second stage. On capital funding for 6th Forms it was further noted that, where the LEA owned the premises, funding for schemes were allocated to the LEA rather than the Learning and Skills Council (LSC).

RESOLVED:

- That**
- (a) the existing Education Capital Programme be noted;**
 - (b) the priorities previously set and the opportunities to meet those priorities detailed in the report be noted; and**
 - (c) a bid under a 'building for the future' rural pilot scheme be supported in principle.**

18. COMMITTEE WORK PROGRAMME

The Committee considered the expected range of business during the coming year.

The Director reported that the list of wide ranging matters for consideration, attached to the report at Appendix 1, may vary according to new issues or a change in priority.

Following a suggestion that the Committee review the method of appointing LEA Governors, the Director of Education suggested that such a review may be premature. It was further suggested that the Committee debate the forthcoming 'Instrument of Government' required for each school. It was agreed that item 8 on the list – Teachers' Workload Agreement would be a priority item for discussion.

RESOLVED: That subject to the above comments the work programme be approved.

19. STATUTORY MEMBERS AND CO-OPTED REPRESENTATIVES ON EDUCATION SCRUTINY COMMITTEE

The Committee reviewed the statutory membership and co-opted representation on the Education Scrutiny Committee.

Consideration was given to a report by the County Secretary and Solicitor detailing the existing membership and term of office; current vacancies and efforts made to secure replacement members and suggesting that Headteachers be represented on the Committee.

The Committee acknowledged the logic in reviewing the statutory and co-opted representation on the Committee following local elections. However, it was suggested that, as the non-voting co-opted teacher representatives had been elected to the Committee by a ballot of teachers, their term of office would continue until such time as a request for a new election was received, at which point they would have to submit themselves for re-election if they wished to continue.

Concerning the vacancy for a co-opted Special School Teacher representative, the Committee acknowledged that the sector had a limited number of eligible teachers. It was therefore proposed that special school head teachers and SENCOs be included as eligible for election in this category.

The Committee acknowledged that, as the Education Programme Panel no longer existed, Headteachers had ceased to be formally represented on the Council's decision-making structure. It was therefore agreed that 1 primary and 1 secondary headteacher be nominated by the respective Associations of Headteachers to serve on the Committee. It was suggested that, rather than the Committee setting a term of office, it be left to the Association's discretion.

The Diocesan representatives advised that their respective authorities would notify the County Secretary and Solicitor of any change of representative.

RESOLVED:

- That
- (a) **the term of office of the non-voting co-opted representatives continue until a request for a new election by teachers is received;**
 - (b) **further efforts be made to fill the vacancy of co-opted Special School Teacher representative from any of the following eligible groups: SENCOs, SEN teachers in primary and secondary schools, and Headteachers of special schools;**
 - (c) **the Associations of Headteachers be invited to nominate 1 primary headteacher and 1 secondary headteacher to serve as non-voting co-opted representatives with the term of office to be at the relevant Association's discretion; and**
 - (d) **Diocesan Authorities continue to notify the County Secretary and Solicitor as and when changes occur to their representation.**

The meeting ended at 4.48 p.m.

CHAIRMAN

YEAR 2003 PROVISIONAL RESULTS FOR HEREFORDSHIRE SCHOOLS

**Report By: Head of Inspection, Advice and School
Performance Service**

Wards Affected

Countywide

Purpose

1. To consider the Summer 2003 **provisional** results at Key Stages 1, 2, 3, 4 and 5 for Herefordshire Schools

Financial Implications

2. None

Report

3. Each summer, pupils sit national tests at the ages of 7, 11, 14 and 16, (i.e. Key Stages 1, 2, 3 and 4 respectively). Post 16 (Key Stage 5) pupils sit a range of examinations, including 'A' Levels and GNVQ. The Government has decided that the performance of schools and of LEAs should be measured principally by the percentage of pupils who attain defined thresholds at each Key Stage.
4. The results for the Year 2003 outlined below are **provisional** and subject to a margin of error, in general, of + or – 1% due to a number of papers being remarked, particularly in English at Key Stages 2 and 3.
5. Overall, the results indicate another positive performance in Herefordshire. At the primary stage results seem to have reached a plateau. At Key Stage 3 (14 year olds) achievement levels have risen in maths and science but fallen in English. At Key Stage 4 (16 year olds) GCSE figures have continued to improve significantly.
6. **Key Stage 1: (7 year olds)** The national target standard for Key Stage 1 is level 2 or above. Level 2 is divided into 3 bands - level 2c (lowest), 2b, and 2a (highest). Pupils are tested in Reading, Writing and Mathematics. The results listed below indicate the percentage of pupils achieving Level 2 or above, with the 2002 results in brackets alongside.

2003 Level 2+	Reading	Writing	Maths
Herefordshire	87 (86)	84 (88)	91 (89)
National	84 (84)	81 (86)	90 (90)

7. These Key Stage 1 results are unlikely to alter significantly. The results are not dissimilar from 2002 and show that the County remains above the national average, with the weaker performance in writing reflecting a national picture that is repeated at

Key Stage 2. Girls continue to outperform Boys by 4% in Reading, 8% in Writing and 2% in Mathematics.

8. **Key Stage 2: (11 year olds)** The national target standards for Key Stage 2 is Level 4 and the spread of results normally ranges between Level 3 and Level 5. The established expectation is that pupils need to achieve Level 4 when they leave primary school in order to access the secondary school curriculum. However there is a considerable difference between a pupil who just manages a Level 4 and one who just misses a Level 5 and increasingly sophisticated value added data is now available that tracks pupils' potential achievements in secondary schools.
9. At Key Stage 2, pupils sit tests in English, maths and science. In English, the results of Reading and Writing are combined to give a single level for the subject. The provisional results listed below indicate the percentage of pupils achieving Level 4 plus or Level 5. Last year's 2002 figures are in brackets.

2003 Level 4 +	English	Maths	Science
Herefordshire	76 (76)	73 (74)	90 (88)
National	75 (75)	73 (73)	87 (86)

2003 Level 5 +	English	Maths	Science
Herefordshire	26 (30)	30 (28)	45 (41)
National	26 (28)	28 (27)	40 (37)

10. It must be stressed again that these are 'early release' figures and are subject to an error of at least +or -1%.
11. The English figures are likely to be subject to some variation as several schools are awaiting the outcomes of papers returned for re-marking and the figure for Level 5 in English is expected to rise.
12. An early interpretation of the results suggests that Herefordshire is not dissimilar from the national picture in that the County appears to have reached a plateau for the results at the end of Key Stage 2. The figures indicate some movement at the margins, both up and down, at Levels 4 and 5, but no 'step change' in performance that would take the percentage of Level 4s in English and Maths beyond the 80% mark.
13. It is, however, worth noting that, if their English test is separated into Reading and Writing at Level 4 and above, 82% of pupils achieved this level in Reading but only 58% in Writing. At Level 5 the performance gap between Reading and Writing is around 30%
14. **Key Stage 3: (14 year olds)** The national target standard for Key Stage 3 is Level 5 and the spread of results normally ranges from Level 3 to 6. The Levels 5 and 6 results indicated below are 'early release' figures and must be treated with some caution. Several high schools re-submitted their pupils' English papers for re-marking and at the time of writing this report the results were not yet known.
15. The best estimate is that the maths and science results for Key Stage 3 are broadly correct but that the Level 5+ and Level 6 English figure should rise by 2-3%. In the table below the figures for 2002 are in brackets.

2003 Level 5 +	English	Maths	Science
Herefordshire	69 (74)	77 (74)	75 (74)
National	68 (66)	70 (67)	68 (66)

2003 Level 6	English	Maths	Science
Herefordshire	35 (39)	55 (53)	46 (41)
National	34 (32)	49 (45)	40 (33)

16. The provisional results indicate continued steady improvements in maths and science but a drop in performance in English the extent of which may have been exaggerated by these 'early release' figures. At Level 5+, girls out performed the boys by 12% in English, by under 1% in maths but were 2% behind boys in science.
17. **Key Stage 4: (16 year olds)** The results of pupils' performance at GCSE are 'early release' figures submitted to the Education Directorate by the fourteen high schools. Some schools are awaiting the outcome of papers sent for re-marking and the overall figures have not been audited nationally. At the time of writing this report the Herefordshire figures are likely to be correct within a margin of error of plus or minus 1%. Last years 2002 figures are in brackets.

GCSE 2003	5+A*-C	5+A*-G
Herefordshire	58 (56)	92 (92)
National	N/A (51)	N/A (87)

18. These initial figures suggest that overall there has been yet another 2% rise in the 5A*-C benchmark figure to 58%. This is a 10% rise on the figure for 1998 at the start of the new Council.
19. The individual school range in 2002 was from 33% to 73% but will be wider in 2003, ranging from 22% to 82%.
20. **Key Stage 5: (18 year olds)** Trends in 'A' level results remain difficult to determine across the County. Only a small proportion (approximately 10%) of pupils remain in the four school-based sixth forms at Lady Hawkins, Minster College, John Masefield and John Kyrle. The majority of pupils from the Country 11-16 High schools attend the Sixth Form College or other Post 16 provision in Hereford City.
21. AS Levels are taken at 17 (Year 12) and A2 examinations at 18 (Year 13) and are combined to give an average point score. In 2003 the average point score per candidate at Lady Hawkins was 260, John Masefield 224, Minster College 205, John Kyrle 185. The Hereford Sixth Form College, which accounts for most of the 18 year old students taking 'A' Levels in maintained schools and colleges, had an average point score of 346. The average for all maintained 18 year old students in Herefordshire was in the region of 300. The method of calculating average point scores is now different making retrospective comparisons with previous years very problematic. No national comparators are currently available.
22. Early indications suggest that the Hereford Sixth Form College is one of the best performing in the Country and that across Herefordshire the majority of pupils were offered a place at their first choice of University.

For further information on the subject of this report is available from
Ted St George, Head of Inspection Advice and School Performance Service (01432) 260803

23. Implications for the LPSA targets:**Target 9**

The LPSA outcome for Target 9 is for 62% of pupils to achieve 5A*-C grades at GCSE in 2004. The provisional figure for 2003 is 58.6%.

Target 10

The LPSA outcome for Target 10 is for

- (a) 31% of pupils to achieve 5 A*-B grades at GCSE in 2004. The provisional figure for 2003 is 30%.
- (b) 18% of pupils to achieve a Level 5 in all three subjects at Key Stage 2 (11 year olds). The provisional figure for 2003 is 16% but is likely to rise when the results of re-marking have been completed.

Target 6

The LPSA outcome for Target 6 is for 5 'looked after' students (17.2%) to achieve 5+ grades at A to C by March 2005. The results of the individual students who took the summer 2003 GCSE exams are currently being collated from schools.

RECOMMENDATION

THAT the Committee comment on the progress achieved in the last year, and identify any matters requiring particular attention.

BACKGROUND PAPERS

- None identified.

MONITORING OF PERFORMANCE INDICATORS 2002-2003**Report By: Director of Education****Wards Affected**

Countywide

Purpose

1. To consider the performance against Best Value Performance Indicators (BVPI) and Local Public Service Agreement (LPSA) targets for 2002/2003.

Report

2. The Education Directorate is required to report annually to the Audit Commission on thirty Best Value Performance Indicators. In twelve cases, performance has improved or been maintained, and in eight cases performance has fallen since last year. Six of the indicators are new and therefore no results are available as yet, whilst the definition for a further four has been redefined so that performance cannot be compared with previous years.
3. Education has signed up to four Local Public Service Agreement (LPSA) targets that can be broken down into eight separate measures. Progress is encouraging and the targets remain realistically within the range that could be achieved despite the high demands in some areas, especially the target for performance in GCSE.
4. Further details of the individual targets, including comments, can be found in Appendix 1.
5. A monitoring statement, relating to local targets, as contained in the 2003-2006 Education Business Plan, will be submitted at the next Education Scrutiny Committee meeting.

RECOMMENDATION**THAT the Committee considers the performance against targets.****BACKGROUND PAPERS**

- Appendix I Monitoring of Performance Indicators 2002/2003

MONITORING OF PERFORMANCE INDICATORS 2002/2003.

TABLE ONE BEST VALUE PERFORMANCE INDICATORS – END OF YEAR OUTCOMES

INDICATOR DESCRIPTION	PREVIOUS PERFORMANCE				TARGET	COMMENTS
	1999/2000	2000/2001	2001/2002	2002/2003		
BV30 Percentage of three year olds who have access to a good quality free early years education place in the voluntary private or maintained sectors	N/A	7.5%	68.3%	78%	85%	Indicator no longer required from 2003/2004. 85% represents universal provision as defined by the DfES
BV 34a Percentage of primary schools with 25% or more (and at least 30) of their places unfilled	N/A	12.9%	15.29%	15.5%	10%	DfES have introduced a sufficiency method of calculation – the target for 2003/2004 has already been achieved.
BV 34b Percentage of secondary schools with 25% or more (and at least 30) of their places unfilled	N/A	14.3%	14.29%	7.1%	0%	DfES have introduced a sufficiency method of calculation – the target for 2003/2004 has already been achieved.
BV36a Net expenditure per pupil in LEA schools on nursery and primary pupils under five	N/A	£1,400	£2,165	£3,699	N/A	Indicator no longer required
BV36b Net expenditure per pupil in LEA schools on primary pupils aged five and over	N/A	£2,751	£3,050	£3,244	N/A	Indicator no longer required
BV36c Net expenditure per pupil in LEA schools on secondary pupils under sixteen	N/A	£3,184	£3,099	£3,226	N/A	Indicator no longer required
BV37 Average GCSE points score of pupils in schools maintained by the authority completing Year 11	Summer 1999 40.3	Summer 2000 41	Summer 2001 41.6	Summer 2002 36.1*	Summer 2003 N/A	Indicator no longer required *In 2002 a new method of calculation was introduced – results calculated by the 2001/2 method show a performance of 41.7.

INDICATOR DESCRIPTION	PREVIOUS PERFORMANCE					TARGET	COMMENTS
	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004		
BV38 Proportion of pupils in schools maintained by the authority achieving 5 or more GCSEs at grades A* to C	Summer 1999 52%	Summer 2000 53%	Summer 2001 54%	Summer 2002 56%	Summer 2003 60%	LPSA stretched target of 62% for summer 2004	
BV39 Proportion of pupils in schools maintained by the authority achieving 5 or more GCSEs at grades A* to G including English and maths	Summer 1999 91%	Summer 2000 92%	Summer 2001 91%	Summer 2002 92%	Summer 2003 95%	Provisional results have been received for summer 2003 but as yet are unaudited	
BV40 Proportion of pupils in schools maintained by the authority achieving level 4 or above in Key Stage 2 mathematics	Summer 1999 72%	Summer 2000 75%	Summer 2001 75%	Summer 2002 75%	Summer 2003 81.5%	Provisional results have been received for summer 2003 but as yet are unaudited	
BV41 Proportion of pupils in schools maintained by the authority achieving level 4 or above in Key Stage 2 English	Summer 1999 74%	Summer 2000 77%	Summer 2001 79%	Summer 2002 76%	Summer 2003 80.5%	Provisional results have been received for summer 2003 but as yet are unaudited	
BV43a Percentage of statements of special educational needs prepared within 18 weeks excluding those affected by 'exceptions to the rule' under the SEN Code of Practice	N/A	92%	88.4%	58%	94%	Reduced performance is due to prolonged sickness absence of Statementing Officer, Educational Psychologist staffing issues, an increase in requests for statements (pre-banding), and some late responses. Targets are based on fuller staffing levels, an expected decrease in requests for Statutory Assessments and improvements arising from the SEN database implementation	
BV43b Percentage of statements of special educational needs prepared within 18 weeks including those affected by 'exceptions to the rule' under the SEN Code of Practice	91%	94.5%	76%	42%	94%		
BV44 Number of pupils permanently excluded during the school year per 1,000 pupils	1.02	0.07	1.77	1.4	1.3	Aiming for a reduction in exclusions from secondary schools in the light of an increase in exclusions nationally	
BV45 Percentage of half days missed due	N/A	0.6%	0.6%	7.7%*	7.5%	Change of definition – figures	

INDICATOR DESCRIPTION	PREVIOUS PERFORMANCE				TARGET	COMMENTS
	1999/2000	2000/2001	2001/2002	2002/2003		
to absence in secondary schools maintained by the authority				2002/2003	2003/2004	now represent total absence rather than unauthorised absence
BV46 Percentage of half days missed due to absence in primary schools maintained by the authority	N/A	0.2%	0.3%	5.2%*	5.0%	Change of definition – figures now represent total absence rather than unauthorised absence
BV48 – Percentage of schools in special measures	N/A	2%	0%	0%	0%	Brookfield's period in Special Measures missed both count dates
BV159a Percentage of permanently excluded pupils attending 5 hours or less a week of alternative tuition	N/A	5% (< 10 hours)	80% (< 10 hours)	7.4%	5%	The target set by central government is for 100% of students to receive 20+ hours of alternative tuition. This is also the aim of the LEA. However, as the policy in PRUs is to introduce pupils gradually to alternative provision, the average will not equate to 100%. The LEA has therefore set realistic targets which reflect the gradual increase in provision for each student
BV159b Percentage of permanently excluded pupils attending between 6 and 12 hours a week of alternative tuition	N/A	84% (10-25 hours)	18% (10-25 hours)	25.9%	20%	
BV159c Percentage of permanently excluded pupils attending between 13 and 19 hours a week of alternative tuition	N/A	11% (25+ hours)	2% (25+ hours)	18.5%	20%	
BV159d Percentage of permanently excluded pupils attending 20 or more hours a week of alternative tuition	N/A	N/A	N/A	48.1%	55%	
BV181a Percentage of pupils in schools maintained by the authority achieving level 5 or above in Key Stage 3 English	Summer 1999 64%	Summer 2000 73%	Summer 2001 70%	Summer 2002 74%	Summer 2003 75%	Provisional results have been received for summer 2003 but as yet are unaudited
BV181b Percentage of pupils in schools maintained by the authority achieving level 5 or above in Key Stage 3 mathematics	Summer 1999 67%	Summer 2000 73%	Summer 2001 74%	Summer 2002 74%	Summer 2003 76%	Provisional results have been received for summer 2003 but as yet are unaudited

INDICATOR DESCRIPTION	PREVIOUS PERFORMANCE				TARGET	COMMENTS
	1999/2000	2000/2001	2001/2002	2002/2003		
BV181c Percentage of pupils in schools maintained by the authority achieving level 5 or above in Key Stage 3 science	Summer 1999 59%	Summer 2000 70%	Summer 2001 74%	Summer 2002 74%	Summer 2003 76%	Provisional results have been received for summer 2003 but have not yet been audited
BV192a Average days access to relevant training and development per practitioner delivering Foundation Stage education	New indicator for 2003/2004				4	
BV192b Average number of QTS teachers per 10 non-maintained settings	New indicator for 2003/2004				1	
BV193a Schools budget as a percentage of the Schools Funding Assessment	New indicator for 2003/2004				98%	
BV193b Increase in the schools budget on the previous year as a percentage of the increase in the Schools Funding Assessment on the previous year	New indicator for 2003/2004				97%	
BV194a Percentage of pupils in schools maintained by the authority achieving level 5 or above in key stage 2 English	New indicator for 2003/2004				Summer 2003 28%	Provisional results have been received for summer 2003 but have not yet been audited
BV194b Percentage of pupils in schools maintained by the authority achieving level 5 or above in key stage 2 maths	New indicator for 2003/2004				Summer 2003 32%	Provisional results have been received for summer 2003 but have not yet been audited

TABLE TWO LOCAL PUBLIC SERVICE AGREEMENT (LPSA) TARGETS

Aim	2002/2003	2003/2004	Target 2004/2005	Comments
Improving quality in early years provision				
To ensure that at least 98% of inspections in the future are satisfactory and do not produce a 1-2 year outcome, and that no setting remains in such a category after the subsequent inspection	In 2002, 91% of settings with a satisfactory or better outcome		98%	Targets to be met by 30 th September 2004 Current indications are that the enhanced target will be met
Any setting that currently has significant weaknesses, resulting in a 1-2 year re-inspection outcome from its Ofsted inspection, to improve sufficiently quickly to ensure that the subsequent inspection results in a re-inspection period of 3-4 years.	22 settings received a 1-2 year outcome only 8 settings remain in the category requiring a re-inspection within the two years	Only 5 settings (which have not yet been re-inspected) remain in the 1-2 year re-inspection category.		Targets to be met by 30 th September 2004 Current indications are that the enhanced target will be met
45% of settings in the County become accredited under a Quality Assurance scheme	Less than 5% of settings had been accredited under a Quality Assurance Scheme.	24 settings joined the pilot scheme. 5 portfolios completed to bronze standard, 12 settings have requested a pack to join the scheme	45%	Targets to be met by 30 th September 2004 Current indications are that the enhanced target will be met
Pupil attainment targets				
62% of pupils to achieve 5 or more A* - C grades at GCSE in 2004	In 2002, schools collectively achieved 56	Schools are targeting to reach 60% in 2003	2004 targets are currently being finalised at a figure close to 62%	The provisional figure of 58% for summer 2003 suggests a substantial improvement on summer 2002. The further improvement required is very demanding and will be a major focus for IASPS discussion with the 14 high

					schools in the autumn term individual target setting meetings
Increasing the proportion of higher ability pupils obtaining 5 or more A* - B grades at GCSE and level 5 and above in English, maths and science at the end of Key Stage 2	In 2002 24.8% of pupils achieved 5 or more A* - B	The provisional figure for 2003 is 30%	2004 target - 31%	At this point the target still appears to be attainable.	
	In 2002, 16.9% of pupils achieved level 5 in all 3 subjects	The provisional figure for 2003 is 16% but remarking results in English awaited	2004 target - 18%	At this point the target, although very demanding, still appears to be attainable.	
Improving the Life Chances for Children In Care by Improving Their Educational Outcomes					
72% of care leavers in education, training and employment at 19 by March 2005		March 2003, 76% of care leavers were in education, training and employment settings	72%	The March 2003 performance needs to be at least sustained	
5 (17.25%) looked after children (LAC) obtaining 5+ GCSEs at grades A* to C by March 2005	11.9% of LAC obtained 5+ GCSE's at grades A* to C at March 2002	Results awaited for 2003	17.25%	GCSE results for 2002 were disappointing. Closer targeting of individual students is expected to lead to improvements for 2003/04	
11(9%) looked after children absent from school for 25 or more days by March 2005	21.3% (26) in March 2002 pupils being absent from school for 25 or more days	6% (9) pupils in March 2003 being absent from school for 25 or more days	9%	The March 2003 performance needs to be at least sustained	

SCHOOL WORKFORCE REMODELLING

**Report By: Head of Inspection, Advice and School
Performance Service**

Wards Affected

Countywide

Purpose

1. To consider the introduction of the National School Workforce Remodelling Programme and its implications for Herefordshire.

Financial Implications

2. The costs to schools of the School Workforce Remodelling Programme have to be met from the budgets allocated to schools under LMS arrangements. Herefordshire have received a 100% funded Standards Fund grant of £91,000 from the Department for Education and Skills (DfES) for 2003/4 and are likely to receive a similar amount in 2004/5. The grant is specifically designed to help 'LEAs develop their capacity to support schools in remodelling their workforce'.

Report

3. A national agreement has been reached to start the process of reducing excessive workloads for teachers. The agreement brought together national and local government, and teacher and support staff unions, of the relevant teacher unions. Only the National Union of Teachers (NUT) did not sign-up to the agreement.
4. The signatories are committed to a national campaign for a progressive reduction in teachers' overall hours. A number of contractual changes are being made to help reduce the workload burdens and to enable teachers to focus on their professional responsibilities.
5. **From September 2003**
 - Teachers should not **routinely** be required to undertake administrative and clerical tasks, including the work listed in Appendix 1
 - Governing Bodies and Headteachers will need to ensure that their staff have appropriate workloads, in support of a reasonable work life balance and having regard to their health and welfare
 - Every teacher, including the headteacher, should have a timetable that provides a reasonable allocation of time in support of their leadership and management responsibilities

6. From September 2004

- There should be a limit on the extent to which teachers at a school can be asked to cover for absent colleagues, with progressive movement towards the shared objective that this should happen only rarely. Initially, the limit on hours will be set at 38 hours per year for the school year 2004/05.

7. From September 2005

- Teachers should have guaranteed time for planning, preparation and assessment (PPA) set at the equivalent of at least 10% of a teacher's normal timetabled teaching time
- Teachers should not **routinely** be required to invigilate external examinations
- Headteachers must have dedicated time to lead their schools, not just manage them

8. Although contractual changes form a significant part of the national agreement, the school workforce remodelling programme anticipates that schools will take a fresh look at how they organise themselves against the underlying need to ease recruitment and retention pressures, and freeing teachers to teach. The remodelling agenda seeks to help schools:

- Focus teachers' time and energies on teaching and learning
- Eradicate time consuming and unproductive activities
- Develop the use of new technologies to improve efficiency and effectiveness
- Assist headteachers and school change teams to make the best use of resources to meet contractual changes
- Learn and share innovative practices within and between schools
- Enable schools to deliver solutions to workload issues appropriate to their individual context and circumstances
- Encourage school leaders to take control and lead developments appropriate to the school
- Implement the National Agreement to raise standards and tackle workload

9. It is anticipated that there will be further opportunities for existing staff and for new staff, through posts such as learning mentors, cover supervisors and higher level teaching assistants.**10. The government has set-up a National Remodelling Team (NRT) which began its work earlier this year. A programme of training and activity is planned, with each LEA required to nominate an 'early adopter school' for September 2003 (Whitecross High School has agreed to do this). Some schools are also to become 'Self Starter Schools' in September/October, followed by the first group of three schools per LEA in November and another three in January 2004.****11. In the summer term, Mr St George, Head of IASPS (Inspection, Advice and School Performance Service), attended two national meetings about the programme. From 1 September 2003, Mr St George and Mr Murray from IASPS, along with Mr Austin from Education Personnel, are working together to support schools locally. Schools will need to link with the NRT national programme and attend further training. The LEA team will meet with local trade union representatives on a regular basis. In addition, the Education Directorate will shortly be advertising for a grant funded**

Workforce Reform Adviser on a two year fixed term contract to become the lead officer for the Council in this important area of work.

RECOMMENDATION

THAT the Committee consider the report on the school Workforce Programme and comment upon the LEA strategy for its local implementation.

BACKGROUND PAPERS

- **Appendix 1**

Collecting money from pupils and parents

Investigating a pupil's absence

Bulk photocopying

Typing or making word-processed version of manuscript material and producing revisions of such versions

Word-processing, copying and distributing bulk communications to parents and pupils

Producing class lists on the basis of information provided by teachers

Keeping and filing records, including records based on data supplied by teachers

Preparing, setting up and taking down classroom displays in accordance with decisions taken by teachers

Producing analyses of attendance figures

Producing analysis's of examination results

Collating pupil reports

Administration of work experience (but not selecting placements and supporting pupils by advice or visits)

Administration of public and internal examinations

Administration of cover for absent teachers

Setting up and maintaining ICT equipment and software

Ordering supplies and equipment

Cataloguing, preparing, issuing and maintaining materials and equipment and stocktaking the same

Taking verbatim notes or producing formal minutes of meetings

Co-ordinating and submitting bids (for funding, school status and the like) using contributions by teachers and others

Transferring manual data about pupils not covered by the above into computerised school management systems

Managing the data in school management systems

For further information on the subject of this report is available from
Ted St George, Head of Inspection Advice and School Performance Service (01432) 260803

BEST VALUE REVIEW STAGE 1 REPORT – SPECIAL EDUCATIONAL NEEDS PROVISION AND SUPPORT SERVICES**Report By: HEAD OF CHILDREN'S AND STUDENTS' SERVICES****Wards Affected**

Countywide

Purpose

1. To consider the Stage 1 Report of the Best Value Review of Special Educational Needs Provision and Support Services.

Financial Implications

2. None.

Report

3. The Best Value Review of Special Educational Needs Provision and Support Services began in March 2003. The review has now completed the initial analysis of the services, a description of which can be found in Appendix 1.
4. An action plan has been drawn up, which details further research and consultation exercises required in order to complete stages 2 and 3 of the review process. It is anticipated that the review process will be completed by the end of 2003.

RECOMMENDATION

THAT the committee considers the progress made towards completion of the Best Value Review of Special Educational Needs Provision and Support Services and identifies any further action needed.

BACKGROUND PAPERS

- Best Value Review Special Educational Needs Provision and Support Services Stage 1 Report.

BEST VALUE REVIEW

STAGE ONE REPORT

SPECIAL EDUCATIONAL NEEDS

August 2003

Contents

Section	Page
1 The Aims of the Service	3
2 The Statutory Framework	3
3 The Herefordshire Context	3
4 Herefordshire Psychological Services	4
5 Herefordshire Learning Support Service	4
6 Physical and Sensory Support Service	5
7 Medical and Behavioural Support Service	5
8 The National Agenda	5
9 Preschool Arrangements	6
10 Primary Schools	7
11 Secondary Schools	8
12 Post 16 Provision	8
13 Special Schools	9
14 Annual Reviews	9
15 Routes of Referral	10
16 Criteria and Consistency	10
17 The Maintenance of Statements	11
18 Working with Service Users	12
19 The Tribunal	12
20 User Satisfaction	13
21 Monitoring Provision	15
22 Financial Information	15
23 Assets and Resources	15
24 Data Storage	16
25 Ofsted	16
26 Performance Information	17
27 Banded Funding	20
28 Future Trends	20
29 Stage 2 – Further Analysis and Research	21
Tables	
1 Audit Commission School Survey 2000	14
2 Pupils with Statements of SEN – Trends	17
3 Pupils with Statements of SEN	17
4 Numbers of Primary Schools by Percentage of Pupils with SEN	17
5 Numbers of Secondary Schools by Percentage of Pupils with SEN	17
6 Percentage of Statements Maintained by Statistical Neighbours	18
7 First Time Statements made in 2001 – Pupil Placement	18
8 Best Value Performance Indicators	19
9 Appeals registered per LEA	19

1. The Aims of the Service

The aims of the service as reflected in the Education Business Plan are as follows:

To provide good quality education and an accessible curriculum for children with particular learning, emotional, behavioural, physical and sensory needs. To offer specialist assessments where appropriate and to train schools in routine assessments of special needs. To encourage whole school approaches to special needs, inclusive practice, early intervention and preventative work, and to support schools by providing specialist advice, training and good resources. To support the empowerment of schools in being able to provide for and challenge all children regardless of their individual needs. To provide cost effective monitoring of pupil progress and school improvement in terms of inclusion and special educational need.

The services involved in the review support the Herefordshire Plan's vision to 'Providing excellent learning, education and training opportunities in Herefordshire for all ages' through improving access to educational opportunities. They also help to 'Tackle poverty and isolation in Herefordshire' by enabling vulnerable children to maximise their potential.

2. The Statutory Framework

The statutory assessment framework in Herefordshire operates under strict national regulations contained in the 1996 Education Act as amended by the SEN and Disability Act, 2001 and in the Code of Practice for Special Educational Needs 2001.

The legislation allows very little discretion in terms of routes of referral, time frames, documentation or specificity of provision. The Council has no choice but to make adequate provision for the fulfillment of its statutory duties. Indeed, the rights of others, including parents, children, professionals and representatives of various agencies, have been increased. Statutory Assessment also now takes place in the context of the Disability Discrimination Act, 1995 as amended by the SEN and Disability Act, 2001.

Local authorities are obliged to provide parent partnership services and free dispute resolution arrangements but, if a statement of special educational needs results from the statutory assessment process for any individual child, once agreed, it is binding on all parties. Ultimately, disputes may be resolved both for special needs and disability issues by the SEN and Disability Tribunal (SENDIST), which was reconstituted in 2002.

3. The Herefordshire Context

With the establishment of the new authority in 1998, statutory assessment procedures were largely inherited from the old authority, although the paperwork was rebadged at that stage. With increasing regulation, the documentation has been amended. However, there has been persistent local and national criticism of the quality of some of the documentation, particularly that relating to statements of special educational needs, some of which become outdated quite quickly.

Although the Council has ultimate responsibility for the maintenance of statements and the provision contained in them, the funding to carry this out has been increasingly delegated to schools under government directives and schools themselves are now the main agents for review processes and for updating information about the children.

The casework demands on the assessment process continue to increase and, in addition, the special needs functions of the Education Directorate have widened considerably in other respects. Until the summer of 2001, the main function of the manager of special educational needs was to take charge of casework and of the assessment process. However, from that point, following the Ofsted inspection of autumn 2000, the pressures on the post in terms of policy and planning meant that there needed to be a change of emphasis. Until July 2001 there was one statement co-ordinator, a special educational needs assistant and an administrative assistant, overseen by the manager of special educational needs. Thereafter, the co-ordinator was promoted to the post of casework and assessment officer and a second officer was appointed to share the workload. Together they were allocated three administrative assistants. The manager of special educational needs would then only become involved in casework in exceptional circumstances. However, in practice, this post still involved approximately 25 per cent casework and many of the casework decisions have also been passed to the head of the service. The present manager of special educational needs (March 2003) holds the post on a secondment which finishes at the end of July 2003, at which time the casework functions will need to be reviewed.

4. Herefordshire Psychological Services

Local authorities employ the services of fully qualified educational psychologists to provide advice about the education of children and young people who are of concern to schools. The majority of these children will have special educational needs. All educational psychologists must have successfully completed a course of training at postgraduate level accredited by the British Psychological Society. Educational psychologists contribute 'Psychological Advice' to a statutory assessment of the child's special educational needs. They play a major role in supporting the decisions that the authority makes about provisions and placements. A statement cannot be written without this advice.

Educational psychologists have a wider role in working with schools and parents at all stages of the Code of Practice. They offer consultation to schools, INSET to teachers and allied staff and contribute to research and strategic work. Educational psychologists are the most likely professional group to be called upon as expert witnesses in tribunals and in other legal proceedings. Educational psychologists would prefer to work preventatively, wherever possible, and they offer a wide range of interventions and therapies. They have a close working relationship with other special needs staff and liaise closely with health and social services professionals. A growing proportion of their work is with preschool children.

5. Herefordshire Learning Support Service

The Herefordshire Learning Support Service (HLSS) supports schools across a range of activities, mostly associated with learning delay of some sort. When it is beyond the scope of individual schools, advisory teachers assess the needs of individual children and may work with them directly, sometimes as the result of the contents of a statement

or a banded funding allocation. Advisory teachers give specialist advice on curriculum differentiation and teaching methods for young people with a range of learning difficulties, both general and specific. They offer training sessions for teachers and teaching assistants and are frequently involved in projects to boost the effectiveness of particular areas within schools. Areas of importance include literacy and numeracy, early language skills, motor programmes and information and communication technology. Along with the rest of the SEN services, HLSS are moving towards more preventative work and early intervention and are developing a team approach with the psychologists to avoid overlap and provide a consultative service for schools. HLSS maintains a store of materials for loan to schools and are in a position to give advice about assessment materials. The service will be a key element in moves towards more delegated funding for SEN in advising schools on value for money and in helping to monitor the quality of what is happening in schools and sharing good practice.

6. Physical and Sensory Support Service

The Physical and Advisory Support Service (PASS) works mostly to help mainstream schools to include young people with hearing impairment, reduced vision or physical disability. Advice is often based on a long-term knowledge of individual children built up by assessment and work in the early years. In this context, advisory teachers work closely with colleagues in the Primary Care Trust. PASS provides specialist teachers, signers and teaching assistants where appropriate and helps schools with annual monitoring. In addition to providing advice and support on subjects including Braille and Moon, mobility, assessments of vision and educational audiology, PASS have been instrumental in standardizing the approach to specialist communication and in training teachers. PASS also has a key role in advising on the use of ICT and communication aids for children with limited sensory or motor function and supports schools in the provision of suitable equipment where appropriate. PASS is frequently required to advise schools regarding the physical and environmental aspects of accessibility planning and strategies for making the curriculum more accessible to young people with a range of disabilities.

7. Medical and Behavioural Support Service

The Medical and Behavioural Support Service (MBSS) works with schools to support the inclusion or reintegration of young people who may have been out of school for a variety of reasons, including exclusion, physical or mental ill health and family problems. Support ranges from facilitating entry to reception classes of children identified with problems in early years settings, through to working with schools and pupil referral units to provide packages for young people who are disaffected. MBSS is instrumental in running a multi-disciplinary intervention project and a reintegration support base in Key Stage 3. Along with the other support services, MBSS offers training packages to schools. The service has a particular function in coordinating the work of children who are in the care of the council, overseeing the hospital school and managing the teachers at the Child Development Centre.

8. The National Agenda

There continues to be a great deal of debate about the value of the statutory assessment process. The Audit Commission has identified the fact that it is, in itself, expensive and children with statements absorb a disproportionate amount of the overall

spending on special educational needs. In addition, the rates of statementing and the type of provision vary widely from one authority to another. On a national basis, individual children are not necessarily well served by the assessment process, the inflexibility of the provision and the review arrangements.

The situation is made more complicated by the fact that the Government is keen to promote inter-agency working and is looking for a single assessment process across education, health and social services, for children who are at risk of social exclusion.

When it was originally established, statutory assessment was intended to be a mechanism for ensuring that the needs of children were identified. However, it rapidly became a mechanism for funding support and, in some instances, was rather more expensive than the support it provided. For the last two years, Herefordshire has been trying to move away from this model and its 'banding' proposals have been praised by the Audit Commission. Even so, since the code of practice has been recently revised, the Government displays no immediate intention of reforming the legislation on statutory assessment. The best value review needs to take account of the fact that, during its course, the picture may change considerably both nationally and locally.

9. Preschool Arrangements

When children are in school, it is clearly the responsibility of teachers, supported by the authority, to identify children with special needs. However, with younger children, the council does not necessarily have access to this information. Consequently, it is the legal responsibility of the Primary Care Trust, usually represented by paediatricians, to notify the Education Directorate of children who it thinks have special needs. In Herefordshire, this typically takes the form of a preschool notification to the educational psychology service.

However, increasingly, there have been informal referrals to the Leominster Early Years Centre or to the Child Development Centre (which is a health service provision in Hereford City), with the result that the needs of these children may not officially become known to the authority until they reach school. There is not necessarily an official notification to the Council.

Until the autumn of 2002, panel meetings were held at these two venues to discuss, amongst other things, which preschool children might warrant a statutory assessment. However, the regulations were altered to ensure that parents could expect a rapid decision about an assessment regardless of the route of referral. As a result, it was necessary to amalgamate the decision-making process with the monthly panel meetings which decide on similar requests for school-age children.

This has had two major effects. First, there has been a reduction in the number of requests for statutory assessment for preschool children. Second, because fewer education professionals are routinely involved in review meetings at the two centres, the needs of other children may not be so easily identified.

Of course, there are other categories of young people in the early years who may come to the attention of the authority in other ways. Some children with severe physical or developmental problems will be known to paediatricians almost from birth and these will be directly identified to members of the Physical and Sensory Support Service (PASS) at

an early stage. Many of these will need a statutory assessment in order to access the early years provision at Blackmarston School in Hereford or at Westfield School in Leominster. Similarly, preschool children with vision impairment or hearing impairment will usually be the subject of early identification, though they will not necessarily need a statement in order to be supported by specialist teachers.

For children who are likely to be educated in an ordinary primary school, albeit that they need a statutory assessment, the statement will typically not specify provision until they are of school age. However, the review needs to take account of the fact that, with the amendments to the Disability Discrimination Act 1995, the authority may need to regularise the support that it is able to give to children in early years settings in the future. It would be unfortunate if, in order to achieve this, the disadvantages of the statutory assessment process were to be imported in quantity into this area of operations. Because the process is comparatively complex and cannot be done quickly, it does not necessarily serve the interests of little children who need early intervention to achieve milestones. It is to be hoped that the banded funding proposals, which are designed to tackle some of the frustrations of statutory assessment in the primary schools, will also be appropriate for early years settings, once the funding itself has been identified. The banding matrix was designed with this in mind.

10. Primary Schools

In ordinary primary schools, it is largely the responsibility of the school, through delegated funding, to meet the needs of children with special educational needs. In the main, this is done through support provided under the code of practice categories of school action and school action plus. However, children with more significant needs may attract additional central funding. A small number of these may be supported without a statement, but for the majority, the statement indicates the support and how it should be used. In purely mechanical terms, the process is well rehearsed and most primary schools are competent at applying for statutory assessment, even though they find it burdensome.

There has been a perception, not altogether unjustified, that the criteria for statutory assessment have been made more stringent over the years because of increased demand. Certainly, schools have felt the need, and have sometimes been encouraged, to provide a plethora of reports and evidence in order to make the case. This, in turn, has made it seem that the authority accepts delays in the process in order to save money. Although this is not true, it certainly seems to be the case that many children do not achieve statements of special educational needs until they are well on in their primary school careers. To this extent, the statutory assessment process mitigates against early intervention and preventative work.

Statements for mainstream primary children can lead to several outcomes. The majority simply specify support - that is a number of hours provided by a teaching assistant. However, until recently, eleven of the county's primary schools had special education centres dealing with children with moderate learning difficulties. Officially, children needed a statement which specified this provision in order to use it. In addition, in similar fashion, some children could access the provision in observation and assessment units at Hunderton Infants and Leominster Infants, the physical disability unit at Trinity Primary School or the language or autistic spectrum units at Hampton Dene.

With increasing national pressures for inclusive education and changing perceptions about the value of specialist units for moderate learning difficulties, the demands on many of the SECs have dwindled to the extent that several have recently closed and the others need more flexible arrangements in order to provide for the remaining children. The requirement that children in these centres must have a statement is no longer helpful to anyone.

Clearly, it is important that, where a child needs a thoroughgoing assessment in order to establish their needs, this facility will always be available and, when necessary, it should be a statutory assessment. However, this will rarely be necessary purely to establish support or placement. The council increasingly takes the view that professional decisions about how best to support a child should be taken on the ground in the school by the professionals who deal with the child on a daily basis. This is the basic philosophy behind current banding proposals.

It is hoped, eventually, to reduce the statementing rate from about 3.9% to about 1% of each yearly cohort of children and the majority of these are likely to be children who will attend a special school for all or part of their education.

11. Secondary Schools

Almost all provision for special educational needs in the secondary sector was delegated to schools in the academic year 1999-2000. This means in effect that schools had the choice whether to continue with their special education centres or to integrate most of their young people into ordinary classes with support. Officially, this means high schools still have resourced provision for moderate learning difficulties and this is often named in statements. There remains a specialist provision for vision impairment at Weobley High School and for physical disability at the Bishop of Hereford's Bluecoat School. Where young people have significant needs over and above what is provided for by delegated funding, it has been possible to provide extra centrally funded support, but this is the exception. Because of the need to achieve a smooth transfer from primary to secondary education for children with special needs and because of the perceived fairness of the system, discussions are starting about the possibility of using banded funding for at least an element of delegation in the secondary sector.

Because, in the majority of cases, a statement issued in a high school does not directly provide extra resources for the school, the number of requests for statutory assessment in the sector is small. However, it should be borne in mind that most primary schools are diligent about trying to obtain statements for children before they make the transfer. Consequently, the overall proportion of children with statements in the high schools is still relatively high by national standards (about 4%).

12. Post 16 Provision

Most young people, including those with statements, leave school at the end of the academic year in which they are 16 and the statement lapses. However, there is the possibility of the statement being reinstated if the young person re-enters educational provision made by the local authority, and it has to be kept on file. Some young people with special needs, especially those in special schools, will go on to some kind of post 16 provision. The status of their statement in these circumstances depends on agreed arrangements between the local authority, the parents, the young person, the

Connexions service and the Learning and Skills Council. If statements are altered for young people between the ages of 16 and 19, or if the authority proposes to cease to maintain the statement, the parents, in consultation with the young person, retain the right to appeal to the tribunal (SENDIST). Clearly, this happens very infrequently.

Occasionally, supposedly to protect the interests of a young person after leaving school, requests for statutory assessment are made very late in their school career. In reality, it is not clear that a statement will actually protect their interests except in special circumstances and, because of the time it takes to complete an assessment, it is not usually to anyone's advantage.

All young people with a statement in year 9 at high school must have the benefit of a transition review at which a representative of the Connexions service should be present. This review is charged with producing a transition plan which will guide the process of helping the young person to move from school to employment or to further education. Data are needed about the effectiveness of this process and whether the Connexions service is actually involved in all these reviews.

13. Special Schools

Recent changes in legislation have meant that parents have increased rights to have their children educated in mainstream settings, even if they have a significant level of disability. To strengthen this still further, a child without a statement must be educated in a mainstream school and, of course, by extension, all children in special schools must have a statement naming that school. The only exception to this is for very brief periods of assessment prior to the decision to carry out a statutory assessment or for children with split placements where the bulk of their time is spent in a mainstream environment.

The statutory assessment process is well suited to young people with significant difficulties or a high level of need. It ensures that advice is sought from all those agencies which could claim to have knowledge of the child. However, the main burden of placement decisions and discussions with parents can fall on the casework and assessment officers who have themselves not taken part in the assessment process. Criteria are applied firmly in the decision to initiate a statutory assessment but they are not applied in the form of strict entry criteria to the special schools. In some cases, this has resulted in a mixed population in these schools and a loss of clarity about which population of children they are trying to serve.

In the case of the one special school which caters for young people with emotional and behaviour difficulties, the pressure to accommodate disaffected boys in the secondary sector has had two main results. In the first place, girls with statements naming the school are, in fact, unable to attend because there is no peer-group. Second, there is a small but persistent group of boys who have to be educated temporarily in a pupil referral unit. Pupil referral units are not designed for young people with statements but, at times, the authority has little option.

14. Annual Reviews

All statements are subject to annual review. Schools are now responsible for managing the process, gathering evidence and inviting people to attend with specified periods of notice. The review process itself is regulated by the code of practice and recent changes

mean that on every occasion, where relevant, those present have to consider whether the child is ready for inclusion in a mainstream school.

The review meeting has to complete a return which is copied to all interested parties including the local authority and which covers, amongst other things, whether the statement should be maintained and whether any alterations are necessary. The authority has to reply to this within a specified time. It seems clear that, although the authority keeps to the letter of the regulations, the casework and assessment officers do not have time to analyse all the annual review returns in the depth they would like and, unless the school is active in seeking changes, it is difficult to make sure that the text of the statement relates to the current needs of the child. The situation has been exacerbated in the past by the fact that statements have tended to be very specific about the current needs of the child at one point in time. Often, the level of detail in statements means that they do not have a very long shelf life.

The authority does not have the routine ability to monitor the review process itself, even though many reviews are attended by professionals or by casework and assessment officers. Anecdotal evidence suggests that some schools may take a fairly relaxed view of their responsibilities.

15. Routes of Referral

Until recently, the only people who could request a statutory assessment were schools and parents, although the authority itself could initiate the process in response to notifications from the health service or other professionals. However, with the publication of the revised code of practice, almost anyone who has substantial knowledge of the child can now start the process. In addition, the authority must now respond in every case as if it were a parental request. Consequently, all decisions must be made within a six-week period.

In practice, it is still only the schools that understand the process well, but there is a perception that parental requests hold more sway with the authority. Therefore, it is quite common for schools and professionals to suggest to parents that they need to ask for a statutory assessment in order to get support for their child. As yet, there have not been any requests from others such as preschool area special needs co-ordinators, speech and language therapists or paediatricians, but it is something which could happen unless more responsive processes are put in place. Parental requests can place a significant burden upon the casework and assessment team and upon educational psychologists, in particular, in situations where very little is known about the child. Because of a desire to work closely with parents and to be positive about their concerns, the Council has moved away from a position of simply refusing to assess where there is insufficient information. However, it may be obliged to refuse initially within the six-week time limit but with the suggestion that the request can be revisited when more information is available. Blanket refusal to assess could well lead to indefensible tribunal cases.

16. Criteria and Consistency

Because statements have been one of the main special needs funding mechanisms, there has been a rising demand on the system and a need for fairness and clarity. As indicated above, all requests are considered by a monthly referral panel chaired by the Manager of SEN. It has representatives of primary and secondary schools, the PCT,

social services, the psychology team and the other support services. Applications are judged against clear published criteria, but the panel also has access to professional reports and specialist knowledge. In many instances, the amount of paperwork involved costs much more to produce than the child is likely to get in terms of support.

In general, where statutory assessments are undertaken, the responsibility passes entirely to the two casework and assessment officers. Of course, they must seek all the advice set out in the regulations. This consists of

- A. Parental advice
- B. Educational advice
- C. Medical advice
- D. Psychological advice
- E. Social services advice
- F. Other advice, such as the wishes of the child

There is also the freedom to consult anyone else where relevant and anyone named by the parents. An element of consistency is achieved by the fact that statements are written to strict national guidelines. The standard layout is

- Part 1 Introduction
- Part 2 Special educational needs
- Part 3 Special educational provision
- Part 4 Placement
- Part 5 Non-educational needs
- Part 6 Non-educational provision

Legal precedent suggests that statements must be quite specific in the provision that they are making. In practice, this usually means a number of hours per week of teaching assistant support time.

Although the process is consistent and operates to clear criteria up to the point of the production of the statement, the writing of the statement is not subject to any local guidelines. Consistency, at this stage, depends on the professionalism and experience of the casework officers. Of course, they can find themselves under pressure from schools and parents, with the threat of the tribunal, to allocate large amounts of support. This seems to be a clear area for future development.

17. The Maintenance of Statements

Statements, once written, have to be maintained until they lapse, until the parents no longer want them, or until the LEA decides to cease to maintain. In the last case, parents have rights of appeal to the tribunal. Statements usually lapse when a young person leaves the maintained sector of education, though those who are placed by the authority in independent settings will normally keep theirs. A lapsed statement has to be kept on file in case the young person comes back to the maintained sector, but it will not continue beyond the end of the academic year in which they are 19. The Council has no policy of ceasing to maintain statements and no regular cycle of updating the provision named in them. This typically means that support which is allocated early in a child's school career will still be with them until they leave school, even though the child's needs may change significantly in that time.

18. Working with Service Users

Apart from the child, the main service users are parents and schools. Unfortunately, by its very nature, the statutory assessment process is not user-friendly. It tends to be legalistic, protracted and bureaucratic.

The casework and assessment officers, who are charged with reporting the views of the child wherever possible, rarely have access to the child themselves. They are obliged to depend on teacher reports or on the duty of educational psychologists to say something about this in their advice (Appendix D to the statement – as made clear in the Toolkit of the Code of Practice). Other support services may also comment on it. Although there has been some training in the county, there is a perceived need to improve the skills of professionals in this area.

Parents are supported through the process in a well-organised way, though they still often complain about it and find it overly complex. The parent partnership officer provides an advice service and makes available independent parental supporters who are not influenced by the authority in any way. Documentation is provided for parents to explain what to do, much of it worded to meet regulations, and they have an opportunity to feed back their views of the process. Most parents are also helped by the school or early years setting in completing forms. They also work closely with psychologists and advisory teachers as well as the casework and assessment officers. Unfortunately, the process itself is time consuming and obliges the parents to be involved with a range of professionals.

In common with all authorities, the Council makes available a mediation service, at no charge to the parents, which can help to encourage positive outcomes. It provides an informal way of resolving disagreements between parents and the LEA or parents and the school. It does not affect the right of appeal to the tribunal.

There are also a number of partner agencies involved in the provision for and assessment of individual statemented pupils including Families, Early Years Providers, Schools, Social Services, Primary Care Trust (PCT), Parent Partnership, Special Educational Needs Consortium, West Midlands Service for Travelling Children, Youth Offending Team, Connexions, Police, Youth Service, Colleges and independent schools.

19. The Tribunal

The Special Educational Needs and Disability Tribunal (SENDIST) is an independent body that hears parents' appeals against LEA decisions on statutory assessment and statements. At every stage of the process, parents are informed of their rights of appeal. The Council goes to a good deal of trouble to ensure that parents are consulted and that their concerns are addressed wherever possible. This has meant that, compared with the majority of local authorities, Herefordshire recently has a very low rate of SEN tribunals. In the two years to April 2003, there has been only one case which has gone to a hearing. On the basis that tribunal hearings are expensive in terms of professional time and nervous energy, and can involve the authority in having to pay for costly provision, this approach has been justified.

20. User Satisfaction

Feedback forms are supplied to all parents whose children are involved in the statutory assessment process. Those which are completed are logged both by the casework and assessment officers and by the parent partnership officer. This provides an opportunity to improve the overall working of the system and to make it more user-friendly. It also means that specific concerns can be followed up. It is possible for parents to register formal complaints with the Council about the process and, if necessary, complain to the Local Government Ombudsman. The incidence of either is extremely low. Unfortunately, the legalistic nature of statutory assessment limits the extent to which procedures can be adjusted or improved.

The educational psychology service conducts regular satisfaction surveys with schools and is very well regarded by the users of the service. It should be borne in mind that advice for statutory assessment is only a part of what psychologists do, and they are not necessarily judged on that element.

The Directorate maintains close links with agencies such as the Special Needs Consortium and the Marches Family Network as is made aware of how the service in general is being received.

In 2000, the Audit Commission conducted a survey of school views to support the Ofsted inspection of the Herefordshire LEA. The results, in relation to SEN services, are outlined in the following table. In all areas Herefordshire services were rated above the mean satisfaction level out of 48 LEAs surveyed by the Audit Commission.

Table 1 Audit Commission School Survey 2000

Question Area	Primary		Secondary		Primary & Secondary		
	Good	Very Good	Good	Very Good	Good	Very Good	Good & Very Good
Support for SENCOs	37%	13%	25%	17%	35%	14%	49%
Provision for pupils out of school for reasons other than exclusion	22%	0%	17%	0%	37%	0%	37%
Provision for pupils who have a statement of SEN	29%	4%	33%	0%	33%	3%	36%
The annual review of statements of SEN	32%	1%	25%	8%	34%	2%	36%
The quality of its planning of SEN provision	28%	7%	17%	8%	28%	7%	35%
Provision of learning support services	22%	12%	33%	0%	24%	10%	34%
Provision of behaviour support services	25%	6%	25%	0%	28%	5%	34%
Support for inclusion for pupils with statements in mainstream schools	19%	12%	25%	0%	22%	10%	33%
Guidance on IEPs	22%	12%	17%	0%	22%	10%	32%
Support for improving pupil's behaviour	26%	9%	8%	0%	24%	8%	32%
The quality of statements of SEN	26%	1%	42%	0%	31%	1%	32%
Its criteria for resource allocation for statemented pupils	19%	6%	25%	0%	21%	5%	26%
Involvement of schools in decision making about statutory assessments	22%	3%	8%	0%	21%	3%	24%
Efficiency with which the statutory assessments of pupils with SEN are made	18%	1%	25%	0%	20%	1%	21%
Information about the costs of different types of SEN provision	18%	1%	17%	0%	20%	1%	21%
Provision of education psychology support	21%	1%	8%	0%	19%	1%	20%

The LEA plans to conduct a survey of school views and satisfaction levels within Herefordshire. Questions regarding SEN assessment and provision will be included.

21. Monitoring Provision

Although a large amount of money is spent on supporting young people with special needs, particularly those with statements, monitoring arrangements are somewhat ad hoc. There is, at present, no systematic way of monitoring any of the following

- How effective support is in terms of pupil progress
- How counter-productive support is in terms of developing independence
- Whether schools spend SEN money effectively (or on SEN)
- Individual pupil progress
- How the processes help or hinder inclusive working
- Accessibility
- Trends in basic skills among children with SEN
- Unmet need
- The effectiveness of annual reviews
- Transition planning
- Schools causing concern in terms of SEN
- Early years provision
- Criteria for statutory assessments

Monitoring of both quality and quantity in SEN is a key theme of recent Ofsted and Audit Commission documentation.

22. Financial Information

SEN is difficult area in which to draw financial comparisons because no one definition – stated is the easiest to draw out but increasingly authorities are devising statistics to avoid statementing as it is so expensive. It is also difficult to compare per pupil figures as LEAs are at different stages of delegation in this area, some have special units whilst others have units within schools.

Detailed financial information is currently being compiled for the Education Business Plan. Once the information has been compiled it will be compared to that of other, similar LEAs and used by the review team in order to aid the identification of areas for improvement.

23. Assets and Resources

All facilities are part of the overall resources of the Directorate and are based at Blackfriars. There are no off-site facilities. The Manager of SEN has an individual office which relates to a wider strategic function, but this may need to be reviewed with the changing functions of the post. The two casework and assessment officers share a small room and the three clerical assistants occupy a larger one which also contains all the files relating to statutory assessment. The Principal Educational Psychologist has a small individual office and the rest of the team, consisting of five psychologists, shares a larger room which also houses the psychology files. All in question have their own desktop computers, though some of these are now very old and will not run up to date software. The psychologists receive clerical support from members of a central SEN team. The other support services (MBSS, HLSS & PASS) share one large room which requires sharing work stations at peak times.

24. Data storage

The psychology service has a small Access casework database which is maintained by the clerical supervisor. However, it is incomplete and data cannot be retrieved from it. The special services team maintain a number of Excel spreadsheets which log statutory assessments and funding, but these are lacking a certain amount of accuracy. In other respects, all data are held on manual filing systems which occupy increasing amounts of space.

Clearly, the need for paper files remains. Most of those in the special services section contain legal documents and the psychologists need to be able to take all the file notes with them on visits. However, the retrieval of data is slow and there are no data relating to the needs or performance of particular cohorts of children. Consequently, establishing SEN information by school, by category of disability or by age group is practically impossible.

The need for a special needs database was identified by the Ofsted inspection in the autumn of 2000. However, as part of the post-Ofsted action plan, it was not costed and has not been in the budget since then. The delay, in part, has been caused by discussions about the prior need for a core database. A special needs module for the Directorate's core database was purchased in April 2003 and a database office appointed to run it. It is estimated that it will take about a year to achieve the training, data entry and generation of useful statistics.

25. Ofsted

LEA Ofsted report, published in January 2001 refers to SEN and support services in a number of instances:

Section 110:

The LEA fulfils its statutory duties with regard to special educational needs. The proportion of statements completed within the 18 week limit is 91 per cent, which compares favourably with other LEAs and is a major achievement given the low completion rate which the LEA had on transition two years earlier. Schools note an improvement in the quality of statements. LEA officers, educational psychologists and members of the support services are able to attend annual reviews that have particular importance either because of a need to change the provision or because they occur when a pupil is changing schools. Schools find the staff working in the SEN team to be most helpful even when involved in complex and sometimes acrimonious disagreements regarding provision. The LEA's presentations to the SEN Tribunal have been well prepared.

Section 108:

Despite these shortcomings in the strategy statement, the LEA has made good progress towards a more inclusive education for all pupils. An innovative Severe Learning Difficulties (SLD) inclusion project has been established and changes to the medical and behavioural support service (MBSS) put in place. A new school for pupils with EBD has been opened and there are proposed accommodation changes to one of the PRUs.

Section 115:

For a small LEA there is a broad provision of support for pupils with physical and sensory needs, learning difficulties including dyslexia, serious medical needs or those presenting behaviour problems. This presents a logistical problem for school staff particularly when seeking support for pupils with multiple needs. Some schools reported a sense of frustration at having to deal with, in some cases, at least three separate services. Duplication and overlap in terms of Stage 3 assessment was seen by schools to be at worst a delaying tactic on the part of the LEA and at best an issue of coordination. Schools were also critical of the coverage by the educational psychology service, relating not to the quality of the work but to the impact of unavoidable staff absences on assessment processes.

Section 130:

The quality of the provision for pupils not attending schools has been steadily improving since unitary status and is now good. The LEA spends above comparable authorities in providing alternative provision in PRUs for the high number of pupils who, for medical reasons, will not or cannot attend school. Expenditure will rise in the short term, as the LEA is well on target to provide full time education for all pupils not in school by 2002. However, expenditure is expected to decrease in the medium term as the authority's inclusion policy takes effect and this is reflected in the forward planning of the medical and behavioural support service (MBSS). However, these expectations are not articulated or costed in the draft SEN policy document currently out for consultation.

Recommendations on special needs included

- *establish effective means of monitoring the use of funds delegated for pupils with statements*
- *ensure that a single support service database on pupils with SEN is included in the LEA's arrangements for monitoring pupils' progress*

These are still live issues.

26. Performance information

Table 2 Pupils with Statements of SEN - Trends

% Pupils with Statements					
	1998	1999	2000	2001	2002
Herefordshire		3.1	3.2		3.3
West Midlands	2.8	2.9	3.0	3.1	3.1
England	2.9	3.0	3.0	3.1	3.0

Source: ONS Special Educational Needs in England: January 2002

Table 3 Pupils with Statements of SEN

January 2002	% SEN pupils with statements	% SEN pupils without statements	% SEN Pupils
% Pupils with Statements in Maintained Primary Schools			
Herefordshire	1.9	18.7	20.6
West Midlands	1.4	18.5	20.0
England	1.6	19.1	20.7
% Pupils with Statements in Maintained Secondary Schools			
Herefordshire	3.7	14.8	18.4
West Midlands	2.5	15.5	18.0
England	2.4	15.9	18.3

Source: ONS Special Educational Needs in England: January 2002

Table 4 Numbers of primary schools by percentage of pupils with SEN

January 2002	Up to 5%	5%-25%	25%-35%	35%-50%	50% and above
Herefordshire	2.4	68.2	27.1	1.2	1.2
West Midlands	4.6	68.1	19.1	7.4	0.8
England	3.4	67.9	20.0	7.6	1.1

Source: ONS Special Educational Needs in England: January 2002

Table 5 Numbers of secondary schools by percentage of pupils with SEN

January 2002	Up to 5%	5%-25%	25%-35%	35%-50%	50% and above
Herefordshire	7.1	71.4	14.3	7.1	0
West Midlands	9.5	67.1	16.0	5.5	1.9
England	6.9	68.1	16.4	7.4	1.1

Source: ONS Special Educational Needs in England: January 2002

Table 6 Percentage of Statements Maintained by Statistical Neighbours 2002

LEA	Percentage of statements
Somerset	2.8%
North Yorkshire	3.0%
Worcestershire	3.1%
Bath and North East Somerset	3.2%
Gloucestershire	3.3%
South Gloucestershire	3.3%
Lincolnshire	3.5%
West Berkshire	3.5%
Devon	3.6%
North Somerset	3.6%
North Lincolnshire	3.8%
Herefordshire	3.8%
Dorset	3.8%
North East Lincolnshire	3.8%
Shropshire	4.0%
ENGLAND	3.5%
Statistical neighbours	3.5%

Table 7 First Time Statements Made in 2001 – Pupil Placement

Placements made in 2001	% Placed in Maintained Mainstream School	% Placed in Maintained Special School	% Placed in Other
North East Lincolnshire	92.6	6.1	1.2
South Gloucestershire	89.4	9.4	1.2
North Lincolnshire	89.2	4.1	6.8
North Yorkshire	82.2	14.3	3.5
Dorset	80.5	11.4	8.1
Herefordshire	80.0	11.5	8.5
Devon	79.8	10.4	9.8
North Somerset	78.9	13.2	7.9
Lincolnshire	77.3	16.1	6.7
West Berkshire	76.1	13.8	10.1
Bath and North East Somerset	74.8	18.4	6.8
Shropshire	72.7	15.8	11.5
Worcestershire	71.9	26.0	2.1
Somerset	71.4	17.9	10.7
Gloucestershire	71.2	24.0	4.8
Statistical Neighbours	79.7	13.3	7.0
West Midlands	76.2	20.1	3.7
England	76.3	17.6	6.0

Table 8 Best Value Performance Indicators

BV43a					
% of statements of special educational needs prepared within 18 weeks including those affected by 'exceptions to the rule' under the SEN code of practice.					
	1999/2000	2000/2001	2001/2002	2002/2003	Target 2003/4
Herefordshire	N/A	92%	88.4%		
Unitary LEAs	N/A	84%	88%		
National	N/A	82%	85%		
BV43b					
% of statements of special educational needs prepared within 18 weeks excluding those affected by 'exceptions to the rule' under the SEN code of practice.					
	1999/2000	2000/2001	2001/2002	2002/2003	Target 2003/4
Herefordshire	91%	94.5%	76%		
Unitary LEAs	Not known	63%	70%		
National	Not known	57%	62%		

Table 9 Appeals registered per LEA as a proportion of the school population

LEA	1998 / 99		1999 / 00		2000 / 01		2001 / 02		Trend	
	No.	Prop	No.	Prop	No.	Prop	No.	Prop	Ave. No	Ave. Prop
West Berkshire	3	1.2	2	0.7	4	1.6	0	0.0	2.25	0.9
Dorset	6	1.1	3	0.5	7	1.3	4	0.7	5	0.9
Shropshire	2	0.5	4	0.9	4	1.0	6	1.5	4	1.0
Gloucestershire	16	1.9	10	1.1	10	1.2	12	1.4	12	1.4
Devon	14	1.5	18	1.7	22	2.3	28	2.9	20.5	2.1
North Yorks	24	2.7	14	1.5	13	1.5	25	2.8	19	2.1
North Lincs	2	0.8	6	2.3	3	1.2	11	4.3	5.5	2.1
North Somerset	7	2.6	8	2.8	3	1.1	7	2.5	6.25	2.2
Worcestershire	17	2.1	24	2.6	33	4.0	26	3.2	25	3.0
Herefordshire	10	4.1	12	4.6	4	1.6	6	2.4	8	3.2
South Gloucestershire	9	2.3	13	3.1	19	4.6	14	3.4	13.75	3.3
Lincolnshire	29	3.0	38	3.6	37	3.7	32	3.1	34	3.3
East Riding of Yorkshire	18	3.6	11	2.1	23	4.5	17	3.3	17.25	3.4
Somerset	18	2.6	31	3.9	20	2.8	31	4.4	25	3.4
Bath & NE Somerset	13	5.2	8	2.7	10	3.9	11	4.3	10.5	4.0
Ave. Proportion Stat. Neighbours		2.3		2.3		2.4		2.7		2.4
Average Proportion West Midlands		1.9		2.1		1.9		2.5		2.1
Ave. Proportion All LEAs		3.0		6.4		3.1		3.8		3.1

27. Banded Funding

The review needs to take account of the fact that a great deal of work has already been done on addressing some of the shortcomings of the present system. In particular, using the statutory assessment process as a main mechanism for funding children with special needs has been recognised nationally as inefficient. It also ties up valuable professional time and operates as a failure model in which there are incentives for children not to improve.

The typical operation of the statutory assessment process has been laborious both in the time it takes and in the demand for multiple reports. It has been a stressful exercise for all involved, not least parents, and has often been seen as a way of preventing a child from getting support or, at least, delaying it. Criteria for statutory assessment have been used to stop the process getting out of hand but have often had the effect of insisting that a child fail comprehensively before getting support. The banding proposals are designed to do precisely the opposite. They depend on levels of need which can be identified with the minimum of external assessment, very little professional duplication and an emphasis on what should be done for the child rather than on how much they have failed. In essence, the onus will be on the schools to administer the SEN funds and to ensure a fair distribution. If the proposals are successful, they should enable funds to be available for preventative work at the beginning of a key stage rather than emergency measures before a young person is due to move to the next one. It is anticipated that banding decisions will ultimately be made by a moderating panel made up almost exclusively of practising teachers.

Banded funding relates to a matrix of need and offers schools funds rather than support. This will enable them to be more flexible in meeting the needs of individual children. The main ideas in introducing this funding are to

- release professional time, centrally and in schools
- reduce bureaucracy and paperwork
- speed up funding
- provide money rather than support
- allow schools more flexibility
- allow funding to be linked more easily to success
- encourage early intervention
- ensure that funding follows the child
- support inclusive practice

28. Future Trends

If banded funding is successful, it should enable the majority of children with special needs to be helped and supported in some way without the need for a statement. Of course, the statutory assessment process is likely to continue for more significant cases of need and the law has been changed to make it clear that all children attending a special school must have a statement. It is to be hoped that statementing rates will fall dramatically over the next few years, perhaps to not much more than 1% of the school population. In these circumstances, the balance of the work of the psychologists, other support services and, to some extent, the casework and assessment officers, will alter. They should be able to concentrate much more on consultative approaches, school improvement, training, review and monitoring.

Draft SEN BVR Stage One Report

29. Stage 2 – Further Research and Consultation Plan

Action	Purpose	Responsible	Date
Financial Information			
Explain the banding process including advantages/ disadvantages	To inform the review team	SEN Manager	
Compare Statutory Assessment costs with other LEAs and statistical neighbours	To inform the review team and determine cost effectiveness of service	Steph Hood	
Value for money – what happens to the money sent to schools – consider in light of banding	To determine if money allocated to special needs pupils is being used to support their needs	SEN Manager	
Cost of SEN provision in Herefordshire – compare with similar LEAs	To inform the review team and determine cost effectiveness of service	Steph Hood/ SEN Manager	
Processes and Provision			
Process map the statementing process using 2-3 case studies	To enable the team to understand the process and identify any areas for efficiency improvements and to identify strengths and weaknesses To show involvement of other agencies To consider means of managing parental expectations during the early stages of the process	Klim Seabright	
Consider why some statements are as late as year 10	Issues are more readily addressed if identified early on. Can identification of a need to statement be recognized earlier?	Lorna Selfe?	
How far does provision line up with statements	To enable the team to understand the process and identify any areas for efficiency improvements	SEN Manager	
Map the processes and links between the services being reviewed	To enable the team to understand the process and identify any areas for efficiency improvements	Team	
Performance			
Obtain a cross section of Ofsted reports on SEN	To determine if there are recurring themes	Steph Hood	
Numbers of tribunals and levels of statementing across LEAs	To consider the efficiency of the service and identification of possible areas for improvement	Steph Hood	
Current targets and objectives	To inform the review team and identify and gaps	SEN Manager	
Obtain comparative performance indicators for PASS, HLSS and MBSS	To consider the performance of the services and identify possible areas for improvement	Steph Hood/Team Leaders	
User Satisfaction			
Devise questions to be sent to all schools as part of the LEA survey	To determine levels of user satisfaction and areas/ways in which it can be improved.	Team / Steph Hood	
Consider means of determining user satisfaction of parents and SEN pupils	To determine levels of user satisfaction and areas/ways in which it can be improved.	Team / Steph Hood	

STAFF SICKNESS ABSENCE

Report By: Directorate Personnel Officer, Education

Wards Affected

Countywide

Purpose

1. To consider levels of staff sickness and absence in the Education Service

Monitoring

2. The following staff absence figures have been produced for the Education Service from the period 01.01.01 to 31.04.03:

	Blackfriars %	Teachers %	School Support Staff %
01.01.01 – 30.04.01	2	5	4
01.05.01 – 31.08.01	1	3	4
01.09.01 – 31.12.01	2	3	5
01.01.02 – 31.04.02	3	4	6
01.05.02 – 31.08.02	2	3	6
01.09.02 – 31.12.02	2	6	7
01.01.03 – 31.04.03	2	5	3

3. The Council's absence report for the financial year 2002-03 is attached as Appendix A and shows how the Education Service fares as compared with the rest of the Council. Given the large number of employees in disparate locations and some in difficult working situations, i.e. special schools and PRUs, the **average days lost at 6.28/FTE** is a positive attendance level (for school based staff 2 day's absence equals 1%). In a similar vein the number of absences of more than four weeks duration expressed as a rate per FTE is lower than four other directorates.

Summer Term 2003

4. The equivalent information for the summer term 2003 is still being recorded and finalised, though some details are now available.

For further information on the subject of this report is available from
Nick Austin, Directorate Personnel Officer, Education on (01432) 260932

5. During the summer term 2003 there were 26 employees who had been absent from work through sickness for more than a month. Of these 12 were teachers, 10 were school support staff and 4 were employed at Blackfriars. In total that equals less than 1% of the total Education Service labour force.
6. In most cases Education Personnel has a file in relation to individual referrals to Occupational Health and follow-up activity. Monitoring of these situations is a continuous activity.
7. At the end of the summer term there were 2 retirements on grounds of ill health both of whom were teachers. Since then there has been confirmation of a further ill health retirement that relates to one employee at Blackfriars.

Funding the Cost of Staff Absence in Schools

8. For all schools the cost of absence is difficult to bear. In the case of the smaller primary school, a long absence can mean the difference between a positive or negative carry-forward at the end of the budget year.
9. For many years now, schools have been able to decide annually whether or not to join the self-financing absence insurance schemes offered under LMS arrangements to reduce the risks to the school budget. There is currently one scheme relating to teachers and one to school support staff. Schools pay an annual premium to the schemes that reflects their staff complement. The point at which the level of absence will trigger payments from the insurance scheme is related to the numbers of staff in the school.
10. The purpose of the schemes is to enable schools to have a source of funding with which to buy in cover for the absent employee. The schemes' cover includes maternity and adoption leave, long-term sickness after pay is reduced to half pay and all sickness absence once the threshold for claiming has been reached.
11. Experience indicates that most primary schools join the scheme but the proportion is lower in the case of the high schools. All schools have to make a judgement and do calculations about their ability to use their current employees sufficiently flexibly to cover absence. There is, of course, the risk that an unforeseen long-term illness could confound the original decision.
12. Schools that choose not to join the schemes have to use their formula budgets to meet the full costs of all of their absences.

RECOMMENDATION

THAT the report be noted and the Committee be invited to comment upon any further action that might be appropriate.

BACKGROUND PAPERS

- None identified.

APPENDIX A

Herefordshire Council Sickness Absence Report for Financial Year 2002 - 2003

DIVISION	Employment details		Incidents of sickness absence				FTE days lost due to sickness				TOTAL	
	Number employed	TOTAL FTE	Number of absences of less than 3 days	No. absences between 3 & 28 days	No. absences of more than 4 weeks	Total number of absences	Time lost for absences less than 3 days	Time lost for absences between 3 & 28 days	Time lost for absences of more than 4 weeks	FTE DAYS LOST	Average FTE Days Lost	
Chief Executive	3	3	1	2	3	3	2	25	0	27.00	9	
HCS	561	389.28	358	253	57	668	492.5	1422.5	3326.82	5241.82	13.46542	
County Secretary	102	87.41	114	29	10	153	138.5	135	985.86	1259.36	14.4075	
County Treasurer	175	152.3	177	67	5	249	212	326	217	755	4.957321	
Education	4,168	2,199.21	1977	1079	125	3184	2,504	5,043	6266.63	13813.63	6.281178	
Environment	461	400.86	497	224	28	749	624	1,130.29	1,222.39	2,976.68	7.425735	
Policy & Community	431	283.35	240	111	10	361	296	535.46	277.5	1,108.96	3.913746	
Social Care & St. Hsg	1,150	689.8	1408	947	171	2526	1,595.05	5,026.01	8,016.26	14,637.32	21.21966	
Total	7051	4205.21	4772	2712	406	7893	5864.05	13643.26	20312.46	39819.77	9.469151	

TRAINING AND SUPPORT OF GOVERNORS

Report By: School Services Manager and General County Inspector (with responsibility for Governors) attached to IASPS

Wards Affected

Countywide.

Purpose

1. To review current plans for the training and support given to governors.

Financial Implications

2. Training and support for Governors provided by the LEA is delivered within the Education budget allocation for 2002/2003 at a sum of £37000. Additional funding maybe required in 2003/2004 to reflect additional re-charge requirements.

Report

The Council's responsibilities for Governor Training

3. Schedule 11 of the School Standards and Framework Act 1998 and section 22 of the Education Act 2002 state that the Local Education Authority shall –
 - (a) secure that every governor is provided, free of charge, with such information as they consider appropriate in connection with the discharge of his functions as a governor; and
 - (b) secure that there is made available to every governor, free of charge [to the individual governor], such training as they consider necessary for the effective discharge of those functions.
4. The Council finances its training programme for governors through budgets allocated to schools. Schools use these budgets to pay that charge for attendance for any of their governors who attend a recognised training course provided locally.
5. The Governor Services Service within the Education Directorate undertakes training and support in a number of ways –
 - i) an annual programme of courses planned and provided locally
 - ii) individual sessions for specific school governing bodies
 - iii) lectures/conferences arranged by Herefordshire Association of Governors following discussion with the Education Directorate
 - iv) guidance notes and library/video resource materials
 - v) the Governor Services telephone helpline

6. Over the past year the following courses have been held –

AUTUMN TERM 2002

Early Years - Capturing the Spirit (9 Governors attended)
 Children in Public Care – Conference (25 Governors attended)
 Role of the Numeracy Governor (15 Governors attended)
 National Induction Training for new Governors (32 Governors attended)

SPRING TERM 2003

Disability and Special Needs - What Governors Need to Know (14 Governors attended)
 Clerks' Workshop (38 Clerks attended)

SUMMER TERM 2003

Reporting to Parents on SEN Policy (9 Governors attended)
 Training for Governors on the changing role of the Teaching (Support) Assistant (15 Governors attended)
 Child Protection in schools (20 Governors attended)
 Young People's Drug Issues (4 Governors attended)
 Clerks' Workshop (32 Clerks attended)

7. Overall, the overwhelming majority of evaluations rate the courses offered as being of a very high standard.
8. Specific training was also arranged at several venues around the County to provide information and advice on the new constitutional and procedural regulations which came out of the Education Act 2002.
9. These events were as follows -

Friday 6th June 2003 - Hereford Education Centre
 Monday 9th June 2003 - The Minster College, Leominster
 Tuesday 10th June 2003 - John Kyrle High School, Ross-on-Wye
 Wednesday 18th June 2003 - The John Masefield High School, Ledbury
 Wednesday 25th June 2003 - Hereford Education Centre

Total attendance - 93 Governors

10. The Governor Services Unit also receives requests from individual governing bodies to undertake specific training for the whole governing body. Such training is usually provided by relevant staff within the Directorate (inspectors and advisers, personnel, LMS, etc) though external speakers are also engaged.

11. The Directorate provides advice and support to the Herefordshire Association of Governors, (HAG) which is an independent organisation affiliated through the National Governors Council (NGC). HAG has a membership drawn from all Herefordshire schools and the School Services Manager acts as an adviser to the organisation. During the school year 2002/03 the following briefings and training opportunities have been arranged –

"Strategies for Managing Falling Rolls in Schools"

A seminar for all governors in the Bromyard and Ledbury area held at St Peter's Primary School, Bromyard (these seminars are a regular event, previously they have been held in Kingstone, Ross-on-Wye, and Leominster)
"Maintaining the Effective Governing Body"

12. The planned programme for the school year 2003/04 includes –
- (i) The new constitution and procedural changes for governors
 - (ii) Performance Management: a briefing session on the new support materials and training toolkit
 - (iii) Creativity in the Curriculum: the governors' role in supporting creative education in schools
 - (iv) Workplace Reform: a briefing for governors on the implications of the government's proposals for restructuring the teaching profession and reforming the school workforce
 - (v) The curriculum at KS3 and KS4: the impact and implementation of current strategies
 - (vi) Reviewing and reorganising governors' roles and responsibilities
 - (vii) Drugs Awareness issues
 - (viii) Child Protection issues
 - (ix) SEN Issues
 - (x) The National Training Programme for clerks to governors
 - (xi) Clerks Workshops (ongoing)
 - (xii) Social Inclusion Training for Governors
 - (xiii) National Training Programme for New Governors (ongoing)
13. The Education Directorate has a resource library with some videos that are available to individual governors and whole governing bodies on request. The guidance notes relate mainly to procedural requirements for governing bodies and are currently being revised to reflect the major changes as a result of the Education Act 2002. A letter (Appendix 1) provides an indication to this Committee of the changes that will occur from 1st September 2003.

National Training Initiatives

14. In November 1999, the Secretary of State announced that the then DfES was launching a National Strategy for Governor Support and Training. The first priority under the strategy was to develop a National Programme for Training New Governors.

15. The programme officially became available in October 2001 with an expectation that all LEAs would put into place immediately the requirements of the programme. Herefordshire was fortunate to obtain the services of Michele Robbins, an independent consultant who had developed the programme on behalf of the government. Ms Robbins has now undertaken a number of training sessions in Herefordshire over the last two years.
16. In July 2001, the DfES launched the National Training Programme for Clerks to Governing Bodies which is a comprehensive programme to introduce strategies for raising the status of clerks (69 Governors). The Toolkit for Trainers, which covers a number of initiatives, is quite complex and will require the trainer to become accredited by the DfES. The Directorate will be having discussions with colleagues in the West Midlands Confederation of Governor Services Group to determine an appropriate way forward (3 Clerk Workshops).
17. Finally, the DfES has awarded a contract to Eastern Leadership Centre Partnership to provide a national framework for training Chair of Governors and Headteachers on their respective roles within schools (Overall attendance – 96 clerks).

The Way Forward

18. The Council has a continuing duty to train new governors, and the DfES has updated the training material from September 2003. The services of Michele Robbins who has considerable expertise in this field will continue to be engaged in Herefordshire. There is a strong possibility that a number of new governors will be appointed and will require induction training.
19. The Council also has to establish an effective programme across a range of topics over the next 12 months, including Special Education, Performance Management in schools, the new teacher workload agreement, Child Protection, Drugs Education and policies, Curriculum matters and Clerking. Many of these courses will be undertaken by staff in house though outside trainers will be used from time to time. However there is a concern that the pressure from central government to provide effective and consistent training based on national standards is placing heavy demands on available staff resources within the Service and this will need to be considered.
20. Finally, individual governing bodies need advice and support to take them through the new constitution and procedural changes that came into effect from 1st September 2003 and this will be undertaken in-house by the School Services Manager.

RECOMMENDATION

That the Committee consider the range and adequacy of the current level of training and support.

BACKGROUND PAPERS

The Toolkit for both The National Training Programme for New Governors and The National Training Programme for Clerks to Governing Bodies will be on display at the Committee meeting for members to view.

For further information on the subject of this report is available from
Mark Chamberlain, School Services Manager (01432) 260923/
Paul Murray, General County Inspector (01432) 260823

Education

Director: Dr. E. Oram

Your Ref:

Our Ref: GOVS/CW/MC

Please ask for: Mr M Chamberlain

Direct Line/Extension: (01432) – 260923

Fax: (01432) – 260957

E-mail: mchamberlain@herefordshir
e.gov.uk**To: ALL Chair of Governors****c.c.: All Headteachers
All Clerks to Governing Bodies
Education Management Team
All School Inspectors
John Howarth - Legal Services**1st September 2003

Dear Chair of Governors,

GOVERNING BODY PROCEDURES

You may recall that I organised a number of training sessions in June 2003 to advise on the changes that had resulted from the Education Act 2002.

Before your governing body has its first meeting of the Autumn Term I felt that you might appreciate a quick reference guide to the new arrangements that become law from **1st September 2003**.

School Governance (Constitution) (England) Regulations 2003

- **1st September 2003** - the earliest date an instrument of government, under the Constitution Regulations can come into force;
- **March 2003 - August 2006** - Governing Bodies choose a new constitutional model;
- **31st August 2006** - all governing bodies comply with the Constitution Regulations and have a new Instrument of Government in place.

Terms of Office

Governors appointed or elected on or before 1 September 2003 under the 'old' system (i.e. the 'current governors') can serve out their term of office or stay in office until 31 August 2006 whichever is earlier - (31 August 2006 is the 'cut-off date').

Governors appointed or elected after 1 September 2003 under the 'old' system will have to stand for re-election or request re-appointment if they want to continue in office after the governing body is reconstituted under the Constitution Regulations.

Note:- Until Governing Bodies reconstitute a number of the provisions of the 1999 School Government Regulations still apply. e.g. Governing Bodies will not be able to appoint associate members.

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-2-

School Governance (Procedures) (England) Regulations 2003

- The governing body decides on the chair and vice-chair's term of office before the election. The minimum term of office is one year and the maximum period is four years;
- Each governing body must hold at least three meetings per school year;
- The quorum for any governing body meeting and vote must be ONE HALF (rounded up to a whole number) of the complete membership of the governing body. This includes any governor vacancies.
- The governing body must make available for inspection to any interested person a copy of the agenda, signed minutes and reports or papers considered at the meeting as soon as is reasonably practicable.
- In certain prescribed circumstances the governing body can decide to suspend a governor for a period up to six months;
- The governing body must review the delegation of functions annually. (Note:- it is important to realise that the statutory committees have now gone. However, the Governing Body, as good practice, should have a committee for dealing with exclusions of pupils. In addition please note the statement under the new Staffing Regulations listed below).
- The quorum for any committee meeting and for any vote must be THREE governors;
- Associate Members (only allowed if governing body is reconstituted) can have limited voting rights on committees;

School Complaints Procedure (Section 29 - Education Act 2002)

- The governing body must establish procedures for dealing with complaints relating to the school. These procedures must be publicised.

The Education (Governors' Allowances) (England) Regulations 2003

- Governing bodies can continue to choose whether or not to pay allowances to governors. The DfES believes that it is good practice to pay such allowances as governors should not be out of pocket for the valuable work they do. Governors should be able to claim legitimate expenses where governing bodies have set up schemes to make such payments;
- Payments can be made for any expenditure necessarily incurred by individual governors to enable them to carry out governor duties;

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-3-

- Allowances for travel cannot exceed the Inland Revenue Authorised Mileage Rates. Payments of other allowances must only be made on provision of a receipt. The amount to be paid should be determined by the governing body and be limited to the amount shown on the receipt;
- Governors cannot claim attendance allowances i.e. payment for attending meetings themselves, or for loss of earnings;
- Governor allowances will continue to be paid from the school's delegated budget.

The Annual Parents' Meetings (Exemptions) (England) Regulations 2003

- The procedural requirements governing the running of the Annual Parents' Meeting have been repealed by the Education Act 2002 and they are not longer set down in legislation. Each governing body themselves can decide how to organise and run these meetings in order to suit their local circumstances.
- The governing body is exempt from the obligation to hold an Annual Parents' Meeting if:
 - (a) the school has been inspected by Ofsted and a parents' meeting has been held to discuss the inspector's report before the governing body draws up its action plan;
 - (b) the governing body has held a meeting or a series of meetings to which all parents have been invited, which has or (as the case may be) have been attended by two or more governors, at least one of whom is not a staff governor, and parents have had the opportunity to discuss the performance and the past and future conduct of the school;
 - (c) the governing body has given to parents with its annual report notice asking parents to respond within not less than 7 days requesting that the governing body hold the Annual Parents Meeting and the parents of fewer than 15 registered pupils responded.

School Staffing (England) Regulations 2003

- The new staffing functions in general provide a greater level of flexibility for schools in conducting staffing matters than former arrangements. In practice they will not prevent schools from continuing to conduct staffing matters in the same manner required by the arrangements prior to September 2003, while they make any necessary preparations to adopt changes.

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-4-

- From September 2003 schools will need to consider in particular the new expectation for headteachers to lead on many staffing matters. Many schools will be able to confirm delegation of appointment matters to headteachers without much delay, but others, whose headteacher is not familiar with these functions, may need to delay delegation to allow for appropriate preparation. The need for appropriate preparation would apply in particular to the new expectation for headteachers to lead in initial staff dismissal decisions. Headteachers may need some preparation and local procedures (either school policies and procedures or LEA model procedures) may need to be amended. In general schools should aim to make any necessary preparation and adoption of new staffing arrangements by **April 2004**.

I am sorry that it was necessary to send you such a long and detailed letter but I felt you should be aware of the new arrangements. Clearly the DfES' intention is to give governing bodies more freedom and flexibility to choose ways of working that suit the school best. This is to allow governors to focus on their role, rather than the rulebook.

If you require more information or advice please let me know. Governor Services intend issuing new guidance notes to cover these items in more detail in due course.

Yours sincerely,

MARK CHAMBERLAIN
SCHOOL SERVICES MANAGER

MONITORING OF EDUCATION REVENUE AND CAPITAL BUDGETS FOR 2003/04

Report By: DIRECTOR OF EDUCATION

Wards Affected

Countywide

Purpose

1. To report on expenditure to date on the Education Revenue Budget, and to inform the Committee about the progress of the 2003/04 Capital Programme for Education, and the prospects for further schemes to be committed.

Financial Implications

2. As specified in the report.

Report

3. Revenue Budget

An assessment has been carried out of revenue expenditure to the end of August 2003. The position, using the main categories of spending, is set out in Table 1.

The pattern of spending in the summer term does not necessarily reflect expenditure needs in the coming Autumn and Spring terms. At this stage, it is anticipated that education expenditure will be contained within the overall budget, although it is clear that a number of significant transfers need to be made between school and LEA budget headings, as explained in the following three paragraphs.

It is anticipated that the amount **delegated to schools** will need to be increased by £200,000 to take account of newly delegated **banded funding** for pupils with SEN in primary schools. At budget preparation time in February, it was not known how quickly the banding allocations to schools could be processed. A reserve was therefore created within the "central" provision for pupils with SEN. The budget adjustment will take the form of a transfer from central spending to school spending within the Schools Budget. Until the pupil head-counts and other figures for the new academic year have been finalised, a precise estimate cannot be made. **Insurance arrangements** may also require additional provision after the relevant insurance policies have been reviewed during September - in 2002-03 an increase of over £100,000 had to be allocated to schools to cover increased premiums.

In the **central spending within the Schools Budget**, provision for SEN placements in Independent schools will need to be increased by £200,000 as a result of new placements and to cover a 10% increase in fees that reflects the changes in teachers pay and superannuation costs. Funding for pupils aged 3 and 4 entitled to **Nursery Education Grant (NEG)** is another large commitment, with over £2m in total allocated for individual children being educated through private and voluntary nursery

providers to whom NEG has to be paid. Such spending depends on take-up by parents - the relevant head-count is currently being held to establish relevant numbers for the autumn term.

Within the **LEA Budget**, a small number of changes have been made, at a cost of £70,000, to cover gaps in professional support and central reimbursement for staff costs. The most significant change in the LEA block as a whole, however, is that a contingency sum of £367,000 was reserved at the start of the year to cover an anticipated overspend from 2002-03. In the event, the overspend, after taking into account the carry forwards retained by schools and pupil referral units, amounted to only £89,000. The resulting net saving of £278,000 on the contingency reserve is therefore sufficient to cover the expected extra costs identified at the end of August on the Education Service Budget as a whole.

4. **Capital Budget**

The first round of capital monitoring has involved an examination of progress on all schemes at the end of July 2003. Care is being taken to ensure the forecast level of spending accurately reflects the expected spending in 2003/04. The overall spending position is being kept under careful review.

5. The actual spending against each scheme to 2nd September 2003 is shown in Table 2.
6. The resources available for the Capital Programme for 2003/04 1 total £5.5 million. The total spend to the end of August is £1.7 million or 29% of the budget. It is anticipated that expenditure, by the end of March 2004, will amount to £4.9 million.
7. The up to date assessment therefore suggests that £600,000 of resources remain unallocated in the current financial year. This reassessment takes account of the fact that the project to provide a sports hall at Kingstone High School is subject to further design work, following comments from the New Opportunities Fund (NOF). Additional expenditure may be required in excess of the NOF funding.
8. Given that there is a margin of £600,000 available for new allocations, consideration is now being given to identifying other schemes that could be committed during the current financial year. Any such commitments made would take into account the fact that further commitments in this year would have implications for 2004/05 and possibly for subsequent financial years.
9. The 8 priorities for capital expenditure have been previously identified as

Target 1. To ensure a sufficient supply of school places.

Target 2. To maintain safe and secure buildings

Target 3. To ensure efficient Provision of school places.

Target 4. To ensure that no child is denied access to a mainstream school arising from a disability where that is the most appropriate placing.

- Target 5.** To ensure that the statutory requirements of the School Premises Regulations are met, particularly as they relate to playingfields, medical inspection rooms, toilets and staff facilities.
- Target 6.** To ensure that improved facilities are provided in 4 village schools, and progress is being made at 4 other village schools.
- Target 7.** To provide sufficient science laboratories suited to the delivery of the curriculum for all high school pupils
- Target 8.** To provide dedicated indoor PE spaces in all high schools with more than 600 pupils
10. The schemes already assessed as being high priority in these categories are as follows:
- a. Weobley High School. The scheme would involve provision of an additional science laboratory and refurbishment of a second, together with relocation of temporary classrooms. The two main objectives would be to improve science provision and prepare the way for provision of the sports hall.
 - b. Fairfield High School: The project would involve replacing the temporary building that accommodates the school's design/technology department.
 - c. Kington Primary School In this project, the Council would fund refurbishment of the existing school hall for the LEA nursery, thus creating a site for development of a Sure Start family centre. It is proposed that a new school/community hall would be provided in conjunction with Advantage West Midlands.
 - d. Ledbury Primary School The scheme would be the second phase of the Key Stage 1 project to provide permanent accommodation for the LEA nursery, thereby releasing temporary accommodation for wider childcare needs in Ledbury.
 - e. Sutton Primary School A budget needs to be reserved for land purchase and design work for replacement of the existing Sutton St Nicholas Primary School.
11. Precise costings and the confirmation of relevant contributions from third parties are still awaited. Expenditure requirements at high schools will also need to be reconsidered in light of the outcome of the current bid under '*Better Schools for the Future*' to replace or refurbish all high schools in the county.
12. To ensure that resources are put to the best possible use, and are not lost, it is intended to begin more detailed work on the 5 schemes listed in paragraph 10 above. Each project would have to be managed according to availability of resources, the confirmation of any third party funding, and the outcome of the bid under '*Building Schools for the Future*'.

Recommendation

THAT the Committee consider any areas of concern in the monitoring information for revenue and capital expenditure, and comment on the priorities identified for possible further commitments under the capital programme.

BACKGROUND PAPERS

- **None identified.**

HOME TO SCHOOL/COLLEGE TRANSPORT – DISCRETIONARY AREAS OF POLICY

Report By: Head of Policy and Resources

Wards Affected

Countywide

Purpose

1. To approve the remit, membership and timetable of a group to consider discretionary policies on home to school/college transport.

Financial Implications

2. The financial implications of current and possible changes will be considered by the group.

Report

3. At the meeting on 14th July, 2003, this Committee resolved to establish a group to consider those areas in which the Council currently operates discretionary arrangements i.e.
 - walking distances to pick up points
 - travelling home on school transport
 - denominational transport
 - charges for post-16 transport
 - charges for vacant seats
4. The range of options for modifying these policies should be considered, with an assessment of their implications for:
 - a. enrolments at schools in the County
 - b. the provision of school places as set out in the School Organisation Plan
 - c. school budgets
 - d. parents and families
 - e. the environment, especially overall traffic volumes and effects on traffic flows around the start and end of the school day.

5. It is proposed that the group comprise 6 members of this committee, namely -
 - (i) the representative of the R.C. Diocese
 - (ii) the representative of the Church of England Diocese
 - (iii) a representative of parents
 - (iv) the vice-chairman of the Scrutiny Committee
 - (v) 2 other councillors not involved in current Best Value reviews
6. The suggested work programme and timetable are as follows -

By 10th October, 2003 Meeting to agree content of initial consultation

13th October - 7th November Consultation with relevant groups.

November Consideration of responses from Consultation

By 24th December Report of Group completed.

January Report to Scrutiny Committee.
7. It is understood that the Local Government Association and the Government are planning to publish policy statements on home to school transport during the week beginning 15th September. It is possible therefore that the focus and the composition of the proposed working group will need to be reconsidered when those statements have been published. Further details will be provided at the meeting on 23rd September or in a supplementary report to follow.

RECOMMENDATION

- THAT (i) the proposed working group be established as indicated in this report;**
- (ii) the members of working group be nominated where necessary.**

BACKGROUND PAPERS

- None identified.

POLICY STATEMENTS ON SCHOOL TRANSPORT

Introduction

1. As indicated at paragraph 7, the government have issued a paper *Travelling to School – an Action Plan*, and the Local Government Association a document *Children on the Move – accessing excellence*.

Travelling to school – an action plan

2. The Action Plan introduced jointly by the Education Secretary and the Transport Secretary on 17th September, is concerned with helping schools to promote safe and healthy travel to school.
3. The Plan asks schools and Local Authorities to work together to –
 - put in place a school travel plan over the next few years, consulting parents, pupils and local transport organisations. Should cover safer routes to school, road crossings, local speed restrictions, dedicated cycle ways, secure cycle storage, sufficient locker space and improved public transport provision
 - develop road safety skills, particularly at primary schools. Cycle training, for example, has helped reduce child cyclist casualties by a quarter in York
 - working with the police, bus operators and the local community to promote positive behaviour by pupils on their journey to and from school, perhaps rewarding good behaviour
 - work with local transport bodies on how transport can support the extended school day. For example, in Merseyside there is a sweeper bus which caters for pupils arriving or staying late at school
 - consider whether staggering school opening hours can allow pupils access to a wider range of school based activities
 - provide secure cycle storage and lockers, appropriate bus shelters etc
 - use geography, PSHE, citizenship and other lessons to explain the benefits of sustainable travel
 - work with children with SEN to prepare them for independent travel wherever possible.

SUPPLEMENTARY INFORMATION FOR AGENDA ITEM 12 – HOME TO SCHOOL/COLLEGE TRANSPORT –DISCRETIONARY AREAS OF POLICY

4. The Government will provide funding to support sustainable school travel by:
 - providing £7.5m per year for at least 2 years to fund more local authority based school travel advisers who will help schools carry out surveys and prepare plans
 - allocating £5,000 for a typical primary school and £10,000 for a typical secondary, through DfES's capital programme, to help schools upgrade their travel facilities.
5. More widely, the paper refers to the current distance rules under which the transport is provided to the parents of pupils living more than 3 miles (pupils aged 8+) or 2 miles (pupils under 8) from their local school. The official press release comments -

However, some parents have said that in some cases these rules appear too rigid, restricting the hours they can work if they have to drive children to school because no bus is available. Others complain that it is unfair that well off families living 3 miles from school have free transport while families on free school meals living 2.9 miles from school have to pay for school transport themselves. We are inviting a small number of LEAs to test out some new, more flexible arrangements. If these prove successful we may consider further changes to the school transport legislation, drawing on the experience of the exemplar authorities.

Children on the move – accessing excellence

6. The Local Government Association paper follows a review of home to school transport that began with a seminar in June of this year. The paper refers to the same range of issues as the Government's Action Plan, but clearly recommends ending the current distance-related policy of free provision and replacing it by local policies in which all parents could be charged for more flexible local transport arrangements designed to assist parents in securing their child's attendance at school. The LGA recommend early pilot studies in a number of LEAs.
7. The LGA paper also recommends expanding the number of school travel plan co-ordinators, with a requirement for all schools to have a school travel plan, with the assistance of the Local Authority who would identify routes currently perceived to be unsafe.

Implications for the proposed working group

8. The two national policy papers, which have only just been received, signal significant possible changes in home to school transport requirements and expectations. In this context, it is suggested that the decision about the proposed working group should be deferred until a considered report can be presented at a later meeting.