

**MINUTES of the meeting of Children's Services Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday 8 December 2008 at 10.00 am**

<b>Present:</b>	<b>Councillor</b>	<b>SJ Robertson (Chairman)</b>
	<b>Councillor</b>	<b>WU Attfield (Vice Chairman)</b>
	<b>Councillors</b>	<b>PGH Cutter, BA Durkin, G Lucas, RV Stockton, AM Toon, WJ Walling and JD Woodward</b>
	<b>Parent Governor Members</b>	<b>Mr N Parker (Secondary School Parent Governor)</b>
	<b>Headteacher Representatives</b>	<b>Mrs OR Evans (Special School Headteachers) and Mrs D Strutt (Secondary School Headteachers)</b>
	<b>Community Representatives</b>	<b>Ms H Tank (The Alliance)</b>

**In attendance: Councillors: WLS Bowen, PJ Edwards, JA Hyde (Cabinet Member Children's Services), TM James and AT Oliver**

**32. APOLOGIES FOR ABSENCE**

Apologies were received from: Mrs K Berry; Councillor ME Cooper; Mr JD Griffin; Councillor Brig. P Jones CBE; Mr T Leach; Mr C Mutton; Mr A Wood.

Apologies were also received from Councillor PD Price (Cabinet Member – ICT, Education and Achievement).

**33. NAMED SUBSTITUTES**

Councillor PGH Cutter for Councillor Brig P Jones CBE. Mrs D Coates substituted for Mr C Mutton. (Primary School Headteacher representative)

**34. DECLARATIONS OF INTEREST**

During consideration of agenda Item 8 - Capital Budget Report 2008/09 – Councillor AM Toon declared a personal interest as a Member of the Hereford City Council in relation to the funding of Hereford Skate Park.

**35. MINUTES**

**RESOLVED: That the minutes of the meeting held on 18 November 2008 be approved as a correct record and signed by the Chairman.**

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

No suggestions were received from Members of the public.

**37. SEN FUNDING IN MAINSTREAM SCHOOLS**

The Committee considered information concerning the provision of additional funding to mainstream schools for the purpose of making appropriate SEN arrangements under the 2001 SEN Code of Practice for children and young people identified as having special educational needs as defined in the code.

The Manager of SEN & Disability presented her report which set out: the financial implications of funding for additional educational support where a child had been identified with Special Educational Needs (SEN); the benefits and issues concerning the current funding system without statements of SEN; and current action being taken. Appended to the report were the Special Educational Need Code of Practice 2001 (Appendix 1) and Data concerning Statutory Assessment & Statements of SEN. A 'Summary of Information' was issued at the meeting.

The Manager of SEN & Disability reported that funding for additional support under the SEN 2001 Code of Practice was provided from the Dedicated Schools Grant (DSG). Staff providing administrative and casework services for statutory assessment and the maintenance of statements of SEN were funded through the Local Authority budgets. Schools based budgets included a notional 6% for additional needs. Further funding for SEN was currently retained centrally from the DSG and provided to mainstream schools on a needs basis through the Banded Funding levels with and without statements of SEN. There are currently 4 Band Levels of funding for individual needs ranging from £1,830 per annum (Level 1) to £10,930 per annum (Level 4). The band level was determined on the basis of evidence about a child's needs gathered as a result of assessment and purposeful interventions as described in the 2001 SEN Code of Practice and criteria. It was proposed to delegate funding associated with Band Levels 1 and 2 through a formula into schools base budgets. A recent 8-week consultation, undertaken by the Herefordshire Schools Forum, had looked at possible alternatives to the current method of delegating the Banded funding. A report on the outcome was due to be considered by the Herefordshire Schools Forum on 15th December 2008.

During the course of scrutinising the report the following principal points were noted:

- Responding to questions about parental confidence in any school's SEN arrangements and that Voluntary Aided schools required statements rather than banded assessments, the Committee noted that the system relied on schools maintaining a proper system of assessment and this was being monitored by the service. There was a statutory process for statements, and the Code of Practice set out the approach to banded funding.
- Banded funding for levels 1 and 2 was delegated under a formula to schools. Statemented funding followed the child if they moved school.
- The needs of the young person could be met in different ways to give the right outcome. Banded funding levels 1 and 2 addressed low level needs.
- By their nature formal statements took longer to prepare and consider and were more costly to administer.
- Questioned on the breakdown of data for bands 1 & 2 the Committee noted that, while not shown in the agenda, this data was collected and monitored.
- Responding to concerns regarding the number of statements e.g. for dyslexia the Committee were informed that the number had probably been low and where statements had been completed these had been for primary school pupils and may have been for 'difficult need' rather than specifically for dyslexia.
- It was noted that Hampton Dene Primary School had not been listed in table U at page 28/39 as it had a Language and Communication Centre.

- It was further noted that while the number of allocations, indicated in table T, was high for some High schools, this was dependant on whether SENCOs had made applications. It was important for there to be good liaison between primary and High schools at the time of transfer.
- Questioned whether the funding allocation under the formula covered the actual cost to the school it was acknowledged that this was dependant on a number of factors e.g. number of banded pupils in the school; their range of difficulties and the schools ability to provide for those pupils within the budget. Central Services were able to offer advice on budgeting in such circumstances.
- Concerning the number of pupils at band level 4, being pupils with a wide rang of difficulties and in need of the most assistance and therefore the most expensive, the Committee noted that a very small number of pupils went out of county for extra assistance and, in the main, these pupils were in special schools prior to out of county placement.
- The Committee were informed that the current allocation of levels 1 & 2 banded funding was made based on statistics for the take up of Free School Meals (FSM) in the school. The Committee questioned whether this was a fair and equitable method of allocating SEN funding bearing in mind the range of other indices and that every child's needs were important. Concern was expressed that a school may be significantly underfunded for SEN when based on its number of FSM. In response the Committee were informed that allocation by FSM was used for a high proportion of other school budget allocations and the FSM statistics were regularly and robustly checked.
- Voicing similar concerns over school funding for Statemented pupils the Committee were reminded that Statemented funding followed the child.
- It was claimed that some schools were finding it difficult to obtain adequate responses from the Education Psychology Service and the Behaviour Support Service.
- A Headteacher representative commented that while unfortunately there would be winners and losers, many teachers preferred the current allocation system for band levels 1 & 2 on the basis that the level of bureaucracy involved in applying for individual child funding took teachers away from teaching.

The Chairman suggested that in view of the concern now expressed about the system for allocating Level 1 and 2 Banded Funding a small Working Group be formed to look at background material, including the report to the Herefordshire Schools Forum, to ensure that the range of delegated funding options to schools are adequately considered and that no child requiring additional assistance was missed by the system.

**RESOLVED that the report be noted and a SEN/Banded Funding Working Group be formed comprising of Councillors: WU Attfield; G Lucas; AM Toon SJ Robertson and JD Woodward, to examine the range of delegated funding options and how the SEN / Banded funding system was meeting the needs of children and schools.**

### **38. PROGRESS REPORT: DOMESTIC ABUSE**

The Committee received a report on progress made since 2006 in addressing the needs of children affected by domestic abuse.

The agenda report set out that following the 2005 Joint Area Review (JAR) of Children's Services an action plan was put in place to address areas of concern and included action points for: the Review of the threshold for referral of children to Children's Social Care; the Development of an effective workforce strategy to

improve recruitment and retention of social workers and to ensure all professionals working with children understand the threshold criteria and apply them consistently in practice. The agenda report set out the work undertaken to address the action points. The report also updated on the current position concerning the referral of children; the work of the Independent Domestic Advisor (IDVA) Post; the establishment of the Dedicated Domestic Abuse Court and the work of the Multi Agency Risk Assessment Conferences (MARAC).

During the course of scrutinising the report the following principal points were noted:

- Following the JAR the recruitment and retention of social workers had improved through a mix of local and national recruitment campaigns; overseas recruitment (USA and Australia); sponsoring council staff in the directorate to undertake Social Work degree courses, and Council sponsored student social workers. Other than students seeking their degree, the Council had no unqualified social workers. The successful applicants from the USA and Australia were currently awaiting British registration.
- The Head of Safeguarding and Vulnerable reported that following the recent tragic event at Haringey the Government were initiating a further review of the child protection system. The Council's Service had reviewed all of its Child Protection Plans and he was satisfied that all were robust. He also reported that future Ofsted inspections of the Service were likely to be more 'hands on' rather than just 'data based' as at present.
- The Committee noted the range of services provided either by the Council or its partners, as described in the report, and particularly noted the work of the Women's Refuge, the multi-agency work by WMWA and the health visitors.
- While a high proportion of domestic abuse incidents happened to women, the Committee noted that the Domestic Violence Forum were also looking at the range of support to men in similar situations.
- The Service reviewed its progress against the JAR Action Plan every 6 months and took any necessary action to meet the Plan.
- Approving of the work in setting up the Dedicated Domestic Abuse Court it was questioned what support was made available to the abuser pre a court appearance. In response it was noted that this issues would be reviewed in 2009.
- Questioning the range of organisations involved in the Domestic Violence Forum it was noted that Registered Social Landlords and Homepoint were already part of the Forum. An alternative view was expressed that having too many agencies involved may delay vital action.
- The role of the Social Worker was to co-ordinate the different agencies under the Child Protection Plan, therefore it was important to have a clear plan that dealt with the child's specific issues and be able to monitor progress against the plan.
- While all the plans and strategies may be in place, at the end of the day, it came down to a judgement about the best course of action for the prevailing situation.

**RESOLVED: That the report be noted and regular update reports on the Council's progress in tackling domestic abuse be made to Committee.**

### **39. CAPITAL BUDGET REPORT 2008/09**

The Committee were updated on the capital budget for 2008/09 for the Children' and Young People's Directorate.

The Schools Access and Planning Manager presented the agenda report. Details of expenditure on capital projects were set out in the appendix. He highlighted that in

relation to the Academy (Wyebridge replacement), while £3.6m had been re-profiled to 2009/10 to more accurately reflect the expenditure timetable, no slippage had occurred to the overall project.

He also reported that the main building contractor responsible for the replacement Riverside Primary School contract had just gone into administration. Information was awaited from the appointed Administrator but he warned that the contract, which was due for completion in June 2009, may now slip. Any penalty clauses in the contract would be considered by the Administrator. Members would be kept advised as more information was known.

Questioned on the cost of clearing the old Whitecross High School site, which it was understood would be undertaken by the successful developer, the Committee were informed that the intention had always been to provide a clear site and, with the on-going cost of site security and the payment of non-domestic rate, the decision had been taken to proceed with the site clearance.

On seeking clarification concerning the Councils involvement in the Hereford Skate Park project (£50,000) Councillor AM Toon, having declared a personal interest as a Member of Hereford City Council, informed the Committee that this related to a successful Lottery grant which had to be paid to the City Council via Herefordshire Council.

In trying to establish the level of external funding (e.g. Sec 106, specific grants and Lottery funding) and the particular projects they were associated with, the Committee requested that future reports include further brief explanation on the various funding streams and how it had been allocated. It was also suggested that the column headed 'Spend per Cedar' could more usefully be headed 'spend to date'.

Questioned whether there would be overcapacity at the replacement Minster College, Leominster, the Committee were informed that: contractors were now on site; the contract was subject to DCSF grant and the capacity had been determined by the number of potential pupils in the area. However, acknowledging there may be surplus capacity issues the appropriate use of the space was being investigated.

On seeking clarification concerning the policy governing temporary classroom provision and disposal (original budget £110,000 adjusted budget £150,500) the Committee requested that the issue be looked at and an item be added to the work programme.

**RESOLVED:**

- a) **That the report be noted and greater explanation of income e.g. Sec 106; grants and lottery funding, be included in future reports; and**
- b) **The issues of temporary classroom accommodation be added to the work programme**

**40. REVENUE BUDGET MONITORING REPORT 2008/09**

The Committee considered a report on the monitoring of the revenue budget for 2008/09 for the Children & Young People's Directorate.

The Finance Manager reported that the report to Cabinet on the 2<sup>nd</sup> October 2008 predicted a £267,000 overspend. The Directorate's financial position had now improved by £261k since August 2008. This was mainly because of a £171k improvement in the Inclusion & Improvement service arising from planned better use of General Surestart Grant and a reduction in the Joint Agency Management budget. Additionally a projected overspend of £120k in the Directorate's computer budget

had been largely absorbed by an improving school transport position within the Planning, Performance and Development division. Overall a very small overspend of £6k was forecast.

Seeking clarification on SEN /Banded funding the Committee were informed that £1.19m related to new awards with £2.5m already being included in school budgets i.e. awarded last year. Commenting that a consistent approach was needed to how income and expenditure was shown the Finance Manger reported that this was in hand.

Noting the position concerning transportation costs questions were asked regarding the eligibility of pupils at the Steiner Academy, Hereford, to receive school transport. In response the Finance Manager stated that as a state maintained school some pupils would be eligible for free school transport, however, he undertook to provide further information by way of a briefing note to Members.

**RESOLVED: that the report be noted and further information be provided to the Committee Members regarding transport costs as they relate to the Steiner Academy Hereford.**

#### 41. COMMITTEE WORK PROGRAMME

The Committee considered its work programme.

The Chairman reported that she had arranged that both she and the Vice-Chairman would be receiving regular informal briefings with the Director of Children's Services.

Referring to Minute 38 – Progress Report: Domestic Abuse - regular update reports on how the Council was addressing domestic abuse be added to the Committee work programme.

Referring to the question of spare capacity at new Minster Academy, Leominster, (Minutes 39) the Committee requested that they be informed, by way of a briefing note, of the capacity of the new Academy and the measures being considered by the Directorate to manage any potential overcapacity issues.

Referring to Minute 39 – Capital Budget Report 2008/09 – the issue of temporary Classroom accommodation, in particular the acquisition and disposal policy, be added to the Committee work programme.

On considering the work programme it was questioned what the outcome of the directorate's review of the Education Welfare Services had been and the Committee requested an update/briefing note.

**RESOLVED: That subject to incorporating the above listed actions the Committee work programme be approved and reported to Strategic Monitoring Committee.**

The meeting ended at 12.21 pm

**CHAIRMAN**