

MEETING:	GENERAL OVERVIEW AND SCRUTINY COMMITTEE
DATE:	15 JANUARY 2014
TITLE OF REPORT:	CALL-IN OF THE CABINET DECISION ON CHANGES TO HEREFORDSHIRE SCHOOLS AND POST 16 TRANSPORT POLICY
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1. Classification

Open.

2. Purpose

To review the Cabinet decision on Changes to Herefordshire Schools and Post 16 Transport Policy which has been called in by three Members of the Committee: Councillors EPJ Harvey, A Seldon and GR Swinford.

3. Recommendation

THAT the Committee reviews Cabinet's decision and decides:

- a) **whether it accepts that decision with no further comment, or**
- b) **whether it wishes to accept the grounds on which the decision of the Cabinet has been called-in and refer the decision back to the decision maker for reconsideration and, if so, what recommendations to Cabinet it wishes to make.**

4. Background

- 4.1 Call-in is a statutory right for Members of the Council to review a decision of the Executive taken by Cabinet or an individual Cabinet Member after it is made but before it is implemented.
- 4.2 A decision cannot take effect pending consideration of the call-in by the General Overview and Scrutiny Committee.
- 4.3 After consideration by the General Overview and Scrutiny Committee, the decision maker may implement the original decision or reconsider it in the light of the Committee's comments.
- 4.4 The Committee has no power to overturn a decision of the Executive. It can only request the Executive to reconsider its decision.
- 4.5 The Constitution (4.5.16.5) provides that call-in should only be used in exceptional circumstances including but not limited to:

- a where there is evidence which suggests that issues have not been handled in accordance with the decision-making principles set out in the Constitution;
- b where a key decision has been taken which was neither published in accordance with the requirements for the Forward Plan, and is not subject to the urgency procedures set out in the Constitution; or
- c where a decision is outside the Budget and Policy Framework.

4.6 The General Overview and Scrutiny Committee can either accept the Cabinet decision with no further comment or accept the grounds on which the decision of the Cabinet has been called-in and refer the decision back to the decision maker for reconsideration.

5. Reasons for Call-in

5.1 In accordance with the Scrutiny Procedure Rules set out at Part 4 Section 5 of the Constitution, the Cabinet decision on 19 December 2013 concerning Changes to Herefordshire Schools and Post 16 Transport Policy has been called in for consideration by this Committee.

5.2 The stated reasons for the call-in are:

“This call-in qualifies under 4.5.16.5 part a and c for the following reasons:

Part a: This decision does not appear to have followed the decision-making principles set out in para 2.11.1 of the constitution - in particular points a, b, c & e:

- (a) make sure the action is proportionate to what the Council wants to happen;
- (b) consult properly and have regard to the professional advice from its Officers;
- (c) consider equality, diversity and respect for human rights;
- (e) be clear about what the Council wants to happen and how it will be achieved;

It is not clear that the cost modelling has taken the full cost impact of the decision into account across all areas of the council's operation, and therefore assurance is sought that the total anticipated net financial effect is achievable, realistic and proportionate.

It is not clear that the significant and negative effects of the changes highlighted in the consultations have been given proper weight and due consideration in the decision-making process.

No reasons have been given for dismissing the approaches taken in other authorities, e.g. Durham provision of 'nearest school in-county' option to parents.

Post-16 SEN proposals go against the Council's first principle of protecting the vulnerable.

The decision has a disproportionate effect on families with more than one child if a sibling is forced to attend school out of county where holidays may not be taken at similar times.

Families unable to afford this additional cost have not been given the notice they need to amend their school choices for Sept 2014 intake in the light of this decision. Other counties are not allowing such changes to now be made.

Part c: The total effects of the decision in exporting the county's young people to schools in other counties, in not demonstrating adherence to the principles of our transport plan, in not evidencing alignment with our Sustainable Modes of Transport Strategy for schools*, and in not demonstrating that net savings at council level exist when loss of pupil grants are taken into account, raise concerns that aspects of this decision fall outside of the council's current Budget Monitoring and Policy Framework.

* All authorities are required to publish annually their county level Sustainable Modes of Transport Strategy according to the Education (School Information) (England) Regulations 2002, amended 2007.

<http://media.education.gov.uk/assets/files/pdf/g/2007%20h%20to%20s%20travel%20and%20transport%20guidance.pdf> ”

- 5.3 The decision notice (Reference No: 2013-14.CAB.031 KEY) and report presented to Cabinet on 19 December 2013 'Changes to Herefordshire School and Post 16 Transport Policy' are appended.

6. Appendices

Appendix A Decision Notice of Cabinet on 19 December 2013

Appendix B Report to Cabinet on 19 December 2013 - Changes to Herefordshire Schools and Post 16 Transport Policy.

7. Background Papers

- 7.1 None identified.