

**BRIGHTON & HOVE CITY COUNCIL**  
**EDUCATION OVERVIEW & SCRUTINY PANEL**

**5PM TUESDAY, 23 SEPTEMBER 2003**

**COMMITTEE ROOMS 2/3**  
**BRIGHTON TOWN HALL**

**MINUTES**

Present: Councillor Hamilton (Chair), Councillors Mrs Norman (Deputy Chair), Battle, Bennett, Hazelgrove, Simson, Smith, Willows and Wrighton.

Statutory Co-optees with Voting Rights: Mr F Myers – Diocese of Arundel and Brighton; Mrs K Lewis – Parent Governor Representative; Mr A Magrath – Parent Governor Representative.

Non-Voting Non-Statutory Co-optees: Mr Tony Nicolas – National Union of Teachers; Mrs S Llewellyn-Powell – Association of Teachers and Lecturers; Reverend S Terry – Brighton and Hove Governors Network; Ms. S. Messenger, NASUWT.

Also Present: David Hawker (Director, Children, Families and Schools), Mark Romain (Audit Manager), Mary van Beinum (Committee Administrator)

**PART ONE**

**ACTION**

**13. PROCEDURAL BUSINESS**

**13.A Declarations of Substitutes**

<u>Substitute Co-optee</u>	<u>For</u>
Mr T Nicolas	Mrs A Antonio

**13.B Declarations of Interest**

Councillor Mrs Norman and Mrs Lewis declared potential personal and non-prejudicial interests in items 20 and 21 as, respectively, Vice-Chair and governor of the Alternative Centre for Education.

**13.C Exclusion of Press and Public**

13.1 The Committee considered whether the press and public should be excluded from the meeting during the consideration of

any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100 1 of the Local Government Act 1972.

13.2 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of all items on the agenda.

#### **14. MINUTES**

14.1 **RESOLVED** - That the minutes of the meeting held on 24 June 2003 be approved and signed by the Chair.

#### **15. ANNUAL PROGRAMME OF WORK FOR THE EDUCATION OVERVIEW AND SCRUTINY PANEL (EOSP)**

15.1 The Panel considered the report of the Director of Children, Families & Schools on the outline annual programme of work for EOSP and suggested it would be helpful if an update on the Forward Plan as set out in Annex A to the report, would be in future a standing item on the panel's agenda. (For copy see minute book)

15.2 It was agreed that as scrutiny was an inclusive process, that co-optees to the Panel could also suggest items for future discussion, in the usual way.

15.3 The Panel asked for a report on the educational attainment of children leaving care and how this has changed over a period of time; as it was felt that this matter was not fully covered within the regular reports on performance against statutory performance indicators (PIs). The Director agreed to report to the December meeting of EOSP.

**DH/PJ**

15.4 **RESOLVED** – (1) That the forward plan be included on every EOSP agenda as a standing item.

**DH/PJ**

(2) That a report on the educational attainment of children leaving care over a period of time be presented to the December meeting of EOSP.

#### **16. CHILDREN, FAMILIES & SCHOOLS DIRECTORATE DEVELOPMENT PLAN**

16.1 The Director presented the report on the Children, Families & Schools Directorate Development Plan (DDP) 2003 – 2004 and answered questions on this. (For copy see minute book)

16.2 The budget figures on page 29 of the agenda included a

negative sum for child protection; this represented income in the form of the grant. A council 'Fit for Purpose' was a corporate objective which links into the DDPs; namely the council should have an appropriate organisational structure, and processes in place to enable it to perform properly.

16.3 The Director was asked about action being taken to address sickness absence, and the reasons why Brighton & Hove appeared to show a higher level of sickness absence in schools than other authorities. A table presented by the Director of Human Resources to OSOC, 22<sup>nd</sup> September had shown a figure of 69% teaching staff in Brighton and Hove who took sickness absence compared with 49% in the South East region.

**DH/PJ**

16.4 The Director agreed to bring further information on the comparisons and action being taken, to the next EOSP meeting.

**DH**

16.5 Answering a question on the Equality Profile and ways of raising the proportion of disabled people and those from ethnic minorities in the workforce, the Director said that the Department follows the council's equal opportunities recruitment policies. Schools were also aware of the policies and variations, if any, are followed up. Even so, ethnic minorities and disabled people were under-represented within the council.

**DH**

16.6 The Panel asked that in future numbers in addition to percentage figures would be useful to give a fuller picture of equalities information.

**DH**

16.7 The number of early retirements and leavers in comparison with other local authorities was also requested by the Panel for a future meeting.

**DH**

16.8 **RESOLVED** – (1) That the Panel note the Directorate Development Plan.

(2) That further information as minuted above at 16.3 – 16.7 be provided to the Panel.

## **17. SERVICE AUDITS CARRIED OUT APRIL 2003 – AUGUST 2003**

17.1 The Audit Manager presented the report of the Director of Children, Families & Schools on the service audits carried out between April 2003 and August 2003 and detailed the key areas covered by the recommendations of the audits (For copy see minute book)

17.2 Answering a question, the Audit Manager said that the frequency of school audit visits varied according to the assessed strength of the school's control framework and typically was

between 2 and 4 years.

17.3 The recommendations of the CFS audit assignments had all been accepted by the Director and, as usual, implementation checks are carried out after six months. Regular updates would be provided to the Panel including the outcome of the six-month implementation checks.

**MR**

17.4 The areas for audit were agreed by the Head of Internal Audit and the Directors at the start of each financial year and published in the Annual Plan. The full in-depth audit reports were available on request.

17.5 The Panel noted that the report was particularly detailed and thorough and suggested for future meetings it would be clearer if only the major issues or areas of significant impact were highlighted and put into context. The Panel members would still be able to raise any areas of detailed concern.

**MR**

17.6 **RESOLVED** – (1) That the Panel note the areas covered by internal audit work during the period in question

**MR**

(2) That regular updates on outcomes of the audit reviews be provided to the Panel

(3) That the approach as minuted above at 17.5 be taken in the preparation of future reports to the Panel.

## **18. SUMMARY OF OFSTED REPORTS FOR THE SUMMER TERM**

18.1 The Panel considered the report of the Director of Children, Families & Schools on the summary of Ofsted reports for the Summer Term 2003. (For copy see minute book)

18.2 The Director told the meeting that unusually there had been only one Ofsted report (Goldstone Primary School) during this period; usually there would be between 6 and 12. The Panel noted it was a good report of the school.

18.3 In reply to a question as to whether the merger issue at the school would have been taken into account during the Ofsted inspection, the Director said that the report template did not make allowances for extraordinary features such as this. There had been no adverse impact reported of the split site operation of the school.

18.4 The Panel felt that Ofsted reports needed to be seen in the light of the local education authority's view of a school and how the school is supported by the LEA. It would be impractical to provide details of the many contacts between a school and the LEA, however a note of significant issues for the schools – such as a split

**DH**

site, or extra accommodation - would be of benefit to the future work of the Panel. The Director agreed to provide contextual information of a school's performance from the LEA's perspective.

18.5 **RESOLVED** – (1) That the Panel note the report

**(2)** That further information as minuted above at 18.4 be included in future reports.

## **19 SCHOOL BUDGETS - UPDATE**

19.1 The Panel heard an oral report given by the Director of Children, Families & Schools.

19.2 There had been no further government announcements since the last Panel meeting as regards funding; this year's settlement would be finalised around mid-November. Staff cuts could be expected and school governors had been contacted in preparation for taking action. Teams were preparing to work closely with schools that had particular budget concerns.

19.3 Tony Nicolas said NUT officers has not been involved in discussions last year to help minimise the impact of the budget situation between the LEA and schools, and asked that trades unions be involved at an early stage to help minimise any disruption to staff.

19.4 In answer to a question the Director said he was mindful of the workforce remodelling agreement however at this stage he was unable to give firm reassurances about class sizes and teacher numbers. A redeployment policy was currently being drafted and would taken into account the best interests of staff and children.

19.5 The Panel was also concerned about areas of the LEAs budget not devolved to schools including special educational needs, home to school transport and music.

19.6 An update on schools budgets would be on the agenda for the December meeting of EOSP, by which time the indications for next year's finances would be clearer.

**DH**

19.7 **RESOLVED** – That the Panel note the report

## **20 THE FUTURE OF SECONDARY EDUCATION FOR EAST BRIGHTON**

20.1 The Panel considered the report of the Director of Children, Families & Schools on the future of secondary education for East Brighton residents, and noted an additional recommendation agreed at the Children Families and Schools Sub-Committee on 17<sup>th</sup> September which had been omitted from the draft extract. This was

tabled at the EOSP meeting. (For copies see minute book)

20.2 The Director reported that consultation on the future of COMART had started across Brighton and Hove and meetings had taken place with the community and parents and staff.

20.3 The key issue was the population of the school and if more pupils attended, more funding would be generated to keep the school viable. Alternative proposals had to demonstrate a financially viable solution.

20.4 The third recommendation added at the CFS Sub-Committee; that an alternative educational use for the building should be sought if closure of the college is recommended; should not cloud the issue of whether or not the college would be closed.

20.4 A recommendation would be reported in December to the Children Families and Schools Sub-Committee and if agreed a statutory notice would be published and the issue progressed through the School Organisation Committee process.

20.5 The panel discussed the likelihood of increased numbers of new applications for admission to the school for next year and heard that some year 8 and year 9 pupils had not returned after the summer holidays.

20.6 The Director said it was important not to over-load other schools. The likely impact on the nine alternative schools would be a short-term bulge in the numbers of pupils, which would be dealt with through the usual school admissions procedures. There would be minimal long-term impact as the trend was a general decline in new admissions.

20.7 Applications for admission to COMART in September 2004 were being accepted and potential new parents were being notified on the current consultation of closure of the college.

20.8 Transition planning for current year 6 pupils at Whitehawk Primary School and pupils with special educational needs was also discussed by the Panel. Possible alternative educational or vocational uses of the buildings were mentioned.

20.9 Answering a question about the potential of federation between schools, the Director told the meeting this had been looked at in the context of COMART with two other schools and had not been pursued.

20.10 **RESOLVED** –That the Panel note the recommendations agreed by the Children Families and Schools SubCommittee:

(i) That Members authorise the Director of Children, Families and Schools to consult on a proposal to close East Brighton College of Media Arts and provide for the secondary education of East Brighton students in the remaining nine secondary schools in the City.

(ii) That the results of the consultation be reported to the Children, Families and Schools Sub-Committee for the Sub-Committee to consider whether or not to publish formal closure proposals.

(iii) that officers, in consultation with the Learning and Skills Council and City College, continue to explore the possibility of providing some form of vocational education and training on the site, in case the ultimate decision is to close the school.

(iv) that a further report be presented to the next EOSP meeting.

[Note that Councillor Mrs Norman and Mrs Lewis declared a potential personal interest in item 20, as Vice-Chair and governor of ACE, respectively.]

## **21. REQUEST FOR SCRUTINY OF COMART PFI**

21.1 The Panel considered a report of the Chief Executive on the request for scrutiny of the East Brighton College of Media Arts pfi contract, submitted by Councillor Wrighton and the Green group Councillors. (For copy see minute book). The request was submitted on 10<sup>th</sup> September and not '19<sup>th</sup> September' as stated in the report.

21.2 Councillor Wrighton explained to the meeting the reasons why she and the Members of the Green Group were concerned about the basis for and consequences of the PFI contract relating to COMART, the implications for other pfi contracts, and the financial risk of the future use of pfi.

21.3 The Director said it was for the Panel to determine the request. However he remarked on the level of LEA resources and financial and legal services input which was currently committed to the consultation process and the work needed to go forward. It would be inadvisable at this stage to divert officers to service a scrutiny of past events regarding COMART, he said.

21.4 The Panel noted that only the first bullet point, regarding the COMART pfi was directly an educational matter for the EOSP; the two other bullet-points were mostly outside the remit of EOSP and could properly be referred to OSOC for consideration.

21.5 At the invitation of the Chair, Councillor Taylor addressed the meeting and pointed out that the Chief Finance Officer was unaware that a review had been commissioned. (para 4.2 refers)

21.6 The Director said there was a misunderstanding so paragraph 4.2 of the report had been worded confusingly; the 'review' as mentioned referred to the current request for a scrutiny review.

21.7 Answering questions, the Director said that a scrutiny review now, would affect negotiations on the terms of the current pfi contract regarding the possible closure of COMART or a change of use for the site. For this additional reason, a review as requested would be inappropriate at present.

21.8 The Panel were disappointed that the report appeared to be misleading. There was general agreement that Councillor Wrighton had raised legitimate points which if investigated further, may help the council learn lessons for future similar situations. However the Panel acknowledged that scrutiny – such as the 'Fresh Start' review of COMART in 2000 - could be intrusive and upsetting for the children.

21.9 Overall it was felt unnecessary to scrutinise the matter quickly and the panel agreed to reconsider the matter in March 2004. By then the COMART consultation process would be further advanced and officers could present a more complete report with additional information, for example on experience of pfi in other schools.

**PJ/DH**

21.10 If in March the Panel felt a wider investigation outside education matters were merited, this would need to be referred to the parent committee, OSOC.

**21.11 RESOLVED** – that the Panel agree to reconsider the request for a scrutiny of the PFI initiative in funding of schools at the meeting scheduled for March 2004.

**PJ/DH**

[Note: Subsequent to the meeting, the Director has clarified that a review of the Education PFI project was being planned between his officers and the Chief Finance Officer, to take place in Summer 2004, and the request for a scrutiny of the decisions leading to COMART's involvement in the project could be incorporated in this review.]

[Note that Councillor Mrs Norman and Mrs Lewis declared potential personal interests in item 21, as Vice-Chair and governor of ACE, respectively.]

**The following three items have been re-submitted for consideration by EOSP as appendices were missing from the previous agenda.**

**22. SECONDARY STRATEGY**

22.1 The Panel considered the report of the Director of Children, Families & Schools setting out a comprehensive approach to raising attainment in the secondary schools of Brighton and Hove. (For copy see minute book)

22.2 The Director said the Strategy had been agreed by the Children Families and School Sub-Committee and was now in use.

22.3 The Panel discussed the federation model of partnership between two schools, and were not aware of any federated schools anywhere in the country; the sustainability of the transport strategy for pupils with special educational needs; resource issues; and the need to help the development of school support staff.

22.4 **RESOLVED** –That the Panel note the Strategy.

**23. CAPITAL INVESTMENT IN SCHOOLS**

23.1 The Panel considered the report of the Director of Children, Families & Schools on a consultative paper from the department for Education and Skills and on indicative allocations for capital funding in 2003 - 2005 and 2005 - 2006. (For copy see minute book)

23.2 Members noted in particular the level of strategic investment expected to be made available via the private finance initiative (para 3.3 refers). The financial year '1995 – 1996' should read '2005 - 2006.'

23.3 The expenditure required to meet the requirements of the Disability Discrimination Act was allocated in different blocks and an estimate of the total cost was not yet available, the meeting heard.

23.4 **RESOLVED** – That the Panel note the contents of the report.

**24. SCHOOLS ORGANISATION PLAN**

24.1 The Panel considered the report of the Director of Children, Families & Schools on the School Organisation Plan. (For copy see minute book)

24.2 Members discussed class sizes and asked whether a review of Falmer School was being scheduled.

24.3 Replying to questions, the Director said Children's Trusts would be considered in more detail in the next reporting cycle. Consultation on the school organisation plan was carried out via the Schools Bulletin.

24.4 **RESOLVED** – That the Panel note the plan.

**PART TWO**

**25. ITEMS TO REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS  
AND PUBLIC**

25.1 **RESOLVED** - That no items be exempt from disclosure to the  
press and public.

The meeting concluded at 7.45pm

Signed

Chair

Dated this

day of

2003