

BRIGHTON & HOVE CITY COUNCIL

EDUCATION, OVERVIEW & SCRUTINY PANEL

5.00PM TUESDAY, 22 JUNE 2004

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

MINUTES

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

Statutory Co-Optees with Voting Rights : Mr A Magrath - Parent Governor Representative.

Non Voting Non-Statutory Co-Optees : Mrs A Antonio - National Union of Teachers; Mrs S Llewellyn-Powell - Association of Teachers and Lecturers; Ms S Messenger - National Association of Schoolmasters and Union of Women Teachers and the Reverend S Terry - Brighton and Hove Governors Network

Also Present : David Hawker - Director, Children Families and Schools; Janette Karklins - Assistant Director, Quality, Standards and Leadership; Elizabeth Wylie - Assistant Director, Strategic Planning and Services to Schools; Mark Romain - Audit Manager; Penny Jennings - Scrutiny Support Officer.

Apologies : Apologies were received from Councillors Battle and Bennett, Mrs R Lewis, Parent Governor Representative; Mr J Taylor, Diocese of Chichester and Mr F Myers, Diocese of Arundel and Brighton.

Before proceeding to the formal business of the meeting the Chair welcomed Councillor Lepper (The Deputy Mayor) who was newly appointed to the Panel and Councillor Hawkes, the Chair of the Children, Families and Schools Sub Committee who was present in the public gallery.

PART ONE

1. PROCEDURAL BUSINESS

1A. Declaration of Substitutes

1.1 There were none.

1B. Declarations of Interest

1.2 Reverend Terry declared a personal and non prejudicial interest in item 4 on the agenda, Summary of OFSTED reports by virtue of his position as a governor at a Church of England school. It was noted that a number of Members sat on school governing bodies but, that this did not, represent per se a prejudicial interest.

1C. Exclusion of Press and Public

1.3 The Panel considered whether the press and public should be excluded from the meeting during 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.

1.4 **RESOLVED** - That the Press and Public be not excluded from the meeting during consideration of all items on the agenda.

2. MINUTES

2.1 In referring to the minutes Councillor Simson referred to Paragraph 37.4 of the minutes and clarifying that she had declared a personal interest by virtue of her membership of the fostering panel and as a governor at two schools not, two special schools. Councillor Mrs Norman referred to Paragraph 41.3 of the minutes stating that her comments had been made in respect of the Ofsted report.

2.2 **RESOLVED** - That subject to the amendments set out above, the Chair be authorised to approve and sign the minutes of the meeting held on 9 March 2004.

Monitoring of Service Performance Standing Items

3. SERVICE AUDITS FOR THE SPRING TERM 2004

3.1 The Panel considered a report of the Director of Children, Families and Schools setting out details of the service audits carried out during the period 1 March to 31 May 2004, together with the key areas covered by the recommendations in each case (for copy see minute book).

3.2 The Director of Children, Families and Schools explained that although this fourth service audit as presented related to work which was substantially complete some of this work was on- going.

3.3 Mr Magrath referred to the visits made to 15 primary schools during the period covered by the report in order to assess the adequacy of governance and financial management asking whether there were specific problems of which the Panel needed to be made aware. The Audit Manager explained that in the event of significant problems being identified as a result of the audits carried out these would be reported back to the Panel. The Director of Children, Families and Schools explained that consideration of issues forming part of any given audit were risk led within individual schools and, that generally the matters dealt with were straightforward and highlighted procedural matters which were then taken forward and monitored in concert with the individual schools and their governing bodies. If there were persistent issues over several audits (this had not been the case to date), and a policy decision was required this information would be brought to the attention of the Children, Families and Schools Sub Committee.

3.3 In answer to queries by Councillor Willows regarding the review of Health and Safety in schools for the coming year, the Director of Children, Families and Schools explained that this piece of work was about to commence. However, within every school there was already an individual member of staff responsible for health and safety.

3.4 In answer to questions by Mrs Antonio regarding care / protection of looked after children, the Director explained that this was potentially a major cross cutting piece of work which would need to link into the work carried out by Social Care and the Health Authority. A full audit was not anticipated at the present time and at a national level this was in the melting pot pending clarification and direction on these issues which it was anticipated might be contained within the Children's Bill. Guidance on implementing systems for information sharing / referral and a "tracking" project were awaited and would ensure a degree of uniformity and a greater degree of robustness than currently existed.

3.5 **RESOLVED** - That the contents of the report be noted.

4. SUMMARY OF OFSTED REPORTS : SPRING TERM 2004

4.1 The Assistant Director, Quality, Standards and Leadership introduced a report of the Director, Children, Families and Schools setting out the outcome of the school Ofsted inspections which took place during the Spring Term of 2004 (for copy see minute book).

4.2 Overall the results of the Inspections for the three schools referred to were encouraging and Members considered the information provided in these summary reports to be valuable. In answer to questions by Councillor Mrs Norman, the Assistant Director, Quality Standards and Leadership explained that school action plans were drawn up in consultation with

individual schools in order to focus on making improvements in areas that had been specifically identified and were to be targeted. Councillor Lepper referred to the more challenging circumstances being experienced at Fairlight Primary School, where the fluidity of the school population, mitigated against higher levels of attainment and coupled with poor attendance by a significant minority and lateness to school impeded the achievement of some pupils. It was noted that measures were in place to address these weaknesses and that lateness / non-attendance by a very small but significant minority seemed to be a recurring issue highlighted by inspections across some schools.

4.3 The Assistant Director Strategic Planning and Advice to Schools referred to problems relating to truancy non-attendance explaining that this was being address across Brighton & Hove as a whole as well as being carried out in concert with individual schools where specific problems had been identified. Although parents were discouraged from taking their children out of school during term time, up to 10 days authorised absence were permitted at the discretion of the head teacher in any one academic year. Where an absence was authorised this was recorded differently from an unauthorised absence was not included in the overall absence figures. Members and Officers considered that the issue was largely one of re-educating a small "hard core" of parents. The Assistant Director confirmed that a whole raft of measures were in train to seek to address this problem.

4.4 **RESOLVED** - That the contents of the report be noted.

One - Off Items

5. SACRE ANNUAL REPORT 2002 / 2003

5.1 The Panel considered a report of the SACRE covering the period September 2002 to July 2003 (for copy see minute book).

5.2 The Director, Children, Families and Schools explained that the report provided by the Brighton & Hove Standing Advisory Council for Religious Education (SACRE) was retrospective covering the period September 2002 - July 2003. SACRE sought to improve, foster and encourage the take up of religious education across Brighton and Hove. It was noted that Mr Bastide, the Chair of SACRE had been invited to attend but had been unable to do so on this occasion.

5.3 The Panel noted that overall the Ofsted reports relating to secondary schools typified the delivery of RE across the authority: namely that where there was an effective subject specialist in place RE was taught well, engaged pupils well and achieved good results in public examinations. Where there was no subject specialist, or department, children did not learn

the specific skills and knowledge taught through RE and did not receive their entitlement. SACRE did not however have the authority to remedy this.

5.4 Members of the Panel who also sat on SACRE commended the very high standard of work achieved by SACRE on a very limited budget which had been reflected by the encouraging / improving Ofsted inspection reports on religious education in local schools. The Chair explained that unfortunately Mr Bastide the Chair had been invited to attend the meeting and to present his report but unfortunately had been unable to do as the Panel's meeting coincided with a SACRE meeting. It was anticipated that an interim report on the work of SACRE would be prepared for consideration at a future meeting of the Panel (possibly during the next cycle) and, arrangements would be made to ensure that Mr Bastide was able to attend.

5.5 **RESOLVED** - That the contents of the report be noted.

6. ANNUAL WORK PROGRAMME

6.1 The Panel considered a report of the Director, Children, Families and Schools setting out the outline annual programme of work set out in Annex A to the report for approval (for copy see minute book).

6.2 The Director invited Members to consider the outline programme and to suggest any further items, which they might at this stage, wish to discuss during the course of the coming year. It was noted that agreement to this programme did not preclude the addition of further items on a meeting by meeting basis .

6.3 The Director referred to recent changes to the layout of the agenda which were intended to make it more self explanatory and user friendly. Members welcomed this and approved the outline programme whilst accepting that it was possible that some slippage might occur in relation to some areas of work. Mr Magrath referred to the item appearing elsewhere on the agenda relating to the proposed time frame for the COMART PFI Panel to task and finish and querying what might be considered to be a reasonable period for the completion of its work. Following discussion it was agreed that an update would be provided on the Panel's work to the next scheduled meeting of EOSP in October. It was anticipated that the final version of the COMART PFI Panel's report would be submitted for approval by the December meeting of EOSP. Whilst noting and agreeing this time frame, the Chair stressed that it was important for the Panel to feel that its work was fully complete before bringing their report forward. On that basis if it emerged that it was unrealistic to bring a fully worked up report to the December meeting of EOSP it was accepted that the report would come forward to its subsequent meeting in March 2005.

6.4 **RESOLVED** - That the outline work programme for 2004 / 05 be agreed as set out in the report.

7. ACTION PLAN TO ADDRESS THE RECOMMENDATIONS / AREAS FOR DEVELOPMENT ARISING FROM THE OFSTED / SSSI INSPECTIONS

7.1 The Panel considered a report of the Director, Children, Families and Schools presenting the final version of the action plan prepared in response to the recommendations from the Office for Standards in Education (Ofsted) and Social Services Inspectorate (SSI) Inspection reports (for copy see minute book).

7.2 The Assistant Director, Quality, Standards and Leadership explained that the reports on the findings from the Ofsted and SSI inspections of Spring 2004 had been presented to a Special meeting of the Children, Families and School's Sub Committee (CFS) on 26 April 2004 and, that at the same time a draft action plan had been presented to address the recommendations / areas for development stated in the reports. Resulting from this the Action Plan itself had been drawn up and had been agreed by CFS on 14 June 2004. Progress with the Action Plan would be monitored termly and reported back on to CFS at six monthly points, these reports would also be submitted to EOSP for information.

7.3 In answer to questions the Director of Children, Families and Schools explained that some areas (for instance how government guidance on operating practice resulting from findings resulting from the Climbie case) were still to be examined and a decision taken regarding how such work could most effectively be carried forward. As it stood at present information could need to be disseminated to 3 separate Scrutiny Panels including OSOC, and could result in an unnecessary duplication of work a, definitive decision on how such issues would be addressed had yet to be taken. An assessment would also need to be made regarding how the role of the Children's Trust could best dovetail with this process.

7.4 **RESOLVED** - That the contents of the report and of the action plan itself be noted and approved.

8. REPORT OF THE OFSTED 14-19 AREA INSPECTION

8.1 The Panel considered a report of the Director, Children, Families and Schools setting out the background to the inspection Ofsted 14-19 Area and the preliminary grades achieved, copies of the full report (Embargoed until 14 June 2004) had also subsequently been circulated (for copy see minute book).

8.2 Members were pleased to note the very good and improving results from the inspection particularly the contents of the letter sent to the Leader

of the Council from David Milliband MP, Minister of State for School Standards, praising the authorities "commitment to education and the merger of education and children's social care, has clearly paid dividends." The Chair of Children, Families & Schools stated that the positive response obtained from Central Government was a testament to the hard work of the Council's officers and to the quality of Partnership working that was being put into place between the LEA and other stakeholders e.g. the Health Authority. Members of the Panel concurred in that view.

8.3 The Director of Children, Families and Schools stated that the importance of Partnership working was key to developing proper services for the future. The work required in drawing up the Action Plan had been vital in pinpointing weaknesses in the current arrangements and helping to inform the processes by which improvements could be made and current strengths could be considered.

RESOLVED - (1) That the contents of the report be noted; and

(2) It be noted that the Director, Children, Families and Schools will be liaising with the Sussex Learning and Skills Council and other partners in order to develop an action plan to address the recommendations. This action plan to be presented to the September meeting cycle.

Scrutiny Requests

9. SCRUTINY OF COMART'S INCLUSION IN THE PFI PROJECT: SETTING UP OF A SCRUTINY PANEL

9.1 The Panel considered a report of the Chief Executive and Director, Children, Families and Schools suggesting the broad parameters for the scrutiny of COMART PFI and in order to enable a Sub Panel to be set up to consider fully consider issues relating to the COMART PFI (for copy see minute book).

9.2 Members agreed that the broad scope of the scrutiny should cover the following areas :-

- the initial planning of the PFI project for the four schools.
- the decision making process for projecting pupil numbers.
- the Education Authority process for projecting pupil numbers.
- the process of planning for school place provision with particular reference to national policy and guidance/statutory requirements on Local Authorities.

9.3 It was also suggested that in order to form a view some of the detailed financial information which was available to those making decisions regarding the future of COMART at the time when key decisions regarding its

future / the PFI contract would probably be required. The Chair stated that it would be part of the role of the COMART Scrutiny Panel to form a view regarding precisely what information it would need to consider and, whom it might request to give evidence, although the scrutiny should be carried out within the broad guidelines set and should focus on the PFI. It should not however, stray into areas relating directly to the closure of the college as that decision had ultimately been taken by the School Organisation Committee a body that operated independently of the Council and whose decision was binding.

9.4 It was agreed that it would be appropriate for the Panel to consist of 5 Members and that these should reflect the make up of EOSP itself i.e. a member from each of the political groups represented on the Panel and one from statutory and non-statutory groups represented. Councillor Wrighton was proposed as Chair. Councillor Lepper expressed concern given that Councillor Wrighton had been one of the signatories to the original scrutiny request on behalf of Green Group representatives on the Council; considering that it would probably be more appropriate for Councillor Wrighton to be a Member, but not to Chair given her stated interest in the matter. The Scrutiny Support Officer explained that legal advice had been sought prior to the meeting in order to determine whether or not any Member of the Panel might be disbarred from Membership of the Panel by virtue of any earlier involvement with PFI decision making process. No Member of the Panel was disbarred in this way, although it was considered inappropriate for Ms Messenger NASUWT to be involved in the process as she was employed at a school which was included within the current PFI arrangements. Mrs Antonio was doubtful whether as a Member of the NUT it would be appropriate to engage in this process, but was advised that this would not disbar her from the COMART PFI Scrutiny Panel if she wished to be a Member.

9.5 Following discussions the Reverend Terry was put forward as the representative on behalf of non- statutory co-optees. Mr Magrath was the only statutory, voting representative present and stated that he was happy to represent this group on the COMART Panel if EOSP were happy for him to do so. The Scrutiny Support Officer was able to confirm that the other statutory voting representatives had been approached and, had indicated that due to other commitments they were felt unable to participate directly in the Scrutiny process at the present time.

9.6 In further considering whether the fact that Councillor Wrighton had been a signatory to the original scrutiny request did not prevent her from being a member of the COMART PFI Panel, EOSP were advised that if they wished it would be in order for her to be a Member. EOSP was responsible for appointing all Panel Members (any member of the Panel could be considered providing they were not disbarred), and for deciding who should Chair its meetings. Any Member of the Panel whether they had voting rights

or not, could Chair the Panel with the agreement of EOSP. Following discussion, a vote was taken and the names of Councillor Lepper, the Reverend Terry and Councillor Wrighton considered for the role of Chair. Councillor Wrighton received the majority of votes cast from the Members of the Panel who were present and had voting rights.

9.7 It was agreed that Membership of the Panel be as follows : -

- Councillor Wrighton - Chair (Green);
- Councillor Lepper (Labour);
- Councillor Smith (Conservative);
- Mr A Magrath (Statutory Co-optee (Voting Rights) – Parent Governor Representative); and
- The Reverend Terry (Non - Voting Non-Statutory Co-optee – Brighton & Hove Governors Network)

9.8 Members were in agreement that the Panel should provide an update report to the next scheduled meeting of EOSP on 5 October 2004 and should ideally be in a position to present its final report to the meeting scheduled to take place on 5 December 2004, although it was accepted that this end date needed to be flexible and that there might be some slippage to that.

9.9 **RESOLVED** - That (1) Members agree the broad scope of the review relating to the COMART / Education PFI;

(2) Agree to the setting up and Membership of a Sub Panel to carry out this scrutiny. Membership to comprise the following : -

- Councillor Wrighton - Chair (Green);
- Councillor Lepper (Labour);
- Councillor Smith (Conservative);
- Mr A Magrath (Statutory Co-optee (Voting Rights) – Parent Governor Representative); and
- The Reverend Terry (Non - Voting Non-Statutory Co-optee – Brighton & Hove Governors Network)

(3) Agree to the timeframe set out in paragraph 9.8 above.

PART TWO

10. TO CONSIDER WHETHER OR NOT ANY OF THE ABOVE ITEMS SHOULD REMAIN EXEMPT FROM DISCLOSURE

10.1 **RESOLVED** - That none of the items 1 - 9 inclusive should remain exempt from disclosure.

The meeting concluded at 6.35 pm.

Signed

Chair

Dated this

day of

2004