

## **CHILDREN AND YOUNG PEOPLE COMMITTEE: MINUTES**

**Date:** Tuesday, 13<sup>th</sup> January 2015

**Time:** 2.00pm – 5.05pm

**Present:** Councillors P Ashcroft (substituting for Cllr Clapp), D Brown (Vice Chairman), P Brown, S Bywater, D Divine, P Downes, D Harty, N Kavanagh (substituting for Cllr Onasanya), M Leeke, L Nethsingha, T Orgee (substituting for Cllr Yeulett), M Rouse, M Smith (substituting for Cllr Kenney), P Topping, J Whitehead (Chairwoman) and J Wisson

**Apologies:** Councillors P Clapp (Cllr Ashcroft substituting), Kenney (Cllr Smith substituting), Onasanya (Cllr Kavanagh substituting) S van de Kerkhove and F Yeulett (Cllr Orgee substituting)

The Chairwoman extended a special welcome to Councillor Peter Topping, attending his first meeting as a member of the Committee.

### **61. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **62. MINUTES 9<sup>th</sup> DECEMBER 2014 AND ACTION LOG**

The minutes of the meeting held on 9<sup>th</sup> December 2014 were confirmed as a correct record and signed by the Chairwoman.

With regard to the Action Log, the Executive Director: Children, Families and Adults provided the following updates:

Item 56/Home to School Transport – the current rate was 45p per mile, but a reduction to 40p per mile was being investigated.

Item 56/Performance Indicator on ‘participation’ – it was confirmed that the definition of participation in part time education was 280 guided learning hours per year.

Item 58/Emotional Wellbeing and Mental Health Strategy – two Board meetings would be taking place shortly, at which the issues raised by the Committee would be presented. The outcome of those Board meetings would be reported back to the Committee.

The Action Log was noted.

### **63. PETITIONS**

No petitions had been received.

## 64. SCHOOLS FUNDING FORMULA 2015/16

The Committee considered a report outlining the Dedicated Schools Grant (DSG) Allocations published by the Department for Education (DfE) on 17<sup>th</sup> December 2014. The Schools Finance Manager advised that the total estimated Schools Block had increased by approximately £28.6M over the 2014/15 allocation, due to a combination of the Fairer Funding per pupil increase and the net increase in pre-16 pupil numbers. The overall DSG figure also included an unexpected net increase of £395,000 relating to the High Needs Block (HNB). It was confirmed that the Exceptional Premises factor applied to five schools.

Arising from the report, Members:

- noted the proposal not to increase the Lump Sum from £150,000, despite the national criterion that the maximum was now £175,000, but asked if schools could now request £175,000? Officers confirmed that the £150,000 Lump Sum had been set in consultation with the Schools Forum, and was one of the highest Lump Sum figures set by Local Authorities, most authorities averaged £110,000. It would not be viable to increase this to £175,000 per school;
- queried whether the additional amount of £200,000, for Special Schools, reflected those Schools' needs. Officers explained that the additional funding was to support the purchase of equipment, and that the details of how the centrally administered scheme would operate were being finalised;
- noted that there was no change from 2014/15 in the Primary Phase Low Attainment Formula Factor. This would only change if there was a change in the individual cohort of the school;
- queried how the relativity between phases in Cambridgeshire compared with the relativity between phases in other local authorities. Officers advised that the ratio for Cambridgeshire was 1:1.26 i.e. on a per pupil basis, the secondary sector was better funded, which had always been the case. The figures were slightly skewed by the high number of primary schools<sup>1</sup>;
- queried the balance between primary and secondary. It was confirmed that the rationale for the balance derived from when the Council operated an activity led model. The Schools Finance Manager confirmed that he was happy to revisit this balance to

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<sup>1</sup> Following the meeting, the Schools Finance Manager advises "Published DfE data based on 2014-15 schools block funding formulae shows the national Primary:Secondary funding ratio across all local authorities as 1 : 1.27. This indicates that secondary-age pupils in a local authority receive, on average, 27% more funding per head than primary-age pupils.

Within Cambridgeshire the ratio in 2014-15 was 1:1.22 and is increasing to 1:1.26 in 2015-16. This increase is due mainly due to the inclusion/opening of new schools within the secondary phase. There are limitations with this approach as it does not take into account the number and size of schools within a local authority area.

Within the Cambridgeshire Local Formula the current weightings between basic entitlement values are 1.00:1.41:1.83 (Pri:KS3:KS4) which have been maintained from the weightings calculated from the original Activity Led Resource (ALR) model which was used up until the 2012-13 financial year. The national Minimum Funding Level (MFL) amounts used by the DfE apply a weighting of 1:1.37:1.56 (Pri:KS3:KS4) so are less generous to the Secondary sector whereas recent F40 research proposes 1:1.34:1.62 (Pri:KS3:KS4).

Any changes in the ratio in 2016-17 would result in movement between sectors."

see if it was still reasonable.

It was resolved unanimously:

to approve the local schools funding formula, prior to submission to the Education Funding Agency (EFA).

**65. CAMBRIDGESHIRE COUNTY COUNCIL AND CLINICAL COMMISSIONING GROUP (CCG) PERSONAL BUDGET POLICY FOR CHILDREN AND YOUNG PEOPLE AGED 0-25 WITH SPECIAL EDUCATIONS NEEDS AND DISABILITIES (SEND)**

The Committee considered a report on the proposed introduction of a Personal Budget Policy for Children and Young People aged 0-25 with Special Educational Needs and Disabilities (SEND), as part of the requirements of the Children and Families Act (2014).

The main difference between the Statement of Special Education Needs ('Statement') and its replacement, the Education, Health and Care Plan ('EHC') was that the EHC included information about health and social care support, as well as information on educational provision. The tried and tested system used by adult social care to allocate personal budgets would be adapted to manage personal budgets. The policy had been developed jointly with the Clinical Commissioning Group (CCG) and the proposals had been shared widely with schools, parents/carers and other partners, and feedback had been integrated into the policy.

Arising from the report, Members:

- noted that young people with drug/alcohol issues were excluded from holding a Direct Payment, and asked if the Authority had programmes and policies for helping those young people and their families. Officers outlined the range of support options that could be provided, including an advocacy service for young people. It was clarified that the exclusion of young people with drug and alcohol issues was set out in the national guidance;
- asked what risks were associated with putting this model in place. Officers reassured Members that there were very few risks: the Plans were discussed and agreed with parents, professionals and schools, as well as the young people involved. The Plans were very clear on how the personal budgets would be spent, and there were rigorous reviews and monitoring. The Executive Director added that the biggest hurdle in the introduction of Personal Budgets in Adult Services was staff getting used to the new approach;
- noted that the Pupil Premium was a separate allocation, made directly to the school, although in practice there may be some slight overlap in how the Personal Budget and Pupil Premiums were spent;
- asked if the management of Personal Budgets after Year 11 by the young person was fixed by national legislation. It was confirmed that this was the case, and that as the Plan had to be agreed by all parties (parents, school, etc) there was no risk that it would be spent inappropriately;
- asked what would happen if demand for Personal Budgets was so high that it exceeded the available budget. Officers explained that the existing funding was

sufficient, and there would only be an issue if a significant number of additional young people came forward;

- noted that up to £16,000 of funding was available for each young person, £6,000 of which was schools funding;
- queried whether a Third Party Managed Arrangement (i.e. a charity or other organisation given funding) could charge commission. Officers confirmed that there was a flat rate fee;
- queried the section of the draft policy which stated that *“Direct payments may only be made to an intended recipient if the person (a) appears to the local authority to be capable of managing direct payment..”* specifically how the judgement was made on ‘appears’? Officers confirmed that this was quoted from the statutory regulations, and was a judgement made by the relevant professionals on the young person’s capacity;
- asked if the administration of Personal Budgets would cost the Authority more or less than the existing processes. Officers commented that it was not expected to be more onerous, but it was difficult to know, as there had been no requests to date. The meetings were already taking place, so there was no additional resource implication in that sense. It was also noted that people were generally very careful in how they spent personal budgets, and the issue was usually underspending the budget, not overspending. Any monies unspent as a result of a young person/family identifying a more economical provider was recouped by the Authority, not the family;
- requested that the Committee be updated on progress in 12 months time.

It was resolved unanimously:

to agree the draft Cambridgeshire County Council and Clinical Commissioning Group (CCG) Personal Budget Policy for Children and Young People aged 0-25 with Special Educational Needs and Disabilities (SEND).

## **66. EDUCATIONAL PERFORMANCE IN CAMBRIDGESHIRE**

A report was considered on the educational performance in Cambridgeshire at each Key Stage. The Service Director: Learning gave a presentation, and highlighted the following points:

- the differences between boys and girls in terms of attainment at each Key Stage;
- the performance of vulnerable groups, including the pleasing improvement of performance for central/eastern European children at Early Years Foundation Stage and Key Stage 1, in particular;
- that Key Stage 2 performance remained the greatest challenge for Cambridgeshire’s schools, despite improvements this year;
- that 16 primary schools and four secondary schools in the county were “below the floor” i.e. had below standard results across key subjects;
- the difficulties in drawing comparisons on Key Stage 4, due to the change this year to the *first time* children take exams. Cambridgeshire’s 55.5% performance for first entry GCSE was above the national average, but below its statistical neighbours.

In discussion, Members:

- commented that it was not a level playing field, in that some schools attracted the best performing children, to the detriment of other schools;
- noting that all but one of the county's secondary schools were Academies, expressed frustration that whilst the Authority was accountable for performance, it had no real powers of intervention in the secondary phase, in could only raise its concerns about standards with the Regional Commissioner and/or Ofsted. The Service Director advised that the Regional Commissioner had called a meeting of all secondary schools headteachers and chairs of governors, due to concerns about the low proportion of children attending Ofsted rated 'Good' and 'Outstanding' schools in the county. The DfE had also expressed concerns about the apparent isolation of a number of stand-alone academies in the county: the DfE was encouraging secondary schools to collaborate and support each other, and to consider joining a multi-academy trust;
- discussed the value of tracking a cohort as they progressed through the school system. Officers advised that this had been done previously, and whilst it was a valuable exercise, it did not explain the full range of issues;
- discussed Cambridgeshire's good performance at the Baccalaureate, noting that the curriculum across Cambridgeshire had been very compared to other local authorities, so its young people arguably were well positioned to be successful against this measure;
- queried whether Cambridgeshire had a disproportionate number children attending independent schools compared to other counties, which could skew the statistics? The Service Director confirmed that Cambridgeshire did have a slightly higher percentage of children attending independent school, and that their results were excluded from the figures presented;
- discussed the gender gap in performance, noting that this was very much a national picture, but should still be addressed. It was agreed that this should be a subject for a future Member Seminar, and also Child Poverty. **ACTION: Dawn Cave to arrange.**

The Service Director commented that one action that worked well in the primary sector was the identification of emerging problems: a much more rigorous system had been put in place to identify trends, so that surprises could be avoided, through Improvement Advisors working with teachers and children in classrooms. This type of good practice and intervention worked well, as did schools working in partnership. Regrettably, the Authority could not support Academies in this way – even if they needed assistance, the Authority did not have a team of secondary advisors and consultants. The only option available was to discuss concerns with Headteachers, Ofsted and the Regional Commissioner. In response to a Member question, the Service Director advised that a LA traded service for secondary schools would not be economically viable, and he gave examples of the complicated quasi market that existed.

A Member expressed disappointment in the results in the report, commenting that as a forward looking county, Cambridgeshire should be achieving better results, and the reasons for the disappointing results should be identified. He noted the well-rehearsed criticism of Academies by other Members, but felt that these issues predated that.

A number of Members commented that they were concerned about these behaviourally challenged young people, and believed that the Academy movement had made it more

difficult because of the lack of support. It was suggested that the overall performance figures masked geographical differences, with some parts of county performing better than others.

It was suggested that the Committee established a review working party to examine their concerns about school performance. It was pointed out that whilst the Authority was limited in what it could do about performance in secondary schools, it could influence, and noted that secondary headteachers sometimes complained about pupils coming through from primary schools, as illustrated by the disappointing Key Stage 2 results. It was suggested that teacher demographics could also have a significant impact on performance. Officers confirmed that they would be happy to work with a review working party to investigate the issues of Key Stage 2 performance. **ACTION: Adrian Loades and Keith Grimwade to provide Spokes with a plan on how this could be taken forward.**

In response to the suggestion that a 'Peer Review' approach was taken, it was noted that the Authority was subject to a Peer Review last March as part of a cycle of peer reviews in the Eastern region, and that results of that peer review had been considered by Cabinet. **ACTION: Adrian Loades to arrange for Cabinet report to be circulated to Committee.**

It was resolved to:

note the findings of the report.

## **67. CHILDREN'S JOINT COMMISSIONING WITH HEALTH BOARD UPDATE**

Members received an update on work progressed regarding the Children's Joint Commissioning arrangements with Health partners, which had been in place since May 2014. The report also covered workstreams including the Healthy Child Programme and the CYP Emotional Wellbeing and Mental Health Strategy. The Service Director: Enhanced and Preventative Services commented that the Board brought together key players from partners, and there was a strong level of commitment and engagement.

Councillor Nethsingha spoke as the Chair of the Health Board. She explained a key objective for the Board was understanding what was provided for children in Cambridgeshire, and that this process of mapping provision was incredibly complicated. There was also scope to avoid duplication between partners who were writing very similar documents. However, she expressed concerns regarding the apparent proliferation of joint strategic boards more generally.

In response to a Member question, Councillor Nethsingha advised that she did not believe there was much duplication of contracts, but it was suggested that the area for efficiencies could be where similar contracts were being delivered to different families. The Board would also have a valuable role in monitoring contracts in future.

Noting that a programme/project management structure was being set up, a Member asked if there were specific milestones or performance indicators where progress could be demonstrated. It was noted that the Board was at an early stage, but this issue could be discussed at the Board's development day and forward programme.

Members were pleased to note the Board objective to develop a Single Point of Contact

for professionals, schools and families offering advice, guidance, information on mental health issues and signposting to appropriate services.

It was resolved to:

note the work of the Board.

## **68. SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) COMMISSIONING STRATEGY**

The Committee considered a report on the draft Special Educational Needs and Disability (SEND) Commissioning Strategy. The Strategy would provide the Authority with a robust strategic framework to address the increasing demand for SEND provision arising from population growth and current trends of increasing need, as well as providing a framework of best practice, ensuring that a child stayed in their family and community, accessing the services and support they required.

The Strategy had been shaped by the comments, views and participation of a wide range of stakeholders, including schools. It was stressed that it was very much a high level, strategic plan, and further detailed plans were being developed for specific areas e.g. Autistic Spectrum Disorders.

Arising from the report, Members:

- noted that only 45% of respondents agreed that the actions identified in the draft SEND Commissioning Strategy were clear enough. Officers commented that the detailed plans which sat beneath this high level strategy would provide that level of detail;
- observed that those children and young people rejected by their peer group were at greater risk of crime and a range of poor outcomes;
- noted that 18.4% of the Cambridgeshire school population was classified as having a special educational need or disability, and asked why this was greater than the national average (17.9%). Officers commented that this could be attributable to a wide range of factors, including the historic low level of funding for Cambridgeshire compared to most authorities, meaning that the desirable level of support had not been available for many children to provide early intervention. It was also possible that other authorities classed those children as “lower attaining pupils” rather than having SEND. There were also demographic issues, particularly in the areas with the highest level of deprivation.

It was resolved to:

agree the strategy and the proposals to refocus our resources to give a greater emphasis on early intervention to reduce demand and high cost provision by:

- a) commissioning and delivering services that enhances the resilience and capacity of families and communities, including schools and other universal providers, to meet needs;
- b) targeting resources to ensure evidence based interventions are part of our early help and SEND specialist services offer to prevent needs escalating within the family, education setting, and/or community;

- c) increasing the robustness and clarity about the thresholds we use for determining the allocation of additional funding and resources for children and young people with SEND;
- d) ensuring children have the right placement allowing them to stay in their family and where this is not possible that a placement is close to their home and community;
- e) undertaking more detailed plans for delivering the overarching commissioning strategy that will come for approval to Children and Young People Committee in May 2015.

## **69. THE FUTURE OF THE CAMBRIDGE AND WISBECH LEARNING BASES AND THE QUALITY ASSURANCE OF ALTERNATIVE EDUCATION**

The Committee considered an update on the plans for the Cambridge and Wisbech Learning Bases of the County school, and also on the plans for quality assurance of alternative provision.

With the exception of the County School bases in Cambridge and Wisbech, formed by the amalgamation of the three Pupil Referral Units in the county, schools in most parts of the county were now managing more behaviourally challenging young people themselves through the provision of on-site individually tailored curriculum offers. The quality assurance policy set out the robust arrangements that the Authority has in place to assure that a sufficient level of provision was provided to pupils accessing alternative provision commissioned by those schools managing those young people themselves.

Arising from the report, Members:

- queried progress in Huntingdonshire. Officers advised that schools had made some investment in their own arrangements, and were optimistic about their ability to cope. However, it was early days and there were still some challenges;
- asked what the provision was for those areas and schools not covered by the Cambridge and Wisbech bases of the County School. Officers explained that those schools in other parts of the county had taken the decision to arrange their own provision, for which they had the funding. In response to a query about the risk of young people slipping through the system, officers explained that the system was designed so that accountability of the school was absolute, and this was set out in the Quality Assurance policy;
- expressed concern about this group of young people, and asked what would happen if a suitable sponsor did not come forward;
- noted that Ofsted inspectors often expressed considerable interest in young people being educated off site;
- noted that these pupils were the responsibility of the catchment school, which could be an issue e.g. if there was a private children's home or women's refuge in the catchment area. Schools were encouraged to work in partnership, which gave strength and depth to their provision arrangements;
- noted that where a pupil was transferred to another school, the original school paid transport costs;



- noted that home educated children were not on the school roll and were not included in these arrangements. Families who take the decision to home educate following difficulties with schools were more of a concern for the Authority. It was confirmed that home tuition was not subject to Ofsted reviews;
- noted that government guidance was emphatic that the Local Authority should *not* provide the alternative provision.

The Executive Director commented that he shared the concerns Members had expressed, observing that before the changes had been made, there were 770 children and young people out of school (all secondary), and now there were just two bases.

It was resolved unanimously to:

- a) note progress towards a sustainable future for the Learning Bases;
- b) approve the quality assurance policy

## **70. FUTURE MANAGEMENT AND GOVERNANCE OF THE OASIS DAY NURSERY, WISBECH**

A report was considered on a proposal for the Authority, via the Early Years Service, to continue to govern and manage the Oasis Day Nursery in Wisbech until such point that Orchards Church of England Voluntary Controlled Primary School was in a position to take on those responsibilities.

The Nursery had opened in March 2005, and whilst initially under the management and governance of Wisbech Community Development Trust (WCDDT), the Authority had taken on responsibility. The Nursery had required a great deal of support and intervention to address issues such as quality and financial sustainability. The Authority had continued to manage and govern the Nursery, but it had been agreed that tenders should be sought from third parties to take over the Nursery. The Nursery was increasingly successful and had received a good Ofsted rating, but due to failing to agree the terms of a lease with WCDDT, it was not possible to pursue a tender process to find a new service provider. A longer term option was the Nursery being managed by the neighbouring school (Orchards Church of England Voluntary Controlled Primary School), but those discussions were at early stages.

In discussion, Members:

- noted that the Nursery was no longer being subsidised by the Authority, and had generated a small surplus this year. However, there was no capacity to expand the Nursery on the current site, which was one reason why the Authority was keen to involve the neighbouring school;
- discussed potential risks of this situation drifting on, and proposed imposing a review date. Officers commented that this would be helpful, not least in terms of the place planning aspects;
- noted the proposal had the support of local people and the local Member, Councillor Clapp;

- noted that there had been some unfortunate press coverage, including references to a 'takeover' of the nursery by the Orchards School, which the Authority and Headteacher of the Orchards were keen to correct;
- noted a report of inaccuracies in the report submitted by Chris Stevens from the WCDT, including reference to the Nursery opening in November 2005.

It was resolved:

1. that the Authority (via the Early Years Service) should continue to govern and manage the Oasis Day Nursery in Wisbech until such point that Orchards Church of England Voluntary Controlled Primary School is in a position to take on these responsibilities.
2. that the Committee receives a report on future arrangements within the next two years.

## **71. FINANCE AND PERFORMANCE REPORT**

The Committee considered the November 2014 Finance and Performance report for Children's, Families and Adults (CFA), outlining the financial and performance position as at the end of November 2014. The report included areas covered by the Adults Committee.

Members noted the following points:

Children's Social Care – a significant overspend of £697,000 was forecast for 2014/15. Members discussed the recruitment of permanent staff, as opposed to the use of costly agency staff. Officers advised that Cambridgeshire had signed up to a concordat with other authorities in the Eastern region, to reduce the use of agency staff, and not poach staff from other authorities. It was noted that whilst offering lower salaries for social workers, the Council had a lower vacancy rate than many peers, so salary was clearly not the most important issue for prospective recruits.

Legal Proceedings – the Committee was pleased to note that the overspend had reduced by £100,000, to £150,000, in November, mainly as a result of greater use of in-house knowledge.

Safeguarding and Standards – the overspend (£158,000) was also mainly attributable to the continued use of agency staff.

Children Looked After – an underspend (£208,000) was forecast, but there had been a recent increase in the number of Unaccompanied Asylum Seeking Children (UASC) in the county. Officers outlined the ways in which age was estimated, and confirmed that the authority in which the child was identified was the responsible authority.

Catering, Cleaning and Groomfield Services – services were currently being restructured. It was noted that the numbers of children taking school meals was increasing, e.g. as older siblings of KS1 children now receiving meals were also taking up meals.

Commissioning Services: Out of School Tuition – this budget was forecast to overspend by £350,000, due to increasing problems moving Statemented children from one school to

another. This resulted from a dwindling number of headteachers willing to take pupils with significant behaviour problems, especially in primary schools. Members commented that the increase in behaviour problems at primary level was a worrying trend.

In discussion, Members:

- noted that the actual current average cost of care for Looked After Children (in-house residential) was £2,795 per week, and that there was an opportunity cost of that provision not being used;
- discussed the high level of Statementing, and noted that the officers that dealt with Statementing were very clear on the criteria and which children should be Statemented. However, an increasing number of parents were challenging Statementing decisions through tribunals. A Member commented that it was very difficult for schools and parents to secure Statements, and it would be undesirable for that process to become more difficult;
- noted that the General Purposes Committee had proposed that the Working Group on Community Transport should be expanded to include Home to School Transport, which was a significant area of concern. Members noted that there would be a 2.9% uplift on all contracts, and queried this in relation to the recent substantial price falls in oil prices. The Executive Director advised that this 2.9% uplift would be re-examined. Members also discussed how the changes curriculum offered in post-16 education at schools e.g. in Ely and March could result in young people having to travel much further to the nearest available centre offering their chosen course, which was having an impact on overall education transport costs. However, in response to query on expanding post-16 provision, officers advised that there was currently a surplus of provision at post-16 so any bid for funding for additional provision was unlikely to be successful. Members also discussed how this tied in with City Deal, and how young people should not be penalised in their education and career aspiration because of where they live.

It was resolved to:

review and comment on the report

## **72. CHILDREN AND YOUNG PEOPLE COMMITTEE AGENDA PLAN AND APPOINTMENTS TO OUTSIDE BODIES**

Members received the agenda plan for the Children and Young People Committee, and noted changes that had been made since publication:

The following items had been removed from the March agenda: (i) Together for Families and (ii) Coram Voluntary Adoption Agency (both to be dealt with outside the Committee; (iii) Secondary Educational Provision to serve Huntingdonshire and (iv) Fenland Secondary School Review (both reports to move to the May meeting). The following two items had been added to the March agenda (i) Serious Case Review Action Plan and (ii) Consultation on the future governance arrangements for two schools serving the primary sector in March.

The Post-16 Transport review, scheduled for July, would now be considered at the June meeting.

It was agreed that Spokes would identify how to deal with the Key Stage 2 report.

There was a general discussion about the volume of items being considered by the Committee, and whether it was realistic to only meet once every two months. The majority of Members favoured monthly meetings, where the workload dictated this. Officers were working to provide reports by email, where they did not require a decision from the Committee.

It was resolved to note the agenda plan, including the updates reported orally at the meeting.

Chairwoman