

## Children and Young People Committee: Minutes

Date: 19 January 2021

Time: 2.00pm – 4.45pm

Venue: Virtual Meeting

Present: Councillors Ambrose Smith, Bywater (Chairman), Downes, Every, Hay, Hoy (Vice Chairwoman), Nethsingha, S Taylor, Whitehead and Wisson

Co-opted Members:

A Read, Church of England Diocese of Ely

F Vettese, Roman Catholic Diocese of East Anglia

### 384. Apologies for Absence and Declarations of Interest

There were no apologies for absence or declarations of interest.

### 385. Minutes – 1 December 2020 and Action Log

The minutes of the meeting on 1 December 2020 were approved as a correct record and would be signed by the Chairman when the Council returned to its offices. The action log was noted.

### 386. Petitions and Public Questions

No petitions or public questions were received.

## Key decisions

### 387. School Building Standards and Specifications

The Committee considered the standards for the future construction of new schools and major extensions to existing schools in the key areas of building costs, the size of school buildings and the use of Department for Education (DfE) area guidelines, the output specification for the building, and the implications of national and local policy on the climate emergency and the de-carbonisation of construction. Members were advised that it was important to keep the standards and costs under review as they fed directly into the Council's five-year capital programme, and formed part of negotiations with developers and District Councils for section 106 and CIL contributions towards the capital costs of new and expanded schools. The Council was currently using two different Building Bulletin (BB) standards depending on the source of funding, which was far from satisfactory. It would, therefore, be beneficial to agree a single standard and a proposal for doing so was included in the report. It was noted that there had also been a higher number of emergency incidents in schools this year leading to concerns about the overall condition of the maintained schools estate.

Attention was drawn to the main issues set out in the report relating to the history of school building guidance, building costs, area guidelines, output specification, general building requirements, sustainable school buildings, the condition and maintenance of existing school buildings, fire safety and suitability. Members were advised that it was proposed to adopt the National School Benchmarking Data Report (NSDBR) costs, which was the most effective in measuring build costs and would enable proper comparisons to be made with other authorities. It was also proposed to use BB103 area guidelines and the flexibility provided within them to respond to the different organisational and learning needs of our schools but also meet the requirements of existing schools and those in new developments which were required to meet a high standard of design by the local planning authorities. Following a query from the Capital Programme Board linked to the recent number of emergency property incidents, consideration would be given to the establishment of a needs-based approach budget for condition works to the maintained schools estate. Members were advised of an approach being taken to apply near zero carbon buildings (NZEB) to a live school building project; officers were also working with the Energy Team to replace boilers, for example, with a more sustainable/renewable heat source in existing schools at the point at which existing boilers required replacement.

Individual Members raised the following issues in relation to the report:

- noted that the ability to use the whole BB103 area range, particularly the top end, for a given size of school would enable the Council to build schools of a comparable size to what it was currently building. It was acknowledged that the focus was sometimes on the minimum of BB103, which would provide approximately 15% less in overall area than the previous standard. Members were informed that the upper end of BB103 did cross over with the bottom end of the previous range. The Council would therefore not necessarily be building smaller but would use the flexibility within that range to address the perceived two tier approach to provide more equity between new and existing schools. It was noted that BB103 did not impose constraints limiting flexibility but instead would enable the Council to satisfy the planning requirements of new developments and the organisational needs of existing schools.
- expressed concern that the proposed change to BB103 would reduce the size of classrooms in new schools. Although the Council could use the upper end of the BB103 range, there was concern that developers in challenging Section 106 negotiations would opt first to use the bottom end. It was suggested that new schools in Cambridgeshire were long term assets for the County, and large classrooms made a significant difference to the quality of education and health of pupils. Members were informed that the difference between the two standards was not entirely down to area but could be due to Urban Design Code for example. It was noted that some of the extra cost did not actually go into floor space but went into volume and building height instead. It was acknowledged that the Council did not start a negotiation at the bottom end but would keep to the previous approach of starting at the top end in order to remain consistent with what it had delivered before.
- suggested that moving to BB103 would make it more difficult for the Council to hold its line against developers. The importance of the Urban Design Code and height

and value was highlighted as they all had an impact on whether these schools would be high quality buildings valued by their communities for decades to come. Other Members highlighted the need to be realistic as bigger classrooms and delivering NZEB was more expensive. The DfE was also constantly pressuring the Council to reduce costs. Therefore the Council needed to balance against what it wanted and what it could afford to deliver.

- welcomed the proposal to have a review of the way in which the maintained estate was managed in order to ensure sufficient school maintenance was being carried out to maintain schools to their current condition or to stop them falling behind. It was felt that the current quality of school buildings was gradually deteriorating which was why the number of emergencies was increasing. If that was the case, it was questioned whether there would be more support from central government for that increased maintenance requirement. Members were informed that there might not be an increase in government support arising from the review. It was possible that there could be increased condition allocations in the future as the DfE was trailing the possibility that the condition funding allocation to responsible bodies (including local authorities) would be increased nationally. However, it was not clear how that would translate to Cambridgeshire. It was noted that officers could submit a bid to the Capital Programme Board to improve or maintain the current estate which would be considered as part of the business planning process. The Director of Education reminded members that Cambridgeshire schools were some of the lowest funded in the country so their revenue budgets for maintenance were limited. He acknowledged that the situation was challenging but highlighted the importance of prioritising existing stock over new schools to avoid a maintenance legacy in the future.
- queried whether officers had considered the wider implications of adopting BB103 in the autumn of 2019 on teaching and learning and other Council policies such as those on the climate emergency. Members were reminded that some examples were included in the report. The Council would be using the flexibility to respond to school organisational issues such as classes with more than 30 pupils. There was also the need to think about inclusion in mainstream and what it might mean for a school such as the need for more small group spaces to deliver targeted intervention work with pupils. Members were informed that neither standards reflected the climate emergency targets set by the Council. A new approach set aside from the current standards to reflect NZEB would be needed. Attention was drawn to the design process for Alconbury Weald to meet the Council's new targets in this area, which would identify the costs and the necessary business case to support the investment of the additional capital spend it might require. Members requested details of the costs for the Alconbury Weald development when available. It was noted that the Committee could receive a report at its meeting in the spring at the end of the milestone 2 process. **Action Required.**
- welcomed the £40m investment in schools in Littleport and highlighted how well the Building and Design Partnership had worked. However, it was noted that the energy costs of the buildings were extremely high particularly as maintaining the equipment needed professional expertise. It was queried how these costs would be monitored and measured in the future. It was noted that there were areas of poor build quality which had given the leaseholder problems with little redress back to the developer.

Members were reminded of the proposal considered at the November meeting to re-procure a local Cambridgeshire Design and Build Contractor Framework. It was acknowledged that some of the systems in place to deliver sustainability were more complex. The Council was looking to address this issue as part of the re-procurement using a system called 'Soft Landings' where once the building was finished there would be an overlap of a year with the occupier of the building to support staff training and use and understanding of the systems. Members were informed that it would be included in the specification for contractors as part of the contract.

It was resolved unanimously to:

- a) Approve the proposal that the Council adopt the updated average of the range published in the National Schools Benchmarking Data Report (NSDBR) comparison measures as the target cost per square metre for the construction of school buildings, for both new builds and extensions.
- c) Adopt the DfE building output specification subject to agreement of the variations set out in section 2.4 of the report.
- d) Agree that the costs of meeting policy and regulatory requirements on climate change, the environment and planning that fall outside the standards adopted in a) to c) above are identified separately with additional capital investment subject to the satisfactory conclusion of a supporting business case. That for existing school buildings, central Government grants continue to be sought to fund the replacement of gas and oil heating systems with more sustainable solutions.
- e) Agree that current work continues on establishing a needs-based budget for school maintenance and condition works for consideration in the 2021/22 annual review of the capital programme.
- f) Agree that any change on the current policy in terms of the provision of fire suppression measures in new and extended schools (sprinklers) await the conclusion of the current DfE review of fire management policy for schools

It was resolved by a majority:

- b) Reaffirm the decision taken in the Autumn of 2019 to use DfE BB103 area guidelines, but allow the use of the flexibility it provides to ensure that the building solution best reflects the educational requirements of the school on a project by project basis.

### 388. Schools and Early Year's Funding Arrangements

The Chairman reported that he had accepted this as a late report on the following grounds:

1. Reasons for lateness: The report was delayed in order to provide the Committee with the most up to date information possible on the outcome of the disapplication

request made to the DfE and the recommendations made by the Schools Forum at its meeting on the morning of 15 January 2021.

2. Reason for urgency: It was essential this report was discussed at Committee in January to ensure the statutory deadline for submission to the DfE of 21 January 2021 was met.

The Committee received a report on the 2021/22 Dedicated Schools Grant (DSG) allocation for Cambridgeshire published by the DfE in December 2020. The report focused on the Schools Block and Early Years Block within the DSG and the associated funding formula to be applied for Cambridgeshire. Members were informed that all schools would receive the statutory minimum per pupil levels, and the rates schools would be funded were as set out in the national funding formula. Some schools would receive reductions in funding due to falling rolls; there were less children in the primary sector compared to last year with an increase now in the secondary phase. Members were also advised of the need to amend £100k to £93k in the split site at the bottom of Appendix A.

Attention was drawn to the £7m increase in the High Needs Block, which was still significantly lower than the required increase to meet current pressures. The cumulative deficit at the end of 2020/21 would be £27m+ and in the region of £38m by the end of the 21/22 financial year. A disapplication request had been submitted to the Secretary of State for Education for a transfer of funding of 1.0% between the Schools Block and the High Needs Block, following the rejection of this proposal by Schools Forum, but it had not been approved. Members were informed that there was unexpected “headroom” of approximately £634k in the funding arrangements. The Schools Forum had approved the transfer of this headroom to the High Needs Block, which would allow the local authority to delay the proposed consultation on the reduction of high needs top-up funding until later in the year.

The Director of Education reported that he was extremely concerned about the early years’ sector, which was a sector driven by registrations and attendance. Covid 19 had impacted on take up and a number of proprietors were struggling with costs associated with the pandemic. Additional funds would therefore be targeted at this sector through the Covid grant or DSG in order to meet sufficiency requirements going forward. It was noted that Members would receive a briefing note on that proposal. **Action Required.** In addition, the Committee was informed that the additional supplementary funding for maintained nursery schools would continue in 21/22.

Individual Members raised the following issues in relation to the report:

- queried whether smaller schools with falling rolls would receive less funding. The Director of Education reminded the Committee that the Council had met the national funding formula. However, he acknowledged that small schools were under pressure, as the Council did not have the ability to target funding given that the majority of funding was directed at pupil numbers.
- expressed concern about paragraph 4.7 of the report where it appeared that schools in more deprived areas would receive less funding. The Director of Education drew attention to the analysis in the report confirming this was the case.

He reminded the Committee that the Council could not change the national funding formula. Whilst schools in deprived areas would receive more of the current funding than schools in affluent areas, the new funding was aimed at rebalancing historic differences between these schools so schools in affluent areas would receive more new funding year on year.

- queried whether the motion from Council to the DfE regarding the need for flexibility in the funding arrangements had made a difference. The Director of Education reported that he had made at least three unsuccessful representations to DfE this year regarding the failings in the funding arrangements. It was noted that there was a drive to move to a national formula where the local authority would not have a role in setting the local funding arrangements. The Council would make representations on this issue again as part of the consultation for next year.
- queried the impact of the deficit in the High Needs Block on the Council as a whole as it could not be allowed to continue to rise indefinitely. It was noted that the Council had the seventh worst deficit in the country. The Director of Education reported that the DfE had confirmed that the Council's activity and approach in this area was in line with its expectations. He had requested but not received any rationale from the DfE for the refusal of disapplication request. It was noted that he had reiterated to the DfE that the cost of borrowing of approximately £500k to £700k to fund this gap was being borne by the Council Tax payer. He confirmed that he would write again but had been told that the DfE was too busy dealing with the pandemic to respond. It was noted that there had been a change to the accountancy regulations to support how deficits were managed so the Council would not be challenged on this deficit.
- queried how much difference the "headroom" of approximately £634k would make to the potential £38m deficit. The Director of Education reminded the Committee that as part of the Special Educational Needs and Disability recovery plan, the Council was proposing to reduce top up funding for Education, Health and Care Plans by 10%, as it was higher than the national average (this would save approximately £1.4m). The headroom would delay the implementation of those changes until at least January 2022. It was acknowledged that other local authorities were in a similar position. The Director of Education reported that representations had been made by the F40 group, the Council had written to the Local Government Association and spoken to its local MPs who had made representations to the Secretary of State. Unfortunately, the promised review of High Needs Block funding had not taken place. Members were informed that over 50% of local authorities were in deficit; some authorities had a bigger deficit relative to the percentage of budget.

The Chairman thanked the Schools Forum for taking the decision in relation to the "headroom" and the officers for their work on this issue.

It was resolved unanimously to:

- a) Approve the formula factors and unit values to be applied in the local Cambridgeshire funding formula, for primary and secondary mainstream schools as set out in Appendix A.
- b) Approve the proposed hourly rates for Early Years settings as detailed in section 5.2.

## Other Decisions

### 389. Finance Monitoring Report: January 2021

The position to the end of November 2020 showed a net improvement to a revised overspend of £11,516k which was around 4.2% of budget. Children in Care Placement costs were beginning to rise due to the complexity of need rather than numbers. It was expected that these costs would continue to rise in the current financial year and continue into next year. This needed to be balanced against the increasing underspends in Children and Safeguarding. It was noted that a Section 256 agreement had been put in place with the Clinical Commissioning Group to provide health funding of £350k to fund overnight and residential short breaks for the next two years. Members were informed that the Council had received a specific grant from the Ministry of Housing, Communities and Local Government (MHCLG) to cover lost income during the pandemic.

One Member drew attention to paragraph 2.1.8 of the report which detailed overspends in services that schools would normally pay for. It was queried whether these overspends would be absorbed so that these services would be available to schools once the pandemic was over. It was noted that the Council had claimed some grant from the MHCLG to cover a proportion of this lost income. A number of the services had also been able to offer different delivery models. The Council was therefore not looking to cut any of these services. The Chairman added that staff in the Outdoor Centres were looking to minimise costs in order to be in a better position in the future.

It was resolved unanimously to review and comment on the report.

### 390. Service Director's Report: Education

The Committee considered an overview of the activity in the Education Directorate during the Covid-19 situation. The Director of Education reminded Members of the challenges experienced in getting schools open after Christmas and then the closure with the reopening of schools for vulnerable children and those of critical workers only. He drew particular attention to the tremendous response of schools and early years' settings. The number of children in Cambridgeshire schools was reasonable and appropriate. In presenting the Key Stage 4 and 5 Outcomes, GCSE and A-Level data, he gave a warning about comparisons with previous years and the national position. It was noted that at individual pupil level, the results were in line with the expectation of the school. Members were informed that a consultation on this issue was taking place regarding next year and he would report back to a future meeting of the Committee.

Members thanked the Director of Education and his Team for keeping them well briefed. The Committee acknowledged that the Council had worked very closely with schools to support them in what had been an unbelievably difficult situation for Headteachers, teachers, parents, governors and pupils. Attention was drawn to the amazing work schools had done to get online learning up and running so quickly. There was also a significant improvement in the quality of learning compared to previous lockdowns. The impact on children particularly those who lived in a less stable environment was highlighted. There was real concern about the long term mental health damage to children which would need to be considered in the future. The Director of Education reported that the Council had provided a significant amount of support to schools in relation to mental health but acknowledged that this would be an issue for the Committee.

Individual Members raised the following issues in relation to the report:

- queried how the Committee could contribute to the debate to have all teachers vaccinated by February half term. The Executive Director: People and Communities reported that regionally the Association of Directors of Children's Services was lobbying hard for teachers to be vaccinated. It was noted that the Committee would be kept updated. At the moment the Council was awaiting Government guidance in this area.
- queried the figure for South Cambridgeshire in paragraph 3.20 which stated that 5% of children were in sustained education or employment. The Director of Education advised that this figure should be 95%.

It was resolved unanimously to note the issues outlined in the paper and comment as appropriate.

### 391. Determined Admissions Arrangements 2022/23

The Committee received a report seeking approval to determine the qualifying co-ordinated scheme for admission to school and changes to the admissions arrangements for Community and Voluntary Controlled Schools which would affect the admission of children in the 2022/23 academic year. Attention was drawn to the background set out in the report relating to the consultation process for the qualifying scheme for the transition of children to each primary and secondary school in Cambridgeshire. No objections or comments had been received to the consultation documents which had focused on Published Admission Number (PAN) changes to Bewick Bridge Community Primary School, Burwell Village College Primary School and Westfield Junior School, St Ives. The consultation documents had been published on the Council's website, and the Council had engaged with parents, primaries, schools and interested partners.

One Member queried the reduction in the PAN for Bewick Bridge Community School. It was noted that this reflected a reduction in the number of children applying to local schools. The Schools Adjudicator had recently published a report on the number of primaries which were experiencing a down size due to a reduction in applications from their local cohort. The same Member queried whether the school could remain viable given the scale of reduction. It was noted that the Council did keep this information



under review and if circumstances changed the PAN could be increased in the future. The Council currently had no concerns about the viability of the school.

Another Member requested an update on the decision to approve the amalgamation of the junior and infant schools at St Ives given the proposed reduction in PAN. Members were informed that following a further review of the demographic need in that catchment area, it was not proposed to proceed with the amalgamation as fewer spaces were needed now and in the future.

It was resolved unanimously to:

- a) Determine the co-ordinated qualifying scheme and admission arrangements for all schools for whom the Council, as the Local Authority, was the admission authority as published in the consultation documents for admission to school in 2022/23.
- b) Support the proposal that a full and comprehensive review of the determined admission arrangements for all own admission authority schools was undertaken. This should include the published definitions of existing school catchment areas and admission policies for schools with a sixth form. Any issues, or concerns should be highlighted, recorded and shared with the respective admission authority for the school with a view to these being addressed immediately, where they are in breach of legislation, or as part of the annual consultation process for admission to school in 2023/24 which would commence in the autumn term of 2021.

## 392. Elective Home Education

The Committee received a report detailing the numbers of children and young people being home educated in Cambridgeshire and the characteristics of the current cohort. The background to elective home education (EHE) was noted. Members were informed that there had been an increase in the number of parents removing their children from a school roll to electively home educate partly due to dissatisfaction with schools, and recently because of health concerns relating to Covid. The changing dynamic of the EHE cohort therefore drew attention to the need to provide more vulnerable families with advice and guidance before making such a decision. It was felt that a national registration system, recommended by the Education Select Committee, would provide a number of benefits over the current arrangements. It would ensure that local authorities were aware of all families who were electing to home educate by requiring schools to inform them before children were taken off the school roll.

The Chairman reported that this issue had been raised at the LGA Lead Members Network and was primarily aimed at protecting more vulnerable children.

One Member raised a number of concerns highlighted by two parents' home educating children in her area. They had expressed concern that the local authority inspection process was just a "box ticking" exercise and did not provide any benefits to home educated families. It was felt that local authorities needed to offer an incentive to get parents to register. Whilst parents were not necessarily against registration and were content with the annual form from the local authority, there was concern as to what

would come with it. The parents had highlighted the bad press home education received from people who did not understand it. It was important not to compare it with home schooling taking place during the pandemic. It was acknowledged that there was a good relationship between the local authority and home educators in Cambridgeshire with regular meetings taking place pre-Covid. It was suggested that some home educators would engage more if practical support was offered. Home educators had highlighted difficulties in accessing exams, which had led to the establishment of the Home Education Qualification Association.

The Admissions and Attendance Strategic Manager acknowledged that Cambridgeshire probably had a better offer for home educators than other authorities. The Council had worked hard to improve its relationship with home educators over the last eight years. It had considered the issue relating to GCSE funding and supported the view of home educators. It was noted that on 15 January 2021, Ofqual and the DfE had announced a consultation, which finished on 29 January 2021, to provide a solution to enable home educators to access exams this year. The Council was working with Health to improve access to mental health and wellbeing websites. Officers were on hand to offer advice and guidance, and one to one help was available for those parents having issues. It was important to bear in mind that there was a duty on the local authority to obtain information from home educators on an annual basis.

Another Member drew attention to when the Committee had previously considered this issue. At the time it attracted a significant amount of criticism from middle class articulate parents. It was important to remember that the registration system was aimed at protecting the more vulnerable children suffering neglect and abuse. It was noted that all a parent was legally required to do was register the birth of a child. As a result the Committee had at the time agreed to lobby the DfE to force parents to register that they were home educating, which had been supported strongly by the Safeguarding Board. The same Member was therefore delighted with the proposal for a compulsory Elective Home Education registration system to protect all the children in Cambridgeshire.

One Member highlighted the reasons for parents choosing to home educate which had changed. It was felt that the Committee should be investigating these reasons in more detail in the future. Another Member expressed surprise at the number of parents who home educated due to general dissatisfaction with a school and bullying. It was suggested that the Education Achievement Board should look at this issue. Members were informed that the current system did not provide sufficient opportunity for the local authority to mediate between parents and the school before a child was taken off the school roll.

It was resolved unanimously to:

- a) Note the information and data provided with the aim of highlighting any issues and concerns regarding the data, and the approach being taken in Cambridgeshire to support this cohort.
- b) Support the proposal for a compulsory Elective Home Education registration system, which will potentially be a recommendation from the recent Education Select Committees call for evidence on Elective Home Education (sections 2.4, 2.4 & 5.5)

- c) Communicate the proposal of a compulsory Elective Home Education registration system to Ministers and appropriate Cabinet Members.

### 393. Cambridgeshire and Peterborough Safeguarding Children Partnership Board Annual Report 2019/20

The Committee considered the Cambridgeshire and Peterborough Safeguarding Children Partnership Board 2019-20 Annual Report. The Head of Service took Members through the report in detail focusing on the following priority areas which would continue into 2020/2021: neglect; sexual abuse; criminal exploitation; and learning from case reviews. Attention was drawn to changes to case reviews, which were now known as Child Safeguarding Practice Reviews. Members were advised of the impact of Covid on the Service. A suite of training briefings had been prepared which had been accessed 10,919 times since April. Social media posts relating to the mental health of children, domestic abuse, and child sexual abuse had reached over 30,000 people. Covid resource pages were available on the Cambridgeshire and Peterborough Safeguarding Partnership Board website. The Service had also worked hard with the voluntary and community sector to develop bespoke training and guidance for volunteers. It was important to note that safeguarding was continuing throughout the pandemic.

Individual Members raised the following issues in relation to the report:

- asked the Board to review the safeguarding arrangements for organisations which were offering to help people but were not registered as a charity. It was noted that there was guidance for parents signing up their children to organisations detailing what they should be considering.
- highlighted two recent criminal court cases in Cambridgeshire. It was queried whether the new system for case reviews was less rigorous particularly as one of the cases had not been the subject of a serious case review. The Committee was informed that one of the cases was the subject of a serious case review following the completion of criminal proceedings. The new system allowed for cases to be progressed more quickly, which meant that any lessons that could be learned from cases of serious abuse could be learned more quickly. All cases had to go through a panel and be independently scrutinised.
- queried who made the decision not to have a case review when something had gone wrong. It was noted that case reviews took place if a child died or had suffered serious harm or injury. The decision was taken by a panel chaired by an independent person, who had to identify whether the criteria for a review had been met and whether it was likely that there would be learning from the review of the case. This decision must then be submitted to the government National Panel for approval.
- highlighted the need for statistics to be included in future reports as an appendix in order to identify whether the Safeguarding Partnership Board was having any influence on these areas. It was also suggested reviewing the format to make the document easier to read online. Members were informed of the danger of misinterpreting statistics so a brief explanation would be needed.

The Chairman thanked Dr Russell Wate, the Independent Scrutineer of the Cambridgeshire and Peterborough Safeguarding Partnership.

It was resolved unanimously to receive and note the content of the 2019/20 Annual Report.

**394. Children and Young People Committee Agenda Plan, Training Plan and Appointments to Outside Bodies and Internal Advisory Groups and Panels**

The Committee resolved unanimously to:

- a) Note the agenda plan with the inclusion of the Barnwell Hub for the March meeting.
- b) Note the training plan.
- c) Note that committee appointments to outside bodies and internal advisory groups remained unchanged.

(Chairman)