

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

**Date:** Tuesday 9 January 2018

**Time:** 2.00pm – 4.30pm

**Present:** Councillors S Bywater (Chairman), S Hoy (Vice Chairwoman), A Bradnam, P Downes, L Every, A Hay, S Taylor, D Wells, J Whitehead and J Wisson

Co-opted members: A Read and F Vettese

### **CONSTITUTIONAL MATTERS**

#### **77. CHANGE TO THE ORDER OF BUSINESS**

The Chairman stated that to accommodate officer commitments elsewhere he would be varying the order of business from the published agenda to take the Review of the Behaviour, Attendance and Improvement Partnership as Item 8 and the Schools Funding Formula 2018-19 as Item 13.

#### **78. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence or declarations of interest.

#### **79. MINUTES OF THE MEETING ON 5 DECEMBER 2017**

The minutes of the meeting on 5 December 2017 were agreed as an accurate record and signed by the Chairman, subject to the correction of two spelling mistakes. Members noted that Councillor Whitehead had abstained from the vote on Item 5: Capital Investment for Sawtry Village Academy.

#### **80. ACTION LOG**

The Action log was reviewed and the following updates noted:

- Minute 56: Placement Sufficiency for Looked After Children including the Hub (No Wrong Door) Delivery

Councillor Nethsingha had expressed interest in seeing first-hand how the hub model was working in practice in Yorkshire.

Officers were awaiting a response from Councillor Nethsingha about possible visit dates.

**(Action:** Democratic Services Officer)

- Minute 68: Supported Accommodation for Children in Care aged 16-18:

- i. To provide figures for the number of young people required to leave their foster care placement at the age of 16.

Details emailed to Committee members on 9 January 2018. No young people were required to leave their foster care placement at the age of 16.

Planning for young people's accommodation post-16 and post-18 would be considered as part of their pathway plan.

- ii. To provide an explanation for the difference in costs given for young people in supported accommodation compared to unaccompanied asylum seeking children (UASC) in supported accommodation (paragraph 1.3 refers).

The financial information provided in the paper gave the total annual commitment and the number of placements the spend related to in the financial year 2016/17. The placements would have lasted for different lengths of time, and costs would have varied due to individual support needs. Therefore, it was not possible to calculate the average costs by dividing the overall spend by the number of placements. Placements for UASC and non-UASC were sourced from the same list of providers. The support needs of young people varied and packages were negotiated based on needs, so the costs of placements would always vary and calculating averages could be misleading.

- Minute 70: Free School Proposals

To arrange an informal meeting between Committee members and the new Regional Schools Commissioner.

The date of 26 February 2018 proposed by the Regional Schools Commissioner had been sent to members of the Committee and they were asked to advise the Democratic Services Officer of their availability.

## **81. PETITIONS**

No petitions had been received.

## **KEY DECISIONS**

## **82. CONTRACTS FOR DELIVERY OF HOME TO SCHOOL OR COLLEGE TRANSPORT**

The Lead Education Officer stated that the Council had established a Framework Agreement for the delivery of home to school/ college transport in 2016. There were currently around 130 operators approved to tender for work under this Framework Agreement, but once established it was closed to new providers. To offer maximum flexibility it was proposed to establish a dynamic purchasing system (DPS) to operate alongside the Framework Agreement as this would enable new providers to tender for contracts. Agreement was sought to naming Peterborough City Council in the official notification to enable Peterborough to use the same Framework Agreement and DPS to commission its own home to school/ college transport.

The following points arose in discussion of the report and in response to questions from members of the Committee:

- Officers confirmed that contracts let under the existing Framework Agreement, including those relating to the Total Transport initiative, would be unaffected and would remain in operation for the remainder of their contracted period. At the point of renewal these contracts would be subject to the new arrangements;

- The Chairman asked for an assurance that the proposals had been subject to proper scrutiny by Council lawyers and procurement experts. The Lead Education Officer confirmed that the proposals had the full support of the Joint Commissioning Board and had been approved by LGSS Law Ltd and the Head of LGSS Procurement;
- A Member described some questions which had arisen at recent education transport appeals in relation to the distance travelled from home to school and whether a journey could be considered reasonable. They had raised the matter with officers and suggested a short review might be established to see whether any aspects of the criteria or appeal process should be adjusted.

The Vice Chairwoman stated that she was the Member representative on the Outcome Focused Review of home to school transport. The key question in relation to education transport appeals was whether the Council's policy in relation to the provision of home to school transport was applied properly. If this was the case the Appeal Panel must then decide whether there were extenuating circumstances in the particular case it was considering. Officers noted that some elements of the home to school transport policy were statutory requirements, but offered to review the discretionary elements and provide further advice.

**(Action:** Lead Education Officer)

A Member asked whether it would be possible for education transport appeals panels to see the decisions made by previous panels in similar cases to ensure consistency in their decision-making. Officers advised that the legal advice was that appeal panel decisions did not set precedents and that every case must be considered solely on its own merits and on the basis of the information presented to the panel.

The Chairman asked that a briefing note on primary transport entitlement which he had received recently should be shared with all members of the Committee for information.

**(Action:** Democratic Services Officer)

It was resolved to:

- a) consider and support the proposal that the Council commence the process for establishing a new Framework Agreement and Dynamic Purchasing System (DPS) to enable home to school/college transport contracts to be awarded for the start of the 2018/19 academic year.
- b) support the proposal that Peterborough City Council be named in the Official Journal of the European Union (OJEU) notice to enable them to use both the Framework and DPS for commissioning home to school/college transport.

### **83. TRANSFORMING OUTCOMES FOR CHILDREN IN CARE**

The Service Director for Children and Safeguarding stated that the number of children in care in Cambridgeshire was now significantly higher than the average of other local authorities. It was vital to understand the reasons for this so that action could be taken to ensure the Council was looking after the right children for the right length of time. The General Purposes Committee had approved a bid for Transformation funding to

meet the first year costs set out in the business case and it was expected that on-going costs would be met through savings generated by reductions in the number of children in care.

The following points arose in discussion of the report and in response to questions from members of the Committee:

- A Member questioned why Cambridgeshire had more Looked After Children than its statistical neighbours. Officers stated that that this would be the main focus of the research being carried out by Oxford Brookes University and the Institute of Public Care;
- A Member questioned whether it was realistic to try to reduce the number of children in care in the county at a time when the number of Looked After Children (LAC) nationally was increasing. The Service Director for Children and Safeguarding stated that demand management processes were designed to address some of these issues. For example, the implementation of the Children's Change programme which included enhanced preventative services was starting to show some positive impact. He acknowledged that officers were setting themselves a challenging target and that it would take time for any changes to work their way through the system to reduce overall numbers of children in care, but he did believe that this was deliverable. It was in the best interests of the children to spend less time in care and this was the key consideration; that this would also offer a cost saving was a welcome but a secondary consideration. An update report would be brought to the Committee in May 2018 which would include the research findings;
- A Member stated that previous research suggested that new housing developments tended to produce higher rates of social services contacts, including in relation to children. Given the significant amount of housing development taking place in Cambridgeshire they asked if the proposed research would investigate this issue locally. Officers stated that the researchers had been asked to look at a broad range of cases across a variety of teams and geographical areas and so it would be expected to identify any trends of this type;
- A Member commended the Service Director for Children and Safeguarding and his team for delivering such a complex report so quickly;
- A Member asked whether officers were satisfied that Children's Change programme had delivered the service delivery model and staff training programme needed to address the research findings. The Service Director for Children and Safeguarding stated that if the research identified management process issues these would need to be looked at again. He emphasised the high calibre of the staff within the service and the need to ensure that the right structures were in place to focus them on key areas;
- Officers confirmed that Special Guardianship Orders (SGOs) did represent a permanent outcome and were intended to offer a flexible alternative to adoption. The carer would have parental responsibility for a child or young person, but if they were previously LAC the local authority would retain financial responsibility for a period of time;

- Officers stated that the national average for children in care placed with a local authority's own foster carers was around 66%. Cambridgeshire was proposing to set a stretch target of placing 70% of its LAC with in-house foster carers;
- A Member asked about current caseloads for social workers and whether high caseloads would impact on the time taken for LAC to move through the system. Officers stated that social worker caseloads were currently higher than they would wish, but that they were now reducing. If the Council achieved its aim to recruit higher numbers of in-house foster carers it would need more social workers to support them;
- A Member commented that they supported the aspirations contained in the report. A key element was clearly the number of foster carers available and they asked whether there were enough foster carers in Cambridgeshire to care for all of the county's LAC. Officers confirmed that there were enough fostering households in Cambridgeshire to cater for all of the county's LAC, but that some of these were independent foster carers who were caring for children placed with them by other local authorities. Whilst officers were committed to increasing numbers of in-house foster carers and were actively marketing the opportunities available there were strict guidelines in place preventing them from targeting independent foster carers which must be adhered to.

It was resolved to:

- a) endorse the approaches set out in the Business Case, and specifically approaches proposed for supporting the recruitment of foster carers in Cambridgeshire and the deep dive into the experience and outcomes for children and young people in care in Cambridgeshire.

## **DECISIONS**

### **84. FREE SCHOOL PROPOSALS**

Standing item. No business to discuss.

### **85. REVIEW OF THE BEHAVIOUR, ATTENDANCE AND IMPROVEMENT PARTNERSHIP SERVICE LEVEL AGREEMENT AND THE DEVOLVED FUNDING FORMULA FOR ALTERNATIVE EDUCATION PROVISION**

The County Alternative Education Provision Manager stated that Cambridgeshire was one of a small number of local authorities which had devolved funding for its alternative education provision to schools and was regarded as a model of good practice in relation to devolved funding by the Department for Education.

Under the devolved funding arrangements, schools commissioned their alternative education provision and this was quality assured by officers. This had created opportunities for investment in inclusion units, improved data collection relating to alternative provision and maintained lower levels of permanent exclusions. However, difficulties had been encountered with a small number of schools who had proved reluctant to meet the costs of their alternative provision from the devolved funds.

The current funding formula had been in place since April 2012 and the intention had been that this would be reviewed after three years. However, attempts to agree a new formula at that time were unsuccessful. At the start of the 2017/18 financial year the lead headteachers for the four Behaviour, Attendance and Improvement Partnerships (BAIPs) had asked for a further review to be undertaken and work on this began in June 2017. The proposals contained in the report included the establishment of a Service Level Agreement with each school and a robust escalation process for any school which failed to meet its financial obligations. It was recognised that some schools would see an increase or decrease to the funds they received under the proposed new formula and a transitional funding period was proposed between January and September 2018 to support schools in managing changes in allocation. The proposals had been agreed with the BAIP lead headteachers and the chairman of the Cambridgeshire Secondary Heads group.

The following comments arose in discussion of the report and in response to questions from members of the Committee:

- A Member stated that they were very unhappy that there was no explicit recognition within the report that East Cambridgeshire and Fenland were within an Opportunity Area and that this demonstrated that those areas were experiencing particular difficulties. They felt that this meant that no direct comparison could be drawn with the situation in Huntingdonshire which was not within an Opportunity Area. The Member was also unhappy that it was proposed to top slice funding for two pupil referral units (PRUs) located in Wisbech and Cambridge which meant that East Cambridgeshire schools would be funding PRUs which it was geographically unviable for their own students to attend. On this basis the Member was not happy to note the proposals and asked that a decision on this issue should be deferred pending further work;
- Officers stated that the proposals discussed with schools three years earlier had taken account of demographic factors, but these had been repeatedly rejected as insufficiently transparent. Work on the current proposals had been led by the BAIP lead headteachers and had been based on the National Funding Formula to increase transparency. The offer of using the High Needs Block to top up funding so that no schools would see a decrease in their funding levels had been declined by the BAIP lead headteachers;
- Officers advised that there was a whole range of alternative educational provision available including bespoke packages, not just places at a PRU;
- Para 2.5: Members felt that the percentage increases and decreases in funding levels were not in themselves meaningful. They would like to know more about the impact of these changes in real terms on schools. Members also asked whether this represented big changes in funding to a small number of schools or a small change in funding to lots of schools;
- A Member felt that it should be made clear to schools that they had asked for this funding to be devolved to them and that they now needed to take responsibility for managing these funds. The Member acknowledged that there had only been a small number of cases where this had not been the case;

Another Member emphasised the need for the Service Level Agreement with individual schools to be sufficiently specific to ensure that headteachers could be

required to fulfil the responsibilities which were attached to the devolved funds. They also asked for more information about the mechanism for recouping the cost of provision if schools did not meet these costs;

- Members noted that a community impact assessment was usually conducted where changes in service level were proposed and felt that this should have been included with the report;
- The Chairman and several Members of the Committee reported that they had received representations from schools in East Cambridgeshire which were unhappy with the proposed arrangements. These concerns were not reflected in the report before the Committee and needed to be addressed;
- A Member suggested that some Members of the Committee might work with officers to help steer further work on this issue and possibly meet with those schools expressing concerns about the proposals;
- Members asked what the implications would be of asking for implementation of the proposals to be delayed until the reservations expressed by Members could be explored in more detail. Officers stated that they wanted to introduce Service Level Agreements with individual schools as soon as possible so that their responsibility for meeting the costs associated with alternative provision were made more explicit and enforceable.

Summing up, the Chairman said that the Committee was not persuaded that there was sufficient urgency to take a decision at this stage given the objections of some schools and the reservations expressed by Members during the discussion. He asked that more work should be done to address the concerns expressed and that a revised report should be brought back to the Committee in order to enable Members to make an informed decision.

It was resolved by a majority to:

- a) defer consideration of this issue to obtain an impact assessment and to take account of the reservations expressed by Members.  
**(Action: County Alternative Provision Manager/ Democratic Services Officer)**

## **86. FINANCE AND PERFORMANCE REPORT: NOVEMBER 2017**

The Strategic Finance Business Partner reported that an error had been identified in the table at paragraph 1.3 of the report and, with the permission of the Chairman, tabled a corrected version (copy attached at Appendix 1). This did not affect substance of the report.

At the end of November 2017 the People and Communities Directorate was forecasting a pressure of £6,259k. This represented a worsening position from the previous month when the forecast pressure had been £5,562k. The main changes within those areas within the responsibility of the Children and Young People Committee related to the Looked After Children Placements budget, the adoption budget and the Out of School Tuition budget.

The following comments arose in discussion of the report and in response to questions from members of the Committee:

- paragraph 2.3 – Strategic Management: Children and Safeguarding: A Member asked for more information about a pressure of £336k arising from the Service not being awarded an expected grant from the Department for Education. The Executive Director stated that officers made applications for grant funding wherever possible, but these were not all successful;
- paragraph 2.3 – Looked After Children Placements: A Member questioned whether the forecast year-end variance should be £2,691k, the figure shown previously in the summary at paragraph 2.2, rather than £2,400k. Officers confirmed that the correct figure was £2,691k;
- paragraph 2.5 – A Member noted that the percentage of 16-18 years olds not in education, employment or training (NEETs) was flagged as an area of concern on the performance indicators and asked whether this represented a seasonal fluctuation or an emerging trend. Officers stated that when taken as a whole-year figure performance in this area was good. This spike in numbers occurred annually at the point where large numbers of young people were moving on from school to take up college courses or training opportunities and their new placements had not yet been reported;
- A Member questioned the repeated use of the word ‘pressure’ in the report and felt that the language used should be more clear about where overspends, slippage or missed targets had occurred. The Executive Director stated that her budget presentation in November 2017 had made clear that the children and young people’s budget was forecasting a predicted overspend of £5.2 million. Due to the demand-led nature of many elements of the budget the figures were constantly changing, so the word ‘pressures’ was used to highlight those areas where any form of overspend was anticipated;
- Officers stated that the provisional figures for December 2017 indicated a further slight worsening of the overall position.

It was resolved:

- a) review and comment on the report.

## **87. AGENDA PLAN, APPOINTMENTS AND TRAINING PLAN**

The Committee reviewed and discussed the forward agenda plan, appointments and training plan. It was agreed to arrange a two hour workshop on children’s services and education services on a committee meeting date, led by the respective Service Directors.

(**Action:** Executive Support Officer/ Democratic Services Officer)

Members noted that they had previously expressed interest in visiting the multi-agency safeguarding hub (MASH), either individually or as a group, and asked that this should be added to the training plan and progressed.

(**Action:** Executive Support Officer/ Head of the Integrated Front Door)



It was resolved to:

- a) note the following changes to the Committee agenda plan
  - i. Education Strategy Plan – moved from March 2018 to May 2018;
  - ii. Sponsor selection for new secondary school in Wisbech  
(**Action:** Democratic Services Officer)
- b) appoint Councillor S Hoy to the Standing Advisory Council for Religious Education;
- c) appoint Councillors S Bywater, L Every and J Whitehead to the Cambridgeshire Music Outcome Focused Review Member Reference Group;
- d) add a workshop on children's services and education services to the Committee training plan.

## **INFORMATION AND MONITORING**

### **88. LEGAL SUPPORT PLAN: SIX MONTH UPDATE**

The Chairman stated that the report had been received after the agenda and reports for the meeting had been published and that he had accepted it on the following grounds:

1. Reason for lateness: To ensure that the most up to date information regarding the improvement plan was available;
2. Reason for urgency: The Committee had requested an update after six months to review progress.

The Director of LGSS Law Ltd and the Acting Principal Lawyer of LGSS Law Ltd attended to present the report. Officers in LGSS Law Ltd and the People and Communities (P&C) Directorate were continuing to work closely in order to improve performance and reduce costs for legal services relating to children's social care. A draft children's social care Service Level Agreement had been drawn up and would go to the P&C senior management team in March 2018 for final sign-off. An extensive training programme was being rolled out for social workers and for Heads of Service. A case tracker had been put in place for every child protection case which was taken to court together with a compliance report regarding court requirements. This ensured that both lawyers and social workers had a clear understanding of all court deadlines and procedural requirements. Feedback on this from officers within P&C had been positive and the improved performance had also been acknowledged by the Dedicated Family Judge.

Officers within the LGSS Law finance team had worked closely with the P&C finance team to tailor billing and invoice information to meet their needs and improve the efficiency of the billing process. Staffing capacity had been increased to match the demands of the workload including doubling the number of paralegals. Details of the staffing structure within LGSS Law Ltd had also been shared with officers in P&C so that it was easier for them to identify the right person to contact. A clearer process had also been established regarding the levels of authorisation required within People and Communities Directorate to commission legal advice.

The following points arose in discussion of the report and in response to questions from members of the Committee:

- paragraph 2.10: It was confirmed that the reduction in staffing costs described would be achieved through the lower cost of employing permanent staff in comparison to agency staff;
- paragraph 2.9: A co-opted member noted that discussions were underway to develop similar Service Level Agreements between LGSS Law Ltd and P&C across a range of functions and highlighted academy conversions as a potential area of reputational risk within the wider community. The Executive Director committed to seeing all of the proposed SLAs at her senior management team meetings and offered to discuss the specific issue of academy conversions further outside of the meeting if this would be helpful;
- The Executive Director confirmed that a positive improvement had been seen from the P&C perspective in relation to clarifying the division of responsibilities between lawyers and officers, addressing costs and speeding up processes;
- A Member asked why some cases needed to go to court on multiple occasions. Lawyers stated that this might be unavoidable in more contentious cases, but the focus was on avoiding unnecessary case management hearings which led to increased costs and delays.

Summing up, the Chairman welcomed the improvements to date and asked that a report should be circulated to committee members in March 2018 reporting feedback from clients on the LGSS Improvement Plan.

**(Action:** Acting Principal Lawyer)

It was resolved to:

- a) note the content of the Improvement Plan and its progress to date in meeting the objectives.

## **89. ENHANCED CORPORATE PARENTING RESPONSIBILITIES IN THE CHILDREN AND SOCIAL WORK ACT 2017**

The Head of Countywide and Looked After Children's Services reported that the new Children and Social Work Act 2017 would come into effect on 1 April 2018. Key elements included a requirement that local authorities and their relevant partners should have regard to a set of corporate parenting principles when exercising functions in relation to Looked After Children and care leavers. This requirement would apply to the local authority as a whole and not just to children's services functions. The Act placed greater emphasis on working with partners and for the first time included a requirement to consult on and publish a local offer for care leavers. This must be made widely available, easily accessible and set out the services and support available to care leavers, including discretionary support. The offer of support from a personal adviser would be extended to all care leavers up to the age of 25.

The following comments arose in discussion of the report and in response to questions from members of the committee:

- paragraph 2.10: A Member described the measures contained in the Act as admirable but expensive and asked whether it was known what level of funding the Government was planning to make available to local authorities to contribute to the implementation costs. Officers stated that the level of funding was not yet known, but recent correspondence suggested that the position would be clarified within the next few weeks;
- A Member asked about the arrangements for working with district and city councils to help care leavers find suitable accommodation. Officers confirmed that good working relationships existed with city and district colleagues in relation to housing provision for care leavers.

It was resolved to:

- a) consider and note the report.

## **90. SCHOOLS FUNDING FORMULA 2018/19**

The Head of Integrated Finance reported that the 2018/19 funding formula for Cambridgeshire needed to be submitted to the Education and Skills Funding Agency (ESFA) by the 19 January 2018. The final Dedicated Services Grant (DSG) announcement had been made in December 2017. This was generally quite positive and included an additional £4.4 million within the Schools Block to reflect an increase in pupil numbers.

The report contained a summary of the responses received from schools to the consultation on funding arrangements for 2018/19. These were generally positive, but a number of concerns had been expressed and these were reflected in the report. The transfer of funds from the Schools Block to the High Needs Block would be lower than initially thought at £0.7 million and this had been approved by the Schools Forum. A cap of 3% would be applied to any schools making a gain from changes to the funding formula which replicated the Department for Education's national model. There would be no funding gap in 2018/19 and headroom of around £250k was anticipated. These funds could not be held as a reserve and officers recommended that they should be included in the formula for the Minimum Funding Guarantee (MFG) to offer a higher level of protection to eligible schools and allow them extra time to adjust their budgets before the introduction of a hard funding formula.

The following points arose in discussion of the report and in response to questions from members of the Committee:

- A Member asked whether there were any potential uses for the £250k headroom funds other than adding it to the MFG. Officers stated that alternative uses included increasing the cap on gains from 3% to 3.1%, reviewing the impact of adding this sum to each formula factor or putting it into the Age Weighted Pupil Units (AWPU) figures. However, by adding the sum to the MFG it would provide additional protection to the relatively small number of schools which had not achieved gains under the formula;

The Executive Director stated that it would have been preferable to have had an impact assessment to inform decisions on use of the figure of up to £250k headroom which had been identified, but acknowledged the timing constraints created by the need to submit a final return to the EFSA by 19 January 2017;

- A Member commended the decision to include reports on both the pressures on High Needs funding and the proposal to transfer £0.7m from the Schools Block to the High Needs Block at the same meeting of the Schools Forum as it illustrated the level of demand within the High Needs Block;
- Officers stated that the level of the base budget for High Needs remained an issue and it was not yet known whether the option to top up its funding from the Schools Block would be available in the 2020/21 financial year when the hard funding formula was currently anticipated;
- A Member asked how many of the schools which would receive funds through the MFG were located in Fenland or East Cambridgeshire. Officers stated that they had not looked at this specifically, but that a number of schools which would be eligible for the MFG tended to be smaller rural schools across the county with typically less than 100 pupils on roll;
- The Chairman noted that increasing the level of protection offered by the MFG would support those schools which had not benefited from the new funding formula.

It was proposed by Councillor Downes, seconded by Councillor Hay, that the sum of £250k identified as headroom should be fed into the formula so that the Minimum Funding Guarantee is raised to a higher level of protection.

On being put to the vote, the proposal was carried unanimously.

- A Member commented that it was important to keep sight of the fact that Cambridgeshire's schools remained under pressure despite the relatively positive settlement for 2018/19 and expressed disappointment that not all elected members of the Committee had supported the motion on schools funding which they had proposed at the meeting of Council on 12 December 2017.

It was resolved:

- a) to note the £0.7m transfer of Dedicated Schools Grant funding from the Schools Block to the High Needs Block;
- b) to approve the local schools funding formula, for primary and secondary mainstream schools as set out in Section 4 and Appendix B to enable submission to the Education and Skills Funding Agency (ESFA);
- c) that £250,000 be fed into the formula so that the Minimum Funding Guarantee is raised to a higher level of protection.  
(**Action:** Head of Integrated Finance Services)

## 91. DATE OF NEXT MEETING

The Committee will meet next on Tuesday 13 March 2018 at 2.00pm in the Kreis Viersen Room, Shire Hall, Cambridge.

Chairman  
(date)