

EDUCATION SCRUTINY COMMITTEE

MINUTES of the meeting held on Monday, 4 July 2016 commencing at 10.00 am and finishing at 1.00 pm.

Present:

Voting Members: Councillor Mark Gray – in the Chair

Councillor Kevin Bulmer
Councillor John Christie
Councillor John Howson
Councillor Yvonne Constance OBE (In place of
Councillor Michael Waine)
Councillor Patrick Greene (In place of Councillor Richard
Langridge)
Councillor Sandy Lovatt
Councillor Gill Sanders

Other Members in Attendance: Councillor Melinda Tilley

By Invitation: Carole Thompson
Mr Gareth Lewis for Agenda Item 11 (Headteacher of
Oxfordshire Hospital School)

Officers:

Whole of meeting Andreea Anastasiu (Policy & Performance Officer);
Deborah Miller (Corporate Services).

Part of meeting

Agenda Item	Officer Attending
9	Christine Malone and Sarah Varnom, Strategic Leads for Education Quality;
10	Sharon Oliver, Education Inclusion Manager;
11	Janet Johnson, Strategic Lead for Vulnerable Learners

The Scrutiny Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and agreed as set out below. Copies of the agenda and reports are attached to the signed Minutes.

20/16 ELECTION TO CHAIRMAN FOR THE COUNCIL YEAR 2016/17 (Agenda No. 1)

Councillor Gill Sanders proposed and Councillor John Christie seconded that Councillor John Howson be elected as Chairman.

Councillor Sandy Lovatt proposed and Councillor Patrick Greene seconded that Councillor Mark Gray be elected as Chairman.

Councillor Howson receiving 3 votes and Councillor Gray receiving 5 it was duly declared that Councillor Gray be elected as Chairman for the 2016/17 Municipal Year.

RESOLVED: (by 5 votes to 0) that Councillor Mark Gray be elected as Chairman of the Education Scrutiny Committee for the 2016/17 Municipal Year.

21/16 ELECTION TO DEPUTY CHAIRMAN FOR THE COUNCIL YEAR 2016/17
(Agenda No. 2)

Councillor John Howson proposed and Councillor John Christie seconded that Councillor Gill Sanders be elected as Chairman. There being no other nominations and no dissent it was:

RESOLVED: (unanimously) that Councillor Gill Sanders be elected as Deputy Chairman of the Education Scrutiny Committee for the 2015/16 Municipal Year.

22/16 INTRODUCTION AND WELCOME
(Agenda No. 3)

Councillor Gray welcomed everyone to the meeting and in particular Martin Post, Regional Schools Commissioner for south-Central England and North-West London and Councillor John Christie who had just joined the Committee.

23/16 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS
(Agenda No. 4)

Apologies were submitted from Councillor Langridge (Councillor Patrick Greene substituting) and Councillor Waine (Councillor Yvonne Constance substituting). Apologies were also sent from Mrs Sue Matthew.

24/16 MINUTES
(Agenda No. 6)

The Minutes of the Meeting held on 25 April 2016 were approved and signed.

In response to a query from Councillor Howson on Minute 12/16 on the Recruitment & Retention of Teachers, the Chairman reported that the Cabinet Member had been asked to report back to the Committee on any actions that had been taken by the various boards established in Oxfordshire to address the recruitment challenges with specific reference to housing. Subsequently, there had been a request from CEF officers to defer the item to the September meeting of the Committee because the SSPB were presented with the research report on NQT recruitment and retention in Oxfordshire schools, which will be published in Sept/ October.

In response to a query from Councillor Gill Sanders on Minute 13/16 on the Implications of the Future Arrangements in Education, the Chairman reported that CEF officers and the Cabinet member had held a meeting with local primary schools' head teachers to explore the opportunities for developing locally grown MATs. and that a Letter had been sent out from the Cabinet Member to all local MPs. to ask them to find out the costs for Oxfordshire of the academisation agenda. Copies had been circulated to members.

In relation to a query from Councillor Howson on Minute 14/16, regarding the Cabinet Member being requested to discuss with schools and housing associations the possibility of selling land below market value to assist with the current and ongoing issues over the recruitment and retention of teachers, the Chairman reported that he was due to meet with Deputy Director for Commercial and that a letter had been drafted letter to ask Cabinet Member to consider this recommendation and would be sent out following the meeting.

25/16 ANNUAL MEETING WITH THE REGIONAL SCHOOLS COMMISSIONER (Agenda No. 8)

Martin Post, Regional Schools Commissioner (RSC) for South Central England and North-West London, had been invited to attend the Meeting to discuss how the Council could work with the RSC to ensure the best educational outcomes for all the children in Oxfordshire. It would also provide a chance to raise awareness of the key challenges faced by the Council in the provision of Education and improvement of educational standards across the County.

During questions and discussion the following points were made, with Martin Post responding to questions:

General

- The RSC had around 50 staff and covered 28 local authorities and 8 dioceses. Greater capacity had been added under the Regional Team Review and the commissioner now had 2 Deputy Regional Commissioners to support him with the upcoming Workload. Three Sub-Regional Boards to provide a forum for the RSC, Local Authorities and Diocese to identify and coordinate the meeting of academies support needs were being established.
- The Commissioner confirmed that the demand on officers and resources was kept under review but that he was satisfied that he had enough staff to cover what he was obliged to do. He agreed that soft intelligence from local Authorities needed to be protected. ~There was also a need to sharpen up access to parents to flag up issues.
- The RSC confirmed that although geographically all authorities were different, he had a good working relationship with all the authorities and that he held regular meetings with officers.

Monitoring Schools

- The RSC reported that he worked closely with the academies; particularly if they were underperforming and that he maintained regular contact with the Multi academy trusts in the area. Currently, the Commissioner was closely monitoring

around 12 schools with Oxon. The Commissioner was considering introducing further monitoring around pupils or performance and around governance to ensure rapid improvement. It was the job of the RSC to ensure the trust was operating properly. It was however, the Trust's responsibility to ensure school performance through the school improvement plan.

- The RSC reported that they were dealing with the schools that they were particularly concerned about; but that he had seen improvement and that he was confident that Ofsted would show an improvement. The Annual report was due next term. Close working with the Local Authority enabled the RSC to gather soft information such as losing students in Year 8 or multiple complaints, allowing the Department to monitor situations closely. He also expected Good and Outstanding schools to continually strive to improve.
- The RSC worked closely with the EFA as financial information could tell a lot about the school. Operations Boards had been set up with the EFA, Free Schools Group, Academies Group and the RSC and met every 6 weeks.
- There were new powers to intervene and challenge schools that appeared to be coasting (coasting definition with results for 2016). If schools fell into category under that definition, the RSC would work with them to develop a plan to get out of that category by the next time. In response to Members concerns over small schools that would appear to be costing but were not, the RSC confirmed that it was their job to get behind the statistics which is why they used statistics from 3 years. If they could see schools were improving under its own steam they just gave support.

Recruitment and Retention

- Recruitment and Retention (R&R) remained a challenge right across the Region. The RSC did not have direct responsibility for the departmental strategy on R&R, however, one benefit he had seen was that the size of multi-academy trusts were making R&R easier and that there were a number of benefits of being able to offer career paths within the trusts. Secondary schools teachers did remain a concern, but large multi academy trusts were creating alternative opportunities for teachers to move into specialist roles within their areas rather than moving into leadership roles. The RSC took every opportunity possible to engage people in the school system, including talking to A 'level students, employers, governors, but further strong advocates for the profession were needed.

DFE Consultations

- The RSC emphasised that it was important that academies responded to consultations. The RSC was a Civil Servant and therefore wouldn't make a response. The department was looking at responses though.

Oversight of Operation Difficulties

- The specific incident of schools not paying staff on time was a software problem. The Trust was the employer and therefore had oversight of the payroll and HR functions. If the trusts were not discharging their functions properly, they would be in breach of their funding agreements and the RSC may intervene. The EFA would take responsibility on intervening in the first place.

Growth of local MATs

- In terms of encouraging the growth of local MATs, The RSC was looking at good and outstanding schools that were not in a trust to encourage them to join and was working actively to develop multi-academy trusts across the Region. The RSC agreed that local MATs were the best thing and that 70% had converted to local MATs, co-creating local solutions. Local MATs know the area best and were very much school lead. There would be many benefits to Local MATs collaborating with each other such as joint recruitment ability.
- The RSC confirmed that processes were in place to try and ensure that academies and MATs did not become financially unviable. Annual Audits and monitoring meant that the RSC should be able to flag up problems before crisis occurred. It would be essential that the RSC guard the continuation of education for those children and that was his role, together with the Local Authority. We would need to transfer to another sponsor. This would not happen overnight but our top priority would be to ensure continuation of education of those children. In some case the school closure had been extended by a year to achieve this.
- In relation to whether there was an agreement with the EFA for a deadline that schools would not be able to fail after, the RSC confirmed that no school would be able to close after Easter for that year.

Sponsors working effectively and ensuring school to school support

- In the case of Kidlington, the RSC explained that the school was given a directive academy order which was required under legislation. The RSC wanted to achieve improvement quickly. They contacted the sponsor who made it clear that they did not take on all schools. The aim of the trust was to develop a hub to benefit that school and schools in the area.

Encouraging MATs to take on less attractive schools

- Asked about how to encourage MATs to take on some schools within the area that were in financial difficulty or had buildings in a bad state of repair or needed a great deal of involvement, the RSC explained that he was looking at ways to work creatively to find a solution for schools in financial difficulty, such as using the free school programme to attract strong outside providers where no local solution can be found.

Parents Complaints

- In relation to mechanisms for addressing parent's complaints, the RSC commented that Ofsted shared complaints with the RSC and then the EFA investigated complaints with the trust. On occasion the RSC would get involved to safeguard work with the trust and the Local Authority. There was a need for Regional schools commissions to forward complaints to him.

Powers to require a Sponsor

- The RSC had no powers to compel a sponsor to take on a maintained school. The white paper however would set out a number of incentives, including money for the development of the MAT. The Sponsor Capital Grant meant that they could give a useful amount of money to schools.

Seeking appropriate Sponsors

- The Commissioner gave an assurance that he would continue to seek the views of the local Authority to identify the most appropriate Sponsor as working with the LA achieved a proper measure of what capacity there was locally.
- He also gave an undertaking to name sponsors promptly to ensure rapid improvement of school as soon as possible.

Acquisition or Disposal of Land

- The Commissioner explained that when a school converted to become an academy, it was required to register its land with the Land Registry. The Department published a list of all land to be disposed of and was considering what information it required to strengthen the process. When land was sold by schools extensive permission was needed from the Secretary of State and Sport England, the EFA also had an involvement. Members expressed concern that not all land was registered and the RSC undertook to look into the matter.

RSC responsibility in relation to achieving Government goal of every school being an academy by 2022

- The Commissioner concurred that it was his duty to achieve this Goal and that the PR side of his Job was extremely important to get knowledge of the new system out there. He indicated that he would be more than happy to speak to groups of head teachers and governors.

What redress was there for academies not providing figures on attendance

- The Local authority has responsibility for all students within their area. If Mr Leach provided him with a list of schools who were not complying he would take it up.

Following the question and answer session, the Chairman thanked the commissioner for a positive discussion and AGREED that he be invited to attend again in a year.

26/16 OFSTED PROFILE OF OXFORDSHIRE SCHOOLS AND SETTINGS

(Agenda No. 9)

The Committee had before them a report by the Director for Children's Services setting out Ofsted Monthly monitoring for the 2015/16 academic year. The key messages arising from the report were as follows:

- the proportion of primary schools that were good/outstanding had increased by 1%pt to 87% (198 schools). The Oxfordshire figure was now in-line with the national figure as at 30 April 2016.
- The proportion of secondary schools judged as good/outstanding had increased to 86% (30 schools). Oxfordshire remained above the national figure of 76% as at 30 April 2016.
- All of Oxfordshire's special schools were judged by Ofsted to be good or better.
- The number of inadequate schools had increased by 1 to 7.
- There had been a small number of inspections that had taken place with results yet to be published. Where officers had been made aware, outcomes for those schools had been included in the county figures.
- One primary school, New Marston, had been judged to be inadequate this month.

Officers further reported that in 2015, Ofsted decided that Oxfordshire was a local authority of concern regarding early years outcomes (both inspection and children's outcomes). HMI had conducted a series of visits and the Early Years Team had changed working practices. As a result, good progress was being made. The 2016 Early Years Foundation Stage Profile outcomes should provide evidence of a narrowing of the gap between outcomes for children eligible for Pupil Premium and those not eligible.

In relation to settings, officers reported that compared with national inspection data, statistical neighbours, and South East local authorities, Oxfordshire had seen more inadequate inspection outcomes for settings since September 2015. Annex 1 to the report outlined that there have been 15 inadequate outcomes (Our Lady's received two inadequate outcomes and was closed). Focused work by the Early Years Team to support providers had resulted in four settings being re-inspected as good, and six settings moving from inadequate to requires improvement. Three settings were still inadequate (Cygnets Nursery Kidlington, Shiplake Village Nursery and Sacred Heart Nursery, Henley). They were making progress and were due re-inspection soon.

In addition, too many settings were judged as requires improvement in Oxfordshire. The Early Years Team was providing support for all such settings. During May 2016, for example, four settings were judged as requiring improvement. Annex 1 to the report outlined how eight settings received a second requires improvement judgement. Work with those settings was being prioritised. No new funded two year-olds were placed in settings inspected as requires improvement.

Officers further reported that of the six Out of School provider inspections since September 2015, there have been no inadequate outcomes, one requires improvement, three good and two compliant with requirements.

Members of the Committee expressed concern that a number of schools were failing over safeguarding issues and questioned what action was being taken. Officers confirmed that the Council had responded quickly in failing schools and that following action the school would be re-inspected and in most cases improved. Only 2 inadequate settings remained in Oxfordshire and there were now no inadequate childminders, which was the first time this had been the case since 2012.

Members further expressed concern over the reduction in the school improvement function and the possible effects on attainment, particularly as Oxfordshire as it did not have a high number of outstanding schools. Councillor Howson commented that the underfunding of very small primary schools potentially led to the school being unable of attain outstanding. Officers commented that the schools strategic partnership board was tasked with ensuring that partners work together so that statutory duties were met.

The Committee congratulated officers on the work carried out and on the positive outcomes, whilst noting that they could be assured that the County had the resources to carry out its statutory duties.

27/16 EXCLUSIONS IN YEAR 10

(Agenda No. 10)

At its meeting on 25 April 2016, the Committee received a presentation on exclusions in Oxfordshire schools and requested that officers provided an analysis of Year 10 data where there appeared to be an abnormally high number of permanent exclusions.

The Committee had before it a report (ESC10) which provided an analysis of the rate of permanent exclusions in year 10. Sharon Oliver, Education Inclusion Manager explained that she was surprised at the increase in rate of permanent exclusions of pupils from Oxfordshire schools this year. To date officers had been notified of 57 permanent exclusions. This compared with 43 permanent exclusions this time in 2014/15.

Furthermore, the rate of permanent exclusion of pupils in year 10 had increased year on year for the last 3 years. At this point in the year in 2013/14 there were 6 exclusions from this year group (23% of all permanent exclusions). Last year this figure increased to 15. (35% of all permanent exclusions). This year officers had been notified of 19 permanent exclusions from this year group which is 33% of the total. The use of permanent exclusion in Year 10 was significantly higher than any other year group. (The next highest year groups were years 8 and 9 with 8 permanent exclusions each).

Fifteen secondary schools had permanently excluded one or more pupils from year 10 so far this year. In contrast fixed term exclusions were more evenly distributed throughout the secondary phase. Officers had been notified of 510 fixed term exclusions of pupils in year 10 so far this year which was 20% of the total.

Reasons for exclusion in this year group were fairly similar with persistent disruptive behaviour and verbal abuse and threatening behaviour towards an adult being the most commonly used categories. Six girls and 13 boys had been permanently excluded from year 10 this year. This was an unusually high ratio of girls. The total across all year groups was 9 girls and 48 boys. That meant that two thirds of the girls who had been permanently excluded so far this year have been year 10 pupils.

Oxfordshire County Council's officers and schools were working collaboratively to avoid the use of permanent exclusion for children who were looked after. There had been a number of pupils who had been at significant risk of permanent exclusion but alternative solutions had been found. There had been one year 10 pupil who became looked after following a permanent exclusion.

In response to questions around why officers believed the exclusions in year 10 to have gone up, Ms Oliver explained that she was unable to give a definitive answer as to why the permanent exclusions had increased, although exclusions could often increase when there was a new headteacher or that possibly this was due to MAT broad policies not being compatible with local policies.

Members note the particularly high numbers at Didcot Girls School and asked officers whether there was anything the council could be doing in relation to this. Ms Oliver

commented that she was concerned that 4 looked after children had been excluded and undertook to contact the virtual school in relation to this.

Members expressed concern over the number of schools that did not provide data to the Council on their exclusions rates. Officers commented that it was an on-going problem. In some cases, data was not provided due to an incompatibility of systems, making it very difficult for schools to provide the data, but in some cases it was that some schools just would not provide the data on a whole school basis.

RESOLVED: to request that officers bring a full report to the next meeting of the Committee on the where things were falling down in relation to ICT problems around schools reporting exclusions and to request that the virtual school provide a report on looked after children.

28/16 OXFORDSHIRE HOSPITAL SCHOOL (Agenda No. 11)

The Committee had before them a report on the Oxfordshire Hospital School (OHS). Ms Janet Johnson, Strategic Lead for Vulnerable Learners in introducing the report explained that the school was made up of 3 sectors:

The Children's Hospital section encompassed teaching at the Children's Hospital, the Nuffield Orthopaedic Centre and Helen & Douglas House Hospice.

The Highfield (an adolescent unit for the assessment and treatment of 11 – 18 year olds with a wide range of acute mental health issues) had 18 beds plus two high dependency beds. The Highfield served children from Oxfordshire and nearby counties, and referrals are accepted from anywhere in England if an emergency bed was required.

The Outreach Teaching Sector was based at The Harlow Centre in Oxford. OTS supports the education of children and young people in Oxfordshire unable to attend school due to their medical or mental health needs. This group of children were not in-patients but may attend a hospital as out patients.

In 2015/16 OHS had a budget of approximately £1.6m and end of year balances of £0.526m (32% of the annual formula funding). Local authorities might advise the Education Funding Agency of changes to hospital education place numbers through the place change request process in October/November each year. For 2014-15 an exceptional case was made to the EFA by the school, supported by the authority, and was accepted. One of the significant changes behind the case related to the new Highfield Adolescent Unit. This resulted in an additional £267,805 being received by the authority and allocated to the Hospital School. Therefore the school's budget allocation for 2014-15 increased to £1,606,831.

For 2015-16 an exceptional case was made by the school but was not accepted by the DfE, so the allocation for 2015-16 remained at £1,606,831. Schools generally had not seen inflationary increases since 2011-12, and the funding source for the Hospital School and other High Needs provision, the High Needs block of Dedicated Schools Grant (DSG), had been frozen at 2012-13 budget levels with no adjustment

for pupil demographic changes other than specific cases approved as part of the exceptions process mentioned above.

The view of local authority officers was that referring to funding for a number of places was unhelpful and not relevant for hospital education. Currently the system of funding was not based on any proxy indicators or a formulaic funding system and so was not fit for purpose. It was based on historic levels of spend which did not encourage efficient use of resources. Members of Schools Forum consider that schools should not be charged for services for which OHS was being directly funded.

Further challenges were that the school had an interim Headteacher with a substantive post holder beginning in September.

There were also uncertainties about the existing accommodation in the Harlow Centre and the school was likely to move. The service also used Early Intervention hubs for outreach work and they were therefore exploring alternatives, but new venues might incur some charges. OHS has over £50k devolved capital reserves, in addition to the 2015/16 balances. It was estimated that the likely move and costs incurred will be between £40k to £100k.

In terms of the outreach teaching sector 101 children were taught in 2014/15 (the children came from 1 special school, 7 primary, 26 secondary, 1 independent college). In 2013/14 OHS was allocated £450k to provide for children medically unfit to attend school. The hospital school supports children from neighbouring areas, including Buckinghamshire, Berkshire, Bedfordshire and Warwickshire. There is no longer any inter-authority recoupment.

A paper on OHS, setting out the current position and challenges, was discussed at Schools Forum on 15 June 2016. A review of roles and responsibilities was being undertaken to clarify the legal position and charging arrangements. Relevant documents included: Section 19 of the Education Act, and statutory guidance 'Education for Children with Health Needs who cannot attend Schools', DfE, May 2013 and 'Supporting pupils at school with medical conditions', guidance for governing bodies of maintained schools and proprietors of academies in England DfE 2014.

The local authority would submit another exceptions case to the EFA in the autumn to highlight how the current funding approach was not fit for purpose.

Mr Gareth Lewis, Interim Head of the Oxfordshire Hospital School set out his views that following his appointment in January 2015, he soon became aware of significant faults lines relating to the schools funding, accommodation, capacity and sustainability, particularly in relation to the Outreach Service it ran on behalf of the Local Authority. He believed that the first and most major fault line was that due to historic rise in local demand for Outreach Services, outstripping the designated budget and funding frozen at 2013 levels, funds meant for Hospital Based Provision had been diverted to subsidise Outreach funding deficits. DfE funds for Local Outreach Service equated to 28% of total OHS income, and accounted for 40% of total expenditure.

Although there were some strategic adjustments a school could make to cover shared central costs admin and management costs, in his opinion, this situation should never been allowed to happen on this scale. In effect Outreach nominal funded capacity had been dangerously exceeded through wrongly drawing on core Hospital Provision funds. Even taking this into account, the Local Outreach Service was at breaking point due to insufficient funds to maintain current staffing levels and the absence of “fit for purpose” accommodation, which included overcrowding and occasionally unsafe and insecure situations having to be managed by a very committed and tolerant Outreach staff team.

Besides Home Tuition, the Outreach Service currently operated from:
The Harlow Centre (Oxford Base)
Early Intervention Hubs at Abingdon, Banbury, Bicester and Witney

None of those were currently deemed suitable or fit for purpose and the school would not be able to access some of the hubs from Christmas 2016 and they would be totally unavailable from 31st March 2017. There were currently no concrete plans in place to cover relocation or a budget to fund relocation or potential rental costs. It had also become clear that the authority were not in a position to allocate additional funds and that the school would be reliant on utilising reserves to maintain our teaching capacity and to give a successor time to undertake a realignment to redress the incorrect allocation of funds for Hospital Based to Local Outreach Services.

This would also buy time for the authority to make a compelling case increase funds from the DfE to meet the growing demand for LA Outreach Services. This process would necessitate defining our current capacity for Outreach to continue to operate within safe and secure limits and allow us some prospect of gaining Outstanding when next Ofsted Inspected. In his view a Service Level Agreement and a submission to the DfE for increased funding needed to be completed by 31st August.

The Chairman thanked Mr Lewis for his presentation whilst noting that at the very least the Authority should be able to get a Service Level Agreement drafted by 31 August and therefore proposed to ask officers to work with Mr Lewis in order to get a Service Level Agreement in place for the 31 August.

RESOLVED: (nem con) Accordingly.

29/16 FORWARD PLAN AND COMMITTEE BUSINESS

(Agenda No. 12)

The Committee had before it a copy of the Committee’s Forward Plan (ESC6) for discussion.

RESOLVED: to agree the forward plan for September with the following additions:

Recruitment and Retention of teachers with specific reference to housing - Christine Malone/ Roy Leach

Data Collection from Schools on Permanent Exclusions - Sharon Oliver, Education Inclusion Manager

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..... in the Chair
Date of signing 2016