

CABINET

MINUTES of the meeting held on Monday, 4 June 2018 commencing at 2.00 pm and finishing at 3.21 pm

Present:

Voting Members: Councillor Ian Hudspeth – in the Chair
Councillor Lawrie Stratford
Councillor Steve Harrod
Councillor Lorraine Lindsay-Gale
Councillor Yvonne Constance OBE
Councillor David Bartholomew
Councillor Mark Gray

Other Members in Attendance: Councillor Liz Brighthouse (Agenda Items 6 & 7)
Councillor Emily Smith (Agenda Item 6)
Councillor Emma Turnbull (Agenda Item 7)

Officers:

Whole of meeting Nick Graham (Director of Law & Governance); Sue Whitehead (Resources Directorate)

Part of meeting
Item

	Name
6	Lucy Butler, Director of Children's Services; Alexandra Bailey, Director of Property & Investment
7	Lorna Baxter, Director of Finance; Steve Mun, Director of Human Resources

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting, and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.

52/18 APOLOGIES FOR ABSENCE

(Agenda Item. 1)

Apologies were received from Councillor Judith Heathcoat and Councillor Hilary Hibbert-Biles.

53/18 QUESTIONS FROM COUNTY COUNCILLORS

(Agenda Item. 3)

Councillor Howson had given notice of the following question to Councillor Hibbert-Biles:

"How willing and able are other schools and colleges about taking some of the Northfield students?"

In Councillor Hibbert-Biles absence the Leader of the Council replied:

"We have had some early discussions and positive indicators from local academies and external providers. Once the decision is made we will pursue those offers and go out to tender for the number of places needed to suit the location and needs of the students."

Councillor Howson had given notice of the following question to Councillor Lindsay-Gale:

2. "Had rebuilding the school on the Northfield site with a more suitable layout already been discounted in the SEND Review as an option?"

Councillor Lindsay-Gale replied:

"The SEN Review will define the needs for SEN provision across Oxfordshire in the medium term. Once this need has been defined we will then consider all property options to determine how best we can meet the needs of pupils with SEN."

Councillor Emily Smith had given notice of the following question to Councillor Lindsay-Gale:

"Despite teaching and support staff at Northfield School doing an excellent job, parents tell me the building has been falling apart around them for sometime. I also understand the layout of the building does not meet the needs of these students. Why haven't the cabinet tackled the maintenance and layout problems sooner?"

Councillor Lindsay-Gale replied:

"Northfield School was not purpose built as an SEN/SEMH school. This is not unusual but it is one the reasons why we are doing an SEN Review to ensure we have a sound long term plan for provision across the county.

Maintenance budgets for school buildings are delegated to schools and it was the school's responsibility to maintain the condition of the building. However, we had also put Northfield School in the School Structural Maintenance Plan, where we help schools with bigger maintenance issues such as Northfield's roof. The asbestos incident meant we moved to fixing

the immediate issue and working with CEF to determine the best future for the school, not just in terms of property, but in terms of education provision.

It is also worth saying that, as you know, the County Council outsourced to Carillion the end-to-end management of property. We terminated this relationship because we were unhappy with the poor service they provided. We are sorry that the children of Northfield were affected but now the service is in house, we will do everything we can to ensure we meet the educational needs of all our children.”

Councillor Judy Roberts had given notice of the following question to Councillor Hibbert-Biles:

“With such a huge demand for special school places already, what will happen to the Northfields students for whom you will not be able to find suitable placements for (as was confirmed as a possibility by the Director of Children’s services during Performance Scrutiny)?”

In Councillor Hibbert-Biles absence the Leader of the Council replied:

“We believe that commissioning places for larger numbers will open up the market. Also, approaching local providers differently with a new commitment from our Council commissioning team working with SEND and Education officers will obtain more positive results. Early indications are that we will be able to accommodate students successfully. There will be a ‘base camp’ at Northfield to enable transition and provide familiarity for students in the interim period as requested by parents at the recent information evening.”

54/18 PETITIONS AND PUBLIC ADDRESS

(Agenda Item. 4)

The Leader of the Council had agreed the following requests to address Cabinet:

Item	Speaker
6. Consultation on the Closure of Northfield School	<p>Michelle Codrington-Rogers, Oxfordshire Federation NASUWT</p> <p>Diane Wilson, Oxfordshire District Secretary National Education Union (ATL section)</p> <p>Stuart Robinson Assistant Secretary Oxfordshire National Education Union (NUT Section)</p> <p>Tristan Powell, Acting Headteacher at Northfield School</p>

	<p>Councillor Emily Smith, local councillor for Abingdon North</p> <p>Councillor Emma Turnbull, Shadow Cabinet Member for Public Health & Education</p> <p>Councillor Liz Brighouse, Chairman of Performance Scrutiny Committee</p>
7. Joint Working Arrangements between Oxfordshire County Council and Cherwell District Council	Councillor Liz Brighouse, Opposition Leader (5 mins)

55/18 CONSULTATION ON THE CLOSURE OF NORTHFIELD SCHOOL

(Agenda Item. 5)

Cabinet considered a report that sought their approval to consult on the future of Northfield Special School, pending the outcome of the Council's Special Educational Needs & Disability (SEND) Review. The consultation would seek views on the future of the school based on two options, prior to any decisions being taken. In summary, the options will be to (Option A) close the Northfield School, placing current students in alternate and more suitable provision, pending the outcome of the SEND Review or (Option B) to continue to operate Northfield School as is, pending the outcome of the SEND Review.

Michelle Codrington-Rogers, Oxfordshire Federation NASUWT, objected to the opening of consultation on closure. Ms Codrington-Rogers stated that the school was more than just a building: staff were dedicated to giving their best and went above and beyond for students. Her main concern was where the children would go. Academies could not be forced to take children and this would mean they would be placed out of County. She referred to new schools being built around the County that were finding it difficult to find pupils and the money could go to supporting the pupils at Northfield School. Representations about the state of the building had been made for a long time and it seemed that finally these were being listened to. There had been a lack of strategic oversight and it was time to find a solution. Ms Codrington-Rogers welcomed the SEND Review and highlighted the impact on support of previous budget cuts. Although she was glad that there were to be no further cuts she stressed that it was time to re-invest. Her members felt betrayed by what had happened.

Diane Wilson, Oxfordshire District Secretary, National Education Union (ATL section), was concerned about the impact on students, staff and other schools were Northfield School to close. Students needed stability or it would add to their anxiety. There were transport and establishment implications of moving staff with the risk of losing experienced staff. Transfer of 70 pupils to other schools would have a considerable impact on surrounding schools and

she queried what analysis of that impact had been carried out. Ms Wilson queried how schools would be equipped to support the pupils and questioned what financial and strategic plan was in place. Ms Wilson asked how the school and pupils had benefitted from the hostel closure. She further queried the motive behind the proposal which she felt was about money rather than the needs of the pupils. She felt that there was a future for the school on a new site if necessary and certainly in new buildings.

Stuart Robinson, Assistant Secretary Oxfordshire National Education Union (NUT Section), spoke against the proposed consultation suggesting that a further option was needed. The Council could provide a new school and he queried why no option had been included to rebuild the school. The option to close the school was premature before the SEND Review and seemed long term rather than short or medium term to address the immediate problem. Mr Robinson stated that the lower school and parts of the Upper school could work with temporary buildings. The School was meeting the needs of most of its pupils and the SENCO had been asked to share best practice. The costs of closure were not just financial as GCSE pupils would face disruption and others would have missed schooling. There was also the cost of losing staff and the costs of placing pupils in private provision which Mr Robinson felt had been underestimated.

Tristan Powell, Acting Headteacher at Northfield School, addressed the points in paragraph 5 of the report noting that the school had been in operation since 1980 having been built as a middle school in 1970. The issues around health and safety had been known for 25 years and were not directly linked to the poor performance of the Carillion contract. Some parts of the school were still fit for purpose. The School had recruited and retained staff and EHCPs were being met. Staff were fully trained, passionate and committed and should not be disbanded. Mr Powell did not believe there were sufficient other suitable places and any change could be traumatic for the children concerned. The detrimental impact of closing the School would be far reaching. At a meeting parents were positive about the School. The report did not refer to any plans to sell off the site with proceeds going to new build.

Councillor Emily Smith, local councillor for Abingdon North, felt that the dire situation was failing the pupils who had been let down by government policy and a failure by this Council to address the building issues, Councillor Smith supported the consultation but felt that the options were problematic. Under Option A the children would be placed elsewhere when there were insufficient places in the County and she sought assurances that the needs of children would continue to be met. Under Option B the school was falling down around their ears. If it was to be rebuilt it would have to be as a free school or voluntary aided school. Councillor Smith questioned how the School had been allowed to get into such a poor state and stated that the education of all such pupils needed to be more effectively resourced. Councillor Smith, responding to a question from Councillor Bartholomew, confirmed that she was in favour of the proposed consultation as a way of gathering more information but she was concerned that the two options were limiting.

Councillor Emma Turnbull, Shadow Cabinet Member for Public Health & Education stated that the School dealt with some of the most vulnerable pupils, needing special support to reach their potential. The interests of the children should be first and foremost in cabinet minds. She had consulted widely and wished to pass on a number of concerns. The problems with the building had been known for some time and there was a feeling that it had been allowed to deteriorate. The costs in the addenda did not include the costs of improving the current school building. At no point were councillors briefed on the leadership and governance issues now identified leading to concerns over the transparency and openness of Council business. Councillor Turnbull queried what would happen to the site and suggested that a new educational purpose be found. If any pupils were placed in mainstream schools there would be a need to make special provision. Market provision should not proceed at the expense of council options. Councillor Turnbull referred to the implications of the Home to School Transport Policy currently being reviewed and sought an assurance that SEN transport would not be affected. Responding to a question from Councillor Bartholomew Councillor Turnbull confirmed that she supported consultation with an expanded Option B to include the transformation of the site fully costed.

Councillor Liz Brighouse, Chairman of Performance Scrutiny Committee, stated that the Committee had considered this and had been minded to support the consultation on the proviso that children were properly provided for and that lessons were learned from what happened at Northfield School. The Committee had also suggested that all children affected be spoken with before the end of July and that all EHCPs be reviewed. She emphasised that pupils had to be at the heart of this matter with a smooth transition to whatever provision was put in place. A previous speaker had referred to a mothballed school and Councillor Brighouse sought clarification on this as it seemed a better option than Hill End. The Committee were of the view that the best option was for pupils to be as close to home as possible. Out of County placements should only be used when every other option had been explored. Councillor Brighouse, responding to a question from Councillor Bartholomew, indicated that she was speaking as Chairman of the Performance Scrutiny Committee and the Committee had been minded to support the consultation as she had outlined.

Nick Graham, Director of Law & Governance detailed the statutory process as set out in the report and confirmed that this was about the informal or pre-consultation stage.

Councillor Lorraine Lindsay-Gale thanked all the speakers who had raised valid points as the Council recognised that it was a very regrettable position and she gave an assurance that the Council would tackle the situation. Alexandra Bailey, Director for Property Assets and Investment added her apology and stated that she had been brought in to address property issues and the Council were committed to resolving this issue. She stressed that having taken back control they were taking a whole County approach to needs and that all options were open in terms of property. It was about what was best for the children with an educational decision based on needs. Lucy

Butler, Director for Children's Services acknowledged how difficult it was when there was any discussion about the future of a school. However, they were operating a split site and that was not sustainable. The consultation would enable the Council to talk to children, parents and staff. The two options were looking at the short term. More alternative provision was coming on line and there would be a longer piece of work as a result of the SEND review. Responding to a question from Councillor Hudspeth about mothballed schools (mentioned by one of the speakers) Lucy Butler undertook to look at that if given the details.

Responding to further questions from Cabinet, Alexandra Bailey and Lucy Butler advised that:

- 1) Following the SEN review, when looking at the longer term rebuilding was an option.
- 2) It would depend on the specialist needs of individual children but provision was aimed at being more inclusive so far as possible. However, the intention was not to set children up to fail. For the children concerned specialist support would be provided by school and teachers trained specifically to meet their needs.
- 3) The aim was to provide in county provision as it was recognised that keeping children close to home was beneficial.
- 4) Future provision would be co-educational.
- 5) Lessons were being learnt from the Northfield School situation and more widely.

RESOLVED: (by 6 votes for with one abstention) to support a public consultation on the following two options:

- (a) Close the Northfield School, placing current students in alternate and more suitable provision, pending the outcome of the SEND Review
- (b) Continue to operate Northfield School as is, pending the outcome of the SEND Review.

56/18 JOINT WORKING ARRANGEMENTS BETWEEN OXFORDSHIRE COUNTY COUNCIL AND CHERWELL DISTRICT COUNCIL

(Agenda Item. 6)

Local Government reorganisation in Northamptonshire has required the Leadership of Cherwell District Council (CDC) to reflect upon its future and consider what is best for its residents. As a result they are 'minded to' formally end their successful partnership with South Northamptonshire Council (SNC). While the functions of SNC are expected to be absorbed into a new unitary council, CDC will need to develop a new operating model that provides a stable platform for the continued improvement of services to residents and a sustainable financial strategy.

Prior to recent events in Northamptonshire, informal discussions between CDC and Oxfordshire County Council had already taken place on shared priorities for the locality. These include the sharing of accommodation and joint posts, with the aim being to put residents at the heart of delivery and to

achieve improved services for communities through a closer working partnership.

This paper sets out an outline business case for formalising shared service activity and for a programme to develop joint working arrangements. It goes on to recommend that Cabinet approves the principle of joint working and to the establishment of a joint Chief Executive post. Cabinet is also asked to review and approve a set of guiding principles for joint working and to delegate to the Director of Law and Governance, in consultation with the Leader, the finalisation of a s113 Agreement, to allow for the establishment of formal joint committees as agreed by both councils and for implementation as business cases are agreed for each element of joint working. Finally, Cabinet is asked to agree to the establishment of an informal member-led Partnership Working Group.

Councillor Liz Brighouse in supporting the principle of working with District Councils raised a number of points. Firstly, that the County Council should look at the relationship with Hampshire County Council to see whether there was a possibility for one combined service within the County Council. The experience of Northamptonshire was an indication that out sourcing did not work. Support services should be fully reviewed. Secondly, in building the working arrangements the focus was on the Leaders of the Councils and people were left out of the discussion. She hoped that going forward issues around transparency and inclusivity could be addressed and that all the Council could be engaged and informed.

Councillor Hudspeth in introducing the contents of the report referred to the context of the position Cherwell District Council found itself in. He stressed that the report was about the principle of working together and the first step was to appoint a joint Chief Executive. He assured Councillor Brighouse that there would be an opportunity to revisit the relationship with Hampshire. The work would dovetail into the Fit for the Future programme. There had been discussions between Leaders to get to this stage but the decision today would enable the Council to move forward together.

Nick Graham, Director of Law and Governance highlighted the Section 113 agreement and the Steering Group that would bring members together to explore opportunities for working together in an incremental approach. Audit & Governance Committee would be consulted on the Governance arrangements.

During discussions Councillor Bartholomew sought some clarification on what would happen to the joint Chief Executive in the event that should for example, the Cherwell DC Chief Executive be appointed and not be successful after the 6 month probationary period. The S113 document at Clause 5.5 was unclear. Nick Graham explained that it was an error in drafting which would be corrected. He confirmed that if unsuccessful in the joint role whoever it was would continue to be employed by their original authority. If the joint working arrangements continued then it would be for the employing authority to make appropriate provision for the returning Chief

Executive. The joint working arrangements and the provisions of the probationary period were separate and this would be reflected in the final agreement.

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In response to questions Cabinet was advised that by agreeing to the report Cabinet was not agreeing to any of the particular models. The Steering Group would be considering the way forward.

Cabinet in supporting the recommendations highlighted the opportunity to improve services for local people and looked forward to working with Cherwell DC.

RESOLVED: (a) to agree:

- to the principle of implementing joint working arrangements with Cherwell District Council;
- that the guiding principles set out in paragraph 13 should apply in the development of joint working arrangements;
- to establish a joint Chief Executive post with Cherwell District Council;
- to the establishment of a member-led Partnership Working Group.

(b) to note:

- the draft s113 agreement attached as Annex 1.

(c) to delegate

- the conclusion of a s113 Agreement with Cherwell District Council to the Director of Law and Governance, in consultation with the Leader;
- the agreement with Cherwell District Council to Terms of Reference of the Partnership Working Group to the Director of Law and Governance, in consultation with the Leader.

in the Chair

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Date of signing