

## EDUCATION SCRUTINY COMMITTEE

**MINUTES** of the meeting held on Wednesday, 20 November 2019 commencing at 1.00 pm and finishing at 2.55 pm

**Present:**

**Voting Members:** Councillor Michael Waine – in the Chair

Councillor John Howson (Deputy Chairman)  
Councillor Ted Fenton  
Councillor Mrs Anda Fitzgerald-O'Connor  
Councillor Jeannette Matelot  
Councillor Gill Sanders  
Councillor Emma Turnbull

**By Invitation:** Mr Donald McEwan, Council of Oxfordshire Teachers' Organisation (COTO) and Mrs Carole Thomson, Oxfordshire Governors' Association.

**Officers:**

Whole of meeting Diane Cameron and Colm Ó Caomhánaigh (Resources)

Part of meeting

<b>Agenda Item</b>	<b>Officer Attending</b>
6, 9	Chris Hilliard, Deputy Director Education
6	Allyson Milward, Head of Access to Learning; Deborah Bell, Head of Learner Engagement
7	Helen Kilby, FSS Service Manager; Jenny Stoker, FSS North (Early Help) Bicester; Sue Evans, Service Manager
8	Sarah Fogden, Finance Business Partner (CEF)
9	Barbara Chillman, Pupil Place Planning Manager

*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.*

### **155/19 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 2)

There were no apologies received.

### **156/19 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OF THE BACK PAGE**

(Agenda No. 3)

There were no declarations of interest.

## **157/19 MINUTES**

(Agenda No. 4)

The minutes of the meeting on 4 September 2019 were approved and signed as an accurate record with one amendment:

Item 153/19: in the final sentence, delete the word “holidays”.

On item 151/19, Carole Thomson stated that Alternative Provision was discussed at the Schools Forum and there was consensus it was an unrealistic expectation. There was not sufficient Alternative Provision at Primary level.

On item 152/19, the Chairman asked if there had been any movement in terms of schools that had capacity refusing to take children. Deborah Bell reported that the situation was improving but there were still come challenges in one town. The Chairman asked that, if the situation in that town is not resolved by the next Committee meeting in February, the town in question should be named.

## **158/19 REPORT BY THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN - INVESTIGATION INTO A COMPLAINT AGAINST OXFORDSHIRE COUNTY COUNCIL (REF: 18 009 005) - OUTCOMES OF REQUIRED AUDITS**

(Agenda No. 6)

Chris Hilliard introduced the report. He stated that what had happened in the case of Child D was regrettable and not acceptable. He apologised unreservedly to the parents who were present at the Committee meeting. The Director of Children’s Services had met with the family and personally apologised. It should never had ended up with the Ombudsman because the Council should have resolved the situation itself. This compounded the earlier errors and the family were quite right to go to the Ombudsman. Actions have been taken to ensure that such a case does not happen again.

Allyson Milward summarised the report. The problem related to the period from September 2016 to December 2018. Since then a new Fair Access Protocol has been introduced to ensure that this cannot happen again. The Council now has the Service Level Agreement with the Hospital School that would have benefitted the child in question to direct them onto the roll. It is working well. There will be a review of the new Fair Access arrangements by 31 January 2020.

A full audit has been completed on offers given and accepted and there are no Children Missing Education (CME) outstanding from that period. A fully independent audit of processes related to school admissions and CME has been commissioned and the outcomes are expected by December.

Deborah Bell described the new Learner Engagement Services which brings together the statutory functions in one place. It brings a single focus to ensure more children are in school more of the time. She confirmed that the Hospital School is a

recognised school and not only a service. The agreement with the Hospital School has been revised to accommodate medically unfit children that are not on a school roll.

Allyson Milward added that the Council could direct maintained schools to take a pupil, but it has not been able to do that with academies since they have been introduced. Academies are in law an admissions authority in their own right and have to approve any admissions to the school roll for this to take place.

Officers accepted that the Council needed to be more robust in situations involving academies and the new Fair Access Protocol reflected that. However, if an academy says 'no', the Council's only recourse is to the Education and Skills Funding Agency (ESFA) and there is no timeline for them to deal with it.

The Chairman proposed an additional recommendation to add to those proposed in the report:

"To ask Cabinet to ask the Secretary of State to restore the ability of Local Authorities (LAs) to instruct schools under Fair Access; and to make it mandatory for all academies to share all data with the LA for safeguarding pupils."

Officers confirmed that there were further problems when it comes to early years providers and children educated at home. They also noted that there was a disconcerting gap between the last health visit - between two and two and half years old - and the age of five when a child must attend school. There is a need to work out a strategy with colleagues in Health.

Officers confirmed that the approach now was that cases should only go to the Fair Access Protocol in extremes – most should be sorted out by officers and schools in cooperation. Most schools are buying into data sharing now. None are refusing they just need to be chased on it. The Chairman expressed the view that it should be mandatory and checked by Ofsted.

Allyson Milward summarised the audit carried out. It was a huge piece of work involving 10,000 cases. They confirmed that no other child was denied access for the same reason as this case. 21 cases were outside the three-month timeline. 3 were classified CME but all were ultimately placed. It is still unsatisfactory how long it can take, especially for a vulnerable child.

Deborah Bell reassured the Committee that, despite data sharing problems, children are not invisible as schools are obliged to share their census with the Department of Education.

Members agreed to add the Chairman's proposal to the recommendations.

The Chairman thanked officers for their work on this issue. They had really grasped the nettle. He also offered his apologies to the parents present.

RESOLVED: to

- a) note the barriers to an efficient system of tracking and placing CME and request that Cabinet make representations at national political level to ensure academies comply with the terms of their funding agreements in a timely manner and that the Secretary of State for Education be given powers to enforce this;
- b) note the actions undertaken from both LGO rulings in 2019 in respect of CME with medical needs and confirm they are satisfied effective arrangements have been put in place to avoid similar circumstances occurring again;
- c) note the audit of pupils following referral to Fair Access Panels in the period required and that all pupils have been placed and their whereabouts are known;
- d) note the audit of all pupils that may be classified as CME in the period required and that all reasonable efforts have been made to satisfy the Council that these pupils are not or no longer CME;
- e) confirm that the Council has met the terms of the LGO ruling and that this should be reported to that office; and
- f) ask Cabinet to ask the Secretary of State to restore the ability of Local Authorities (LAs) to instruct schools under Fair Access and to make it mandatory for all academies to share all data with the LA for safeguarding pupils.

## **159/19 BRIEFING ON CHILDREN AND FAMILY CENTRES' WORK WITH SCHOOLS**

(Agenda No. 7)

The Chairman welcomed officers and thanked them for the report which helped the Committee to see how Children and Family Centres were working with education issues now that they have been in place for about two and a half years.

Councillor Ted Fenton asked, in relation to paragraph 27 of the report on poor school attendance, if parents taking children out of school for holidays is a big problem. Officers responded that it was usually dealt with by the school. If it was for a long time and there was reason to be concerned about possible FGM, for example, then there would be a high-level involvement. School attendance is a factor they always look at, as it can give a clue as to the family ethos.

Councillor John Howson asked about work with GRT (Gypsy Roma and Traveller) families. Officers responded that they work with them the same as other families. There was reasonable success at primary level but the problem of school attendance increases at secondary.

Asked what area of work they would most like to develop, Helen Kilby suggested Alternative Provision for children excluded or not in education. The Centres work very well with Meadowbrook – meeting monthly and sharing information.

Regarding workforce, Sue Evans noted that Early Help had lots of applications but social work was much harder due to the national shortage of experienced staff. It tended to rely on newly qualified staff and retention was a problem given how expensive Oxfordshire is to live in.

Councillor Emma Turnbull noted the contraction of services in recent years. It was now a targeted offer aimed at a limited number of families. She asked if this was a fundamentally small service or could it be grown if the resources were available. Officers responded that more funding would enable them to get to families earlier, identify problems earlier.

Councillor Gill Sanders asked about identifying problems before primary school and dealing with the transfer from primary to secondary. Officers responded that the two-year-old funded offer had been really successful. Additional support tried in Bicester also worked well for that community. There is always more to do.

There has been a spike in referrals of Year 5 and 6 children. The transfer from a small primary to a large secondary can be a difficult transition. Children with difficulties would be referred to the school counsellors.

Councillor Anda Fitzgerald-O'Connor asked about support for military families. Officers responded that they have links with family welfare and SSAFA.

Donald McEwan asked about Early Years SEN issues. Officers responded that for SEN issues the Early Years team would be involved, for housing/low income issues then it would be the Children & Family Centres.

Officers invited Members of the Committee to visit the centres anytime.

RESOLVED: to note the report.

## **160/19 SCHOOLS NATIONAL FUNDING FORMULA**

(Agenda No. 8)

Sarah Fogden gave a presentation on the Schools National Funding Formula. She noted that Oxfordshire was among the 40 lowest funded areas. The new formula is weighted more towards additional needs rather than pupil numbers.

Members of the Committee agreed that the formula was a crude tool and did not take into account the following factors:

- Experienced teachers are more expensive
- Smaller schools spend a disproportionate amount on salaries
- Smaller schools need more experienced teachers for mixed-age classes

Councillor John Howson commented that trusts can top-slice school funding which is outside the local education authority's control. There is evidence that the trusts are paying higher outside Oxfordshire.

The Committee expressed a willingness to work with Allyson Milward on this. It is Oxfordshire County Council's policy to protect small schools. Members found it incredible that the Secretary of State admitted that they had overlooked the problems for small schools.

## **161/19 OXFORDSHIRE PUPIL PLACE PLAN 2019-23** (Agenda No. 9)

Barbara Chillman introduced the plan which has already been through all locality meetings, schools and stakeholders. Oxfordshire has a higher proportion of first preferences being met than the national average. The increase in primary level demand is slowing down but secondary school numbers are increasing at a faster rate along with SEN requirements. So this plan has a shift of focus in response.

Carole Thompson asked about Meadowbrook which is not in the plan because students do not attend for neat one-year periods. Officers responded that it is referred to in the Plan, and the council is very aware the demand for Alternative Provision is growing. Alternative Provision is a diverse sector extending beyond the special schools on Agenda Pages 263 to 265.

Meadowbrook is part of the Radcliffe Academy Trust. The Council is looking at the nature of the provision with a view to recommissioning. Feedback has suggested that we need to be conscious of geographical location and that provision is needed for both primary and secondary levels. Further meetings are planned on this.

The college's funding is quite complex. There is an element of top-slice and a top-up allocation from the Council. The number of places has decreased from 106 to 90 to 71 this year but funding has remained constant.

Councillor John Howson asked about the North Radley / Kennington area and if officers were satisfied that there will be sufficient places there to accommodate development in the area. Barbara Chillman responded that St Swithin's had been extended a few years ago, previously to accommodate City overflow but that overflow is declining. Radley Primary School is expanding and it is expected that there will be sufficient places.

Councillor Ted Fenton asked about the lack of development at Ministry of Defence establishments around Carterton and if the Council could do anything to speed it up. Barbara Chillman responded that their influence was limited. She noted that MoD redeployments without sufficient housing development around Carterton had an impact in the Faringdon area which demonstrates how complex planning can be.

Councillor Emma Turnbull asked if sites have already been identified for the next new secondary school in the Oxford area. Barbara Chillman responded that it was unlikely to be within the city boundary but will be on the outskirts. A lot depends on

local development plans and decisions will not be made until more is known about them, but early discussions had been held with the relevant developers.

Members thanked the team and complimented their work on the plan.

RESOLVED: to note the report.

**162/19 FORWARD PLAN AND COMMITTEE BUSINESS**

(Agenda No. 10)

It was agreed that there was enough on the agenda for February. The Agenda Planning Group will consider taking forward work on children and families centres in the final year of this council.

..... in the Chair

Date of signing .....