

## **EDUCATION OVERVIEW AND SCRUTINY COMMITTEE**

**19 NOVEMBER 2019 AT 6.00 PM AT THE COUNCIL HOUSE, WALSALL**

**Committee Members present:** Councillor Lee Jeavons (Chair)  
Councillor Gazanfer Ali  
Councillor Daniel Barker  
Councillor Brian Douglas-Maul  
Councillor Sat Johal  
Councillor Pard Kaur  
Councillor Farhana Mazhar  
Councillor Saiqa Nasreen  
Councillor Lorna Rattigan  
Councillor Matt Ward

**Portfolio Holders present:** Councillor Chris Towe - Education & Skills

**Non-elected voting Members present:** Mrs Philomena Mullins - Archbishop of Birmingham's Representative

Mrs Heena Pathan - Parent Governor

**Non-elected non-voting Members present:** Ms Sharon Guy - Primary Teacher Representative

**Officers present:** Mrs Sharon Kelly, Assistant Director - Access & Achievement  
Ms Helena Kucharczyk, Head of Performance Improvement and Quality, Children's Services  
Ms Dawn Morris, Service Manager - School & Early Years Finance  
Mr Robert Woodhall, Senior Accountancy Officer  
Dr Paul Fantom, Democratic Services Officer

### **70/19 APOLOGIES**

Apologies for absence were received on behalf of Councillors Rose Burley and Sarah Jane Cooper.

### **71/19 SUBSTITUTIONS**

Councillor Matt Ward substituted for Councillor Rose Burley.

### **72/19 DECLARATIONS OF INTEREST AND PARTY WHIP**

There were no declarations of interest or party whip for the duration of the meeting.

**73/19 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985  
(AS AMENDED)**

There were no agenda items that required the exclusion of the public.

**74/19 MINUTES**

A copy of the Minutes of the meeting held on 8 October 2019 was submitted [annexed].

With reference to Minute 64/19, it was noted that a response to Mr White's question had been forwarded to him.

With reference to Minute 65/19, Councillor Chris Towe confirmed that he had now met with Eddie Hughes MP and had raised with him the matter of additional resources, which would be directed to the appropriate Government Minister. Councillor Towe added that he would inform the Committee of the response once this was received.

**Resolved:**

That the Minutes of the meeting held on 8 October 2019, a copy having previously been circulated, be approved and signed by the Chair as a true and accurate record.

**75/19 MONTH 5 CORPORATE FINANCIAL PERFORMANCE REPORT**

The Chair advised Members that he had received questions from a member of the public, Mr Anthony White, and he invited Mr White to address his questions to the Committee.

*'Were there cuts in the Educational Psychology Service in Walsall before or during these years and if so, have these contributed to the current overspend of £0.181m?'*

*'How many tribunals related to EHC Plans have been carried out in the last five years?'*

The Assistant Director – Access & Achievement, Mrs Sharon Kelly, noted that the question regarding the overspend would be addressed within the context of the Month 5 Corporate Financial Performance Report, and that a response would be provided to Mr White in relation to his other question.

A report was submitted detailing the 2019/20 forecast financial position for services under the remit of the Education Overview and Scrutiny Committee [annexed].

The Senior Accountancy Officer, Mr Robert Woodhall, reported that the forecasted overspend for the services relating to this portfolio, prior to any mitigating action and use of reserves, was £0.811m. With the use of corporate and ear-marked reserves and the implementation of the Directorate action plan, there would be a net forecasted overspend of £0.181m. He also noted that the main reason for the forecast overspend was the use of agency staff within the Educational Psychology team due to increased demand and difficulties encountered in recruiting to permanent posts, and that this overspend could not be mitigated from existing

resources. It was reported that the total capital programme for the services relating to the portfolio was £39.936m, with forecasted costs of £19.270m as at the end of August 2019, and a carry forward of £20,666m would be requested.

With reference to a question from Councillor Barker regarding the use of £2.922m of reserves, as shown in Table 4, and whether there was a knock-on effect from this, Mr Woodhall referred to the £1.578m for Education funding – accountable body, which was money allocated by the Schools Forum for Provision of additional services to schools, for example additional early help, and this came from Dedicated Schools Grant (DSG) reserves.

Further to paragraph 2.6, which stated that plans to spend the Special Provision Fund were currently on hold due to a planned review of Walsall's SEN services and estate, Councillor Barker also enquired about the risk that allocated funds would have to be returned to the DfE. In response to this, Mrs Kelly, explained that this fund had not been allocated as it had been decided to put it on hold so that the level of pupil need could be identified and that a review of high needs funding was being undertaken and all schools had completed an audit of their SEN needs. Use had been made of a model developed by Coventry City Council, which used previous pupil place numbers to determine future SEN needs. This would enable the Special Provision Fund to be directed to provide for those needs for the next three years and the plan for the implementation of this was to be completed by December 2019 in order to be ratified in 2020. The Portfolio Holder, Councillor Chris Towe, highlighted the importance of this work in order to ensure that such requirements were clear, and he emphasised that all schools had bought into the process.

Councillor Matt Ward sought further clarification regarding the entry in Table 4 on Education Funding – accountable body, the annual budget of £0.733m and the necessity of having to make use of £1.578 of reserves. Mr Woodhall suggested that a formal written explanation be prepared and circulated to Councillor Ward and the other members of the Committee on this matter.

Further to paragraph 2.3, Councillor Pard Kaur enquired why some works planned for 2019/20 had been delayed and were now to be completed in 2021/22, with a request being made to carry the remaining funds forward to the next financial year. In response, Mrs Kelly informed the Committee that there were differing reasons why some of the projects had been extended, providing some examples of where this had occurred, and stated that a plan of high level projects and timing commitments would be circulated to Committee members for their information.

In response to a question from Councillor Matt Ward regarding the home to school transport review, Councillor Chris Towe reminded the Committee that this item was to have been a budget saving during the last financial year, and he expanded on the reasons why this saving was not implemented by the Council. This included the historic reasons for the provision of this service, the growth in the numbers of EHCPs being received, and the legal implications, with the outcome of Judicial Review being awaited. He advised Members that this matter would be subject to further consideration in due course.

## **Resolved:**

1. That the revenue and capital forecast for the 2019/20 year-end financial position for services under the remit of the Education Overview and Scrutiny Committee be noted;
2. That the actions taken to address the areas of over spend be noted;
3. That a formal written response be provided to Councillor Matt Ward with respect to his question regarding the annual budget of £0.733m and the use of £1.578m of reserves in relation to Education Funding – accountable body, and that this response be circulated to all Committee Members;
4. That a plan of high level projects and timing commitments be circulated to all Committee Members.

## **76/19 HIGH NEEDS FUNDING**

A report was submitted to provide the Committee with an overview of the main points and key issues in connection with the high needs block of the Dedicated Schools Grant (DSG), which is funded by the high needs national funding formula. The report also summarised how high needs funding is allocated to schools and specialist settings [annexed].

The Service Manager - School & Early Years Finance, Ms Dawn Morris, reported that the 2019/20 high needs block allocation to Walsall was circa £33.109m. For the benefit of Members, she explained the allocation to the Council of the high needs funding, the twelve elements of the national high needs funding formula and how high needs funding was allocated to schools and specialist settings. This was via the 'Place-Plus' approach, which comprised the three elements of core education funding, additional support funding and top-up funding. In terms of current financial issues, Ms Morris stated that the high needs block was a cash limited budget (although the Government had announced an increase in the national cash limited budget for high needs of £700m from 2020/21) and that there was a financial pressure due to the large increase nationally in the number of permanent exclusions. The Committee noted that the Schools Forum had established a high needs working group that was undertaking a review of the local high needs funding formula, and it was anticipated that this would be completed shortly in order for reports to be made to the Cabinet in December 2019 and March 2020 respectively.

Further to a question from Councillor Barker, the Committee was advised that the amount of funding per child was dependent upon the setting, i.e. whether this was mainstream or a pupil referral unit, with the latter attracting a greater level of funding per child. Mrs Kelly pointed out that this was an iniquity that had prompted the review of the local high needs funding formula and that the intention was that the funding model should be child needs-led rather than setting-led.

Mrs Philomena Mullins requested clarification regarding the approach for schools and top up funding, as this was currently based on the hours of support awarded to children and did not always account for the individually assessed needs of a particular child. Mrs Kelly recognised that the current arrangements lacked consistency, that they should be more concerned with resource or provisions rather than hours, and that the model should be more flexible, which was being considered as a part of the review.

Given the cash-limited nature of the high needs block nationally, the Chair enquired about the impact of exclusions and the pressures that they contributed. Ms Morris advised that the budget was determined each December and that if children were excluded then no additional funding would be made available even though the children would have to be educated in another school or setting. Mrs Kelly provided further context by highlighting that since 2015/16 there had been an 11 per cent increase in funding, whilst at the same time there had been a 191 per cent increase in EHCPs, and that over time the average expenditure had risen by 36 per cent because of the growth of need. Therefore, in relation to SEN support, this was a pressure that had to be managed because of the fixed funding. Councillor Towe also made reference to the under-identification of this need, especially in secondary schools.

**Resolved:**

That the report be noted.

**77/19 EDUCATION ATTAINMENT AND OFSTED INSPECTIONS**

A report was submitted setting out the demographics of Walsall's child population, some of the key challenges and the Ofsted performance of schools in Walsall [annexed]. The Committee also received a presentation from the Head of Performance Improvement and Quality - Children's Services, Ms Helena Kucharczyk, concerning the following:

- Children living in Walsall
- Children going to school in Walsall
- Schools in Walsall
- Attendance and exclusions
- Early years in Walsall
- Key Stage 1 in Walsall
- Key Stage 2 in Walsall
- Key Stage 4 in Walsall
- Key Stage 5 in Walsall

Further to a question from Councillor Daniel Barker regarding the attainment gap at Key Stage 2, Mrs Kelly pointed out that there was believed to be an under-identification of those children who have SEN support needs and who were not achieving their potential. She added that a toolkit was being put in place to provide support via identification and training, signposting to specialist provision such as speech and language and behavioural support, educational psychology and in-house training. With reference to the locality model, specialist provision was available in all four localities and support was available where children were at risk of exclusion.

Councillor Brian Douglas-Maul stated his concern that whilst 79 per cent of Walsall schools had been judged to be good or outstanding by Ofsted, the remainder were inadequate or required improvement, and he referred to the role played previously by Education Welfare Officers in helping families and enquired whether this type of assistance was still available. He also asked what could be done to address the problems caused by disruptive pupils. Mrs Kelly emphasised the importance of getting to the root

causes of the problems, and noted that the support available via the locality model and the transformation programme was more extensive than that of former arrangements, as it was multi-faceted enabling specialist support and solutions to be provided around the children concerned. She highlighted that meetings were being held with academy chief executives, trusts and the Regional School Commissioner, and that the powers to put cases forward to the Secretary of State were being used where the Authority had concerns. Mrs Kelly also drew Members' attention to the role they are able to play in supporting and challenging locally for improvements to be made in those schools and academies where this was required.

Having regard to a question from the Primary Teacher Representative, Ms Sharon Guy, concerning what could be done to challenge those academies whose performance required improvement, Mrs Kelly stated that there were channels for escalation and challenge, with action being taken via the Authority's 'schools causing concern' protocol to address the expectations of and performance in schools.

Councillor Chris Towe reiterated the point being made by Mrs Kelly, stating that specialists were going into schools, but also adding that parents had a responsibility for ensuring that their children were ready for school. In cases where children were two or three years behind their peers, schools had to teach them the basics before they could begin their formal education, and it was noted that there was evidence to support the view that such children never caught up, with significant numbers of young people attending further education to retake their GCSEs in English and Mathematics. Councillor Towe informed Members that he had requested that the Director of Public Health, Mr Stephen Gunther, produce a Gantt chart to assist with addressing this matter.

Further to a question from Councillor Gazanfer Ali regarding what constituted an authorised absence, Mrs Kelly indicated that this was a statutory definition set out in the Schools Admissions Code, which prescribed how schools should exercise their functions. Individual schools would have their own admissions policy in which this would be explained and should be able to make this document available upon request.

Having regard to exclusions, Councillor Matt Ward enquired whether a distinction between academies and local authority maintained schools, and whether there was a particular time period when 'off-loading' tended to occur. Mrs Kelly noted that this represented a disengagement by the schools concerned and that there was a tendency for 'off-loading' to occur in February due to the schools' budgetary processes. She again emphasised how such schools were being challenged through the 'schools causing concern' protocol and reported that Ofsted had changed their evaluation process and were now requesting schools to provide data on this matter.

Councillor Ward also referred to Early Years, querying the impact of the closure of the Sure Start programme, and asked what had been done to counter this. He also asked what was being done to share good practice in schools in Walsall. Mrs Kelly pointed out that in Early Years provision in Walsall, a similar philosophy to that of the Sure Start programme was being followed and that she would provide an overview of some of the Early Years projects being carried out by the service in Walsall. Councillor Towe reported that in terms of working together to share good practice, this was being achieved by the arrangement of clusters of schools, and that the meetings were attended by the Authority who could also facilitate this where required.

In response to a question from Councillor Lorna Rattigan regarding the assistance given to families by health visitors, Mrs Kelly advised that signposting for this was done as part of the local offer to parents, which was contained in the locality model. This was having a positive impact and was assisting the linking up of health referrals and GP services.

Councillor Pard Kaur enquired whether there were any consequences or sanctions available for those parents who did not ensure that their children were ready for schools. Councillor Towe informed the Committee that in his meeting with Eddie Hughes MP he had requested that this be raised with the relevant Government Minister as it was a national issue. Furthermore, following the letter sent at the start of the school year to those parents whose children were due to attend Reception class, a survey was to be circulated to ascertain whether this had had an impact and, if so, what it had been.

Further to this point, Councillor Saiqa Nasreen enquired whether it was the case that families from low incomes were disproportionately affected and should have additional support. It was noted by Councillor Towe and Ms Kucharczyk that this was a national issue and that in terms of the take up of Free School Meals, as an indicator of child poverty, those children not receiving these were shown to be not performing as well in school as those children who did receive them.

Councillor Douglas-Maul suggested that a report be made to a future meeting of the Committee on those schools who were not performing well and what steps were being taken by the Authority to address this. This suggestion was supported by the Committee.

**Resolved:**

1. That the report be noted;
2. That a report be presented to a future meeting of the Committee with respect to the steps that were being taken by the Authority to address the performance in those schools that were rated by Ofsted as inadequate or requiring improvement.

**78/19 WORK PROGRAMME 2019/20**

Members received and considered the Committee's Work Programme [annexed].

**Resolved:**

That the Committee's Work Programme be noted.

**79/19 FORWARD PLANS**

Members received and considered the Forward Plans of the Council and the Black Country Executive Joint Committee [annexed].

**Resolved:**

That the Forward Plans be noted.

80/19 **DATE OF NEXT MEETING**

The date of the next meeting would be held on Thursday, 9 January 2020.

The meeting terminated at 7.59 pm.

Chair.....

Date.....