

CHILDREN'S AND YOUNG PEOPLE SCRUTINY AND PERFORMANCE PANEL

24 July 2008 at 6.00 p.m.

Panel Members present	E. Hughes (Chair) E.E.Pitt (Vice-Chair) M. Bird B. Cassidy K. Chambers H. Khan R. Martin C. Towe
Non-Elected Non-voting Members	D. Jones Primary School Teacher Representative
Non-Elected Voting Members	E. Chawira Parent Governor
Other members present	T. Oliver I. Robertson P. Bott
Officers present	Louise Hughes Assistant Director – Universal Services Pauline Pilkington Assistant Director – Specialist Services Paul Sheehan Chief Executive Carol Boughton Head of Prevention & Localities Melanie Harmitt Head of Finance – Children and Young People Tony Stainer Education Walsall Susan Lupton Education Walsall Avril Walton Education Walsall Frank Barnes Education Walsall Cledwyn Davies Education Walsall Angela Walker Scrutiny Officer Colin Teasdale Scrutiny Officer

12/08 **APOLOGIES**

Apologies for non-attendance were submitted on behalf of Bob Grainger

13/08 **SUBSTITUTIONS**

There were no substitutions for the duration of the meeting

14/08 **DECLARATIONS OF INTEREST AND PARTY WHIP**

Councillor E Pitt declared a personal interest as a governor of Willenhall Sports College

15/08 MINUTES OF PREVIOUS MEETINGS

The Chair informed the Panel at this point that item 10 on the agenda for the meeting was to be moved to the end of the agenda, prior to item 13.

RESOLVED

That the minutes of the meeting held on 17th June 2008, copies having previously been circulated, be approved as a true and accurate record

16/08 TRAINING OPPORTUNITIES

Members noted the available training opportunities

17/08 FORWARD PLAN

Members noted the forward plan, which was issued on 7 July 2008.

18/08 AGREEMENT OF WORKING GROUPS FOR 2008/09

The Panel agreed the working groups and their membership for the 2008/09 municipal year. Members were informed that they would be contacted to arrange the first meetings of these groups by email.

A Member enquired whether further information would be received on Children Missing in Education. The Chair responded that this would be looked at further as part of the Positive Activities Working Group.

RESOLVED

That:

The work of the Positive Activities and Property Services Working Groups be continued during the 2008/09 municipal year

And

The Membership of the Positive Activities Working Group will be as follows:

- **Councillor E Hughes – Lead Member**
- **Councillor B Cassidy**
- **Councillor R Martin**

And

The Membership of the Property Services Working Group will be as follows:

- **Councillor M Bird**
- **Councillor K Chambers**
- **Councillor C Towe**

20/08 2007/08 FINANCIAL OUT-TURN

Melanie Harmitt presented the report which gave a breakdown of the Children's Services Directorate's final revenue out-turn for 2007/08 and the forecast revenue out-turn for 2008/09 including explanations of overspends and risks to the achievement of the forecast.

Members heard that the directorate had overspent by £634,000 during 2007/08. For 2008/09 the forecast overspend is £182,000, £175,000 of which is forecasted to be from Specialist Services.

In response to a Members question, Melanie Harmitt explained that the £196,000 reserve in the out-turn for the ICT service was specifically set up for delivery of the Oracle project. Members were informed that this was not included as part of the normal budget as it would affect year on year running costs and by setting up a reserve, it avoids large fluctuations at the budget refresh each year.

Melanie Harmitt agreed to find out the reason for the reduced level of income received by ICT during 2007/08.

A Member asked for an update on out of borough placements and whether Walsall is on track for its savings target in this area. Pauline Pilkington responded that an update report on this would be provided to the next panel meeting.

RESOLVED:

That:

Melanie Harmitt will feedback the reason for the reduced level of income received by ICT during 2007/08

And:

An update on out-of-borough placements to be presented at the next meeting of the Children's and Young People Scrutiny and Performance Panel.

21/08 BUDGET PROCESS 2009/10 TO 2011/12

Melanie Harmitt provided Members with information on the outline framework for the budget setting process for 2009/10-2011/12.

The Chair feedback that the resource-planning tool at appendix 2 of the report was good.

Some members felt that parts of the budget setting process could be handled more effectively in terms of keeping information on savings private, to avoid misunderstandings with the press.

22/08 CHANGE FOR CHILDREN CONTRACT UPDATE AND KEY PERFORMANCE INDICATORS

RESOLVED:

That this item be moved onto the agenda of the meeting of the Children's and Young People Scrutiny and Performance Panel due to take place on 25 September 2008

23/08 EVERY DISABLED CHILD MATTERS CHARTER

Carol Boughton presented the report containing background information on the Every Disabled Child Matters charter.

Members heard that Local Authorities are asked to commit to fulfilling the requirements of the charter by December 2009. Walsall PCT along with 69 Local Authorities have already signed up to the charter. A multi-agency disability steering group and project group have been set up to lead on the process. The project group have identified that 7 out of the 9 requirements of the charter will be met or partially met by the authority. Groundwork is in place to ensure that requirement, "Disabled children are involved in drawing up our Disability Equality Scheme and also in monitoring it's effectiveness in eliminating discrimination", will be met by December 2009. The final requirement needs more work which will tie in with the refresh of the Local Area Agreement (LAA) in April 2009, as there is not currently a target on levels of service to families with a disabled child in the LAA.

In response to a Member's question, Carol Boughton stated that there would be no immediate resource implications in achieving the requirements of the charter. The standards are largely based on good practice and there is already enough knowledge within the authority to put the required processes into place.

Carol Boughton responded to a further question, stating that the definition of disability in the context of the charter is taken from the Disability Discrimination Act (DDA). Members heard that children with statemented needs are not included and there are currently approximately 470 children in Walsall who meet the DDA definition.

The Chair requested that the Panel look at the work being done to address each of the requirements so far. Carol Boughton agreed that this would be possible at a future Panel meeting.

Members discussed the possibility of the charter raising the expectations of parents and children, when the required resources are not available to fulfil these expectations. Carol Boughton responded that this may be the case and that people may want a service which is not currently provided, in these cases there would be the need to look at what can be done to meet their needs.

Carol Boughton explained that £200,000 capital funding could be available through "Aiming high", but in order to access this money, the authority must fulfil the first 8 requirements of the charter. The Panel heard that there is no legislative or financial requirement to sign up to full the charter.

A Member stated that £200,000 is very little for schools to make the real changes required. Carol Boughton explained that previously, only £40,000 had been available and therefore £200,000 was a large increase.

In response to a Member's question, Tony Stainer stated that responsibility for the DDA lies with individual schools and not the local authority or Serco.

RESOLVED:

That Carol Boughton will provide an update report on progress towards each of the Every Disabled Child Matters Charter's requirements at the meeting of the Children's and Young People Scrutiny and Performance Panel on 25 September 2008.

24/08 SHELFIELD SCHOOL – PROPOSED ACADEMY, INFORMAL CONSULTATION RESULTS AND FEEDBACK FROM CABINET 16 JULY 2008

Tony Stainer explained to Members that 1700 consultation questionnaires had been sent and 14 responses had been received (12 being positive, 1 neutral and 1 against). Feedback from Ward Councillors who had spoken to residents had been positive and were happy with the plans.

Councillor Martin explained that she had attended Cabinet on 16 July 2008, to feedback the views of the Children's and Young People Scrutiny and Performance Panel on the consultation results and proposed academy status. Angela Walker had produced a statement reflecting the views of the Panel for Councillor Martin's information on the evening. Members requested that a copy of this statement be circulated outside of the meeting.

A Member expressed disappointment with the consultation results and asked to see the format of the consultation letter and questionnaire.

Susan Lupton explained that the consultation had been sent to all statutory consultees, all parents of children currently on roll at Sheffield and all parents of children due to start there in September 2008. Meetings were scheduled and all staff, governors, student council and the wider community were invited, with 10 days notice of each meeting. Information was publicly available, on the internet and in local libraries. Attendance at each of the meetings was low, despite efforts to publicise them widely and to make them as appealing as possible, with good representation from the Sponsor, Serco and the school itself.

A Member stated that parents would only be likely to respond if unhappy with the idea of the proposed academy, therefore the Panel should not be too concerned with the low response rate.

In response to a Member's question on whether there are lessons to be learnt from the Sheffield consultation process, Avril Walton stated that the turnout had been disappointing, despite the fact that Walsall goes far beyond the statutory minimum consultation. The response from the local community had been positive about the proposal.

A co-opted member stated that parents will be happy to see a new school built in the area but don't see the background threat it poses to state education in the locality. The member felt that the Department for Children, Schools and Families (DCSF) consultation paperwork does not give parents a balanced view of the proposed academy. The member also informed the Panel that staff at Sheffield had been aware of the planned academy for 12 months before consultation began.

In response, a Member said that consultation is paramount and that the 12 months to "pave the way" prior to consultation was a positive thing. If parents were unhappy, they would have expressed this during the consultation process.

Members requested that a copy of the consultation letter and questionnaire be circulated to them outside of the meeting. Avril Walton agreed to forward this onto Angela Walker for circulation to Members.

Some Members of the Panel felt that the 12 months work at Sheffield prior to consultation was commendable, whilst other Members felt that this time had been used to put enough spin on the matter to influence parents before consultation began.

A Member stated that it is important for the risks associated with academy status to be fully explained to parents in terms of their governance arrangements.

RESOLVED:

That Angela Walker will circulate a copy of the feedback on Sheffield School taken to Cabinet by Councillor Martin to all Members of the Panel

And

That Avril Walton will forward the Sheffield consultation letter and questionnaire to Angela Walker for distribution to all Members of the Panel

25/08 DARLASTON SCIENCE COLLEGE – CALL-IN OF CABINET DECISION

The Chair introduced the item and informed the Panel that this had been added to the agenda as an urgent item because it had been called-in and it would have been extremely difficult to fulfil constitutional requirements in terms of timescale if another meeting had to be arranged, particularly with the holiday season commencing.

At its meeting of 16 July 2008, the following resolution was passed by Cabinet:

That Cabinet agreed that consultation, on the closure of Darlaston (Community Science College) on 31 August 2009 to enable it to open on 1 September 2009 as an Academy, takes place early in the Autumn term (section 5).

This decision was called-in by 5 members of the Council under the provisions of paragraph 17(c) (ii) of the Scrutiny and Performance Panel Rules on 21 July 2008. The reasons for the call-in were:

- To scrutinise the process followed to date
- To scrutinise the proposed format of consultation

On behalf of the Members who had signed the call-in notice, a Member thanked the Chair for accepting the call-in. The Member stated that one of the reasons the Cabinet decision had been called in was because of concerns over the fragmentation of schools in Walsall.

A Member who had signed the call-in notice stated that there was a significant difference between the proposed academies at Shelfield and Darlaston. The Member asked for clarification on the following points:

- Do we have to actively pursue academy status to get Building Schools for the Future (BSF) funding?
- The financial impact on the authority and the education contract with Serco of losing the 2 schools
- The origin of the Sponsor, in particular its religious and political affiliations
- Have we explored other potential sponsors?
- Would a council-led approach to academies be possible?
- How does the council handle the potential difficulties which will be brought about by academy status and ensure it runs smoothly?

Other Members who signed the call-in stated that Scrutiny needs to examine the information which is sent to parents as well as the questions within the consultation itself. A Member who signed the call-in had permission from the Chair of Governors of Darlaston Science College, Tony Rowley, to read out a letter he had written expressing concerns over the proposed academy. The key points from the letter were as follows:

- Deep concern on lack of consultation
- Lack of choice of sponsor
- Full facts on academies needed
- Governing body disregarded by Education Walsall
- Why was Darlaston chosen for Academy status?
- Why has the process so far been so hasty?
- Why was Darlaston not considered for BSF?

Paul Sheehan informed the Panel that a copy of this letter had been received by the Chief Executives office; however, this was 2 days after the Cabinet meeting and so could not be circulated to Cabinet Members.

Tony Stainer explained that informal consultation commenced in July 2007 with Tony Rowley and Councillor K Chambers. The original sponsor was considered inappropriate and the sponsor themselves considered Darlaston not suitable for them. A second sponsor, the Grace Academy, was then suggested by the DCSF. In December 2007, the sponsor visited the school and met with the head teacher and chair of governors. At this point, no objections were raised.

On the 19 December 2007, Governors discussed the potential academy but decided they needed further clarification before making any decisions.

On 22 January 2008, Cledwyn Davies of Education Walsall attended the governors meeting to provide the clarification needed. Following this meeting, concerns were expressed to the DCSF on the choice of Grace Academy as sponsor.

Subsequently, the school was inspected and was judged to be failing. It was not a viable option to close the school, instead academy, federation or trust status were the alternatives to secure improvement. An action plan was put in place to begin the improvement process.

Funding for the proposed academy had already been sourced through the National Framework, prior to Walsall's successful BSF bid. The achievement of BSF funding has not changed the fact that the proposed academy would be delivered through National Framework funding. This means that 5 additional projects can be completed through BSF on top of Darlaston being rebuilt through National Framework funds.

A final expression of interest has been completed which poses the framework for consultation on the matter. The language of the consultation is designed to be accessible to all members of the community. Once the expression of interest has been signed off, consultation can commence.

Tony Stainer informed Members that in a recent meeting with Tony Rowley, concerns had been raised over the planned business and enterprise specialism of the proposed academy. Following this discussion, the DCSF have written a question into the consultation around a preferred specialism for the school to be established. Tony Stainer assured Members that Darlaston would not be listed as a faith school nor would it adopt a fair banding approach to admissions, this has been made clear in the expression of interest. Members were also assured that the sponsor would continue to work with the behaviour improvement partnership.

Tony Stainer agreed that the signed expression of interest would be circulated to Members once available, outside of the meeting.

Members were informed that the DCSF identify a sponsor for a school. New legislation being introduced means that new academies have to comply with the Local Authorities Admissions Policy. Data sharing between the academy and the Local Authority would also be built into the legislation.

A Member stated that consultation should commence and that the governing body should not delay the process.

At this point, it was identified that Michelle Morris, one of the Parent Governors of Darlaston School was present at the meeting. The Chair invited her to speak to the Panel. Michelle Morris stated that governors had not been consulted on the plans for academy status.

Members discussed the importance of a proper, open consultation in ensuring everyone gets the chance to have their say, including the governors. In response to a Member's question, Michelle Morris stated that although she did not fully sign up to all of the points within the letter from Tony Rowley and does not oppose the planned academy status, she would like to see a choice of sponsor. Michelle Morris stated that she believed that Tony Rowley does want what is best for the school.

A Member who had called-in the Cabinet decision stated that the impression being given was that the school do not feel ready to transfer to the Grace Academy and they haven't decided that they want to go ahead with the consultation.

Tony Stainer responded that when a school is placed in special measures, it takes away many of its options. In the past year, there has been no negative feedback received regarding plans for an academy.

In response to a Member's question, Tony Stainer stated that an action plan was in place to address the "failing school" status. This plan was being monitored by Her Majesty's Inspectorate (HMI). If, at the next stage of inspection, it was found that no improvement had been made, the school would be forced to close or take on academy status. Members were informed that once the consultation process begins, governors would have the chance to give their views.

The following resolution was proposed and seconded:

That the Darlaston consultation process should commence immediately and be as wide as possible and should include the National Union of Teachers and the Anti Academies Alliance.

An amendment was then proposed and seconded:

That the Darlaston consultation does not go ahead until discussion with the DCSF takes place to establish possible alternative sponsors

Members queried whether this amendment should be allowed or if it was a direct opposite of the original resolution, on advice from the Chief Executive the Chair accepted the amendment and called a vote

The result of the vote was 3 in favour and 5 against.

The Chair asked for a vote on the original (amended) recommendation:

That the Darlaston consultation process should commence immediately and be as wide as possible and should include the National Union of Teachers and the Anti Academies Alliance.

The result of the vote was 5 in favour, 0 against, the recommendation was therefore passed.

The Chair informed the Panel that additional meetings could be arranged to ensure the process was as robust as possible and that already an additional meeting of the Panel was being scheduled for 14th October 2008 to ensure Scrutiny receive the results of the consultation before Cabinet.

RESOLVED:

That the Darlaston consultation process should commence immediately and be as wide as possible and should include the National Union of Teachers and the Anti Academies Alliance.

And

That an additional meeting of the Children's and Young People Scrutiny and Performance Panel will be arranged for 14th October 2008 to ensure Scrutiny receive the consultation results prior to Cabinet.

The meeting terminated at 8.35pm.

Chair:

Date:

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