

EDUCATION OVERVIEW AND SCRUTINY COMMITTEE

20 NOVEMBER 2018 AT 6.00 PM AT THE COUNCIL HOUSE, WALSALL

- Committee Members present:** Councillor Aftab Nawaz (Chair)
Councillor Daniel Barker
Councillor Carl Creaney
Councillor Brian Douglas-Maul
Councillor Amers Kudhail
Councillor Lorna Rattigan
Councillor Mark Statham
Councillor Stephen Wade
Councillor Vera Waters
- Portfolio Holders present:** Councillor Chris Towe – Education & Skills
- Non-elected voting Members present:** Mrs Teresa Tunnell (Parent Governor)
- Non-elected non-voting Members present:** Mr Russ Bragger (Primary Teacher Representative)
Ms Wendy Duffus (Secondary Teacher Representative)
- Officers present:** Ms Anne Birch, Interim Assistant Director –
Access & Achievement
Ms Connie Beirne, Head of Service –
Education Standards & Improvement
Mr Mohammed Irfan, Lead Accountant
Dr Paul Fantom, Democratic Services Officer
- In attendance:** Mr Max Vlahakis, Chair of Walsall Schools Forum

33/18 APOLOGIES

An apology for absence was received on behalf of Councillor Sarah Jane Cooper.

34/18 SUBSTITUTIONS

There were no substitutions.

35/18 DECLARATIONS OF INTEREST AND PARTY WHIP

Mrs Teresa Tunnell declared a non-pecuniary interest in her capacity as a member of the FACE Walsall parent-carer forum.

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

**36/18 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
(AS AMENDED)**

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

37/18 MINUTES

Resolved:

That the minutes of the meeting held on 9 October 2018, a copy having previously been circulated, be approved as a true and accurate record, subject to the inclusion of Councillor Stephen Wade's name in the list of Committee Members present.

38/18 WALSALL SCHOOLS FORUM

The Chair welcomed and thanked Mr Max Vlahakis, Chair of the Walsall Schools Forum, for his attendance at the meeting. He invited Mr Vlahakis to outline the role of the Schools Forum before opening up the discussion for questions from Members.

Mr Vlahakis thanked the Chair for the invitation to attend the Committee. He explained that the Schools Forum was comprised of members representing different educational organisations in Walsall and that its main purpose was essentially a financial one. This was because the Forum would be consulted on and consider proposals made by the Local Authority. He cited the examples of school improvement, addressing falling rolls, and SEND provision as funding matters that the Forum would consider.

In response to a question from the Chair, Mr Vlahakis confirmed that the Forum had existed in Walsall for approximately twenty years and that he had been a member for fourteen/fifteen years. He added that it was an important group because the Local Authority took direction from it and that it was able to hold to account and challenge it when it considered that funds were not been spent effectively.

Elaborating on the Forum's financial responsibilities, Mr Vlahakis stated that this was concerned with, for example, the allocation of funding into primary and secondary schools, which was currently subject to a consultation. In seeking to achieve a fair balance between the funding for schools in these sectors, it was noted that the weighting used was based on national recommendations. In terms of which schools were represented on the Forum, it was reported that composition was based on a balance of the number of pupils attending schools. It was pointed out by Mr Vlahakis that there was a good range of attendees, including representatives from the Local Authority, special schools, private nurseries and Diocesan authorities, but it was noted that there was currently no representation from other faith schools.

A Member having asked how many of the academies in the Borough were not represented on the Forum, Mr Vlahakis advised that a mathematical formula was used to determine the Forum's composition and that the number of academies represented was dependent upon the number of school places in each school.

A Member enquired about deprivation data and whether the Forum used the most recent information, and it was confirmed by Mr Vlahakis that it was one of several elements prescribed by the Government for use in the Forum's funding formula. He added that representatives from the Council's Finance and School Governance teams, and from primary and secondary schools (including academies), met each year to discuss which factors should take precedence. It was acknowledged that for the funding formula to have a local flavour, some of these would be more heavily weighted than others. Mr Vlahakis emphasised that the focus was to maximise achievement for all of Walsall's children and this data was taken into account when considering academic performance in the areas of greatest need. It was also noted that it had previously been the case that schools were allocated £175k prior to the remainder of their budget being calculated, which had been beneficial in giving some financial protection to the smaller schools. However, the level of funding had been maintained and consequently this had assisted the position of these schools.

The role of the Forum in securing improvements to educational standards was raised by a Member, and the Committee was assured by Mr Vlahakis that there were wider discussions beyond financial matters. He cited one of the key functions of the Forum as holding the local authority to account, for example in relation to how funding for school improvements was spent and the impact it would have. Mr Vlahakis also described the operation of the newly created strategy groups.

Further to a question concerning the other data being used to drive the weighting of the funding formula, Mr Vlahakis advised the Committee that reference was made to the expenditure of other local authorities, and that the Forum attempted to achieve a balance between the primary and secondary sectors. He referred to a consultation currently being undertaken to assess three models of funding and determine which would be most beneficial to the children of Walsall. He acknowledged that there was currently a push for schools to join federations in order to share resources and costs.

The Chair enquired whether the Forum would take a view on the level of educational attainment in Walsall. Mr Vlahakis confirmed that it did and had requested sharper data from the Council on some issues. He noted that in relation to SEND, and particularly to those children affected by multiple factors who were not performing well academically, this had featured in discussions on improvement by the strategy groups. Steps were being taken for the recruitment and retention of high quality graduate teachers and joint work undertaken with the University of Wolverhampton.

The Chair invited Mr Vlahakis to comment on the levels of funding and its impact on educational attainment. In response, Mr Vlahakis stated that whilst there had been increases in funding, school budgets had been affected by, for example, pension contributions and other cost increases to be met by schools which, in real terms, had a detrimental impact. Consequently, in order to avoid potential budget deficits, schools might have to make redundancies and had to work together more creatively in future and through multiple structures. In response to a question from the Chair, Mr Vlahakis acknowledged the Committee's concerns about the increased number of exclusions of pupils from Walsall's schools. He contended that this connected to other problems, such as drug dependency, domestic violence and mental health issues exacerbated by economic and social deprivation, and the disappearance of some support organisations and the reduced number of support staff in schools.

Having regard to exclusions, a Member observed that some teachers were under too much stress and that parental complaints were being ignored, particularly in academies. Mr Vlahakis, while pointing out that there were multiple factors influencing why a school might exclude a pupil, also expressed the view that the performance of the school could also be linked to the number of exclusions being made. The Committee was advised that when an exclusion had not been dealt with appropriately, there was provision for local authority challenge and intervention.

The Chair highlighted a concern regarding the openness of some academies, given that admissions policies had been adjusted to attract applicants from more affluent areas. He requested that the Forum be made aware of this concern that the level of dialogue with academies had reduced.

In concluding the discussion, the Chair indicated that he wished the Chair of the Schools Forum to be invited back to the Committee in the next municipal year to discuss progress over the year and the challenges faced by schools.

39/18 PRIMARY AND SECONDARY SCHOOL EDUCATION ATTAINMENT 2018

A report on primary and secondary school results was submitted [annexed] that examined the performance of Walsall's children and young people when compared with their statistical neighbours and the national averages.

The Portfolio Holder, Councillor Chris Towe, stated that the data was un-validated but unlikely to change extensively before validation in 2019 and, in view of Walsall's results, continued improvement was required to achieve the national average. He stressed that the gap needed closing for children entitled to free school meals, looked after children, children with special educational needs and disabilities, and for other groups of disadvantaged young people. The improvements in the Early Years Foundation Stage and year one Phonics results, the positions at Key Stages 1 to 5, were highlighted, and he noted that priorities would be addressed through:

- The schools causing concern protocol
- The three strategy groups for the primary, secondary and post-16 sectors
- Head teacher-led clusters for schools
- Strategic School Improvement Fund (SSIF) bids
- The localities delivery model
- Work with the Black Country local authorities and the teaching alliances

Councillor Towe also expressed his concern regarding children's preparedness when entering primary school, which he felt to be a crucial factor for improving performance in schools. He informed the Committee that he had held discussions with head teachers in relation to this, that work was being carried out on a policy to address it, and that he proposed to bring a report to this Committee for discussion in due course. This was welcomed by Members. The Head of Service – Education Standards & Improvement, Ms Connie Beirne also reported to the Committee that in terms of the priorities as set out, there had been work to sharpen up and that this would have an impact on would be happening in schools during the next year.

A Member sought an explanation for the performance in Walsall on year 1 Phonics and why this exceeded the national average and statistical neighbours. He also enquired about the extra funding for disadvantaged pupils and whether this expenditure had also helped with the sharing of good practice. Ms Beirne explained that Walsall had achieved well in Phonics over recent years, and that this was because there was greater flexibility in regard to the different schemes being used. She emphasised that in terms of closing the achievement gap, work was being carried out with the schools to focus on pupil outcomes in order to address this. In relation to the latter question, Ms Beirne pointed out that schools were being creative in how this funding was used, with there being school-to-school support to help share good practice collectively across the Borough.

The Chair asked whether, in relation to Pupil Premium, the Council could hold schools to account for the way that this funding was being utilised. It was confirmed by Ms Beirne that this was the responsibility of the schools' governing bodies, and that this might also be highlighted via the Ofsted inspection process.

During discussion, a Member made further reference to the need to attract and retain high quality teachers. Ms Beirne reported that working through the localities would help to achieve retention and that teacher recruitment was being considered by the primary and secondary strategy groups. There were also links to Birmingham City University, the University of Wolverhampton and Walsall College, with the latter being concerned with the post-16 sector and apprenticeships. It was pointed out by Ms Birch that the schools sector was a competitive environment and there would always be difficulties when seeking to encourage teachers to stay in an area. Moreover, when looking at the range of issues concerning schools, the introduction of the Cause of Concern protocol and RAG rating system gave a robust system that would hold the schools to account on performance.

Councillor Towe's concern about children's preparedness for school was reiterated by the Committee, but it was noted by some Members that resources, such as the Sure Start Centres, had been removed. Ms Beirne reminded the Committee that there had been a lot of changes in the primary and secondary school sectors, for example regarding levels, which had caused disruption. However, she stressed that when reviewed the data it was evident that there was movement in the right direction, which would lead to the expected standards being achieved.

Further a Member's question regarding the academic performance of children with special educational needs and disabilities, with exclusion rates being higher for these children, Ms Beirne stated that this was a high priority and that underperformance was being tackled through working with the schools. It was noted that this was a particular problem for boys and that best practice was being shared across schools. Councillor Towe informed the Committee that he had visited a school where 81 per cent of boys required SEND support, and the school's Ofsted rating had risen from 'requiring improvement' to 'good', providing a model that other schools could follow.

The remodelling of the School Improvement Team was referred to and a Member enquired whether there had been changes to the working of the School Improvement Partners. Ms Beirne stated that School Associates now worked with schools on leadership and the quality of teaching and learning.

On this matter, the Chair sought clarification on the roles of the School Associates, and whether the School Improvement Partner positions had been replaced by them. He was concerned that should this be the case, it would be a negative step as control could be lost and this might have a potentially negative impact on school improvement and the narrowing of the attainment gap. This view was supported by a Member who stated that School Improvement Partners were necessary, with schools still being able to employ additional personnel or resources. It was confirmed by Ms Birch that there had been feedback from head teachers suggesting that the former model was not effective so that there had been a re-alignment of priorities. It was noted that the Associates were not directly employed, with some being current Head teachers in other schools and others being Ofsted Inspectors.

Resolved:

That the report be noted.

40/18 DRAFT REVENUE BUDGET AND CAPITAL PROGRAMME 2018/19 – 2021/22

The Committee received a report [annexed] on the draft revenue budget and capital programme, which included the latest medium term financial outlook for the period 2018/19 to 2020/21. The Committee's feedback would be reported to the Cabinet on 12 December 2018, to inform the final draft budget to be considered by the Cabinet on 13 February 2019 and the recommendation to the Council on 28 February 2019.

Members commented on the savings proposals, as follows:

Policy proposals 2019/20 for consultation: Review of home to school transport for service users - post-16 years of age

This proposal had two options, which were as set out in Appendix 4 to the draft revenue budget and capital programme, and the Committee was advised that the period for consultation on the proposal would be concluded on 21 December 2018 with the feedback received then being presented to the Cabinet for consideration.

The Committee received a presentation from representatives of the local parent-carer forum, FACE Walsall, who set out their concerns regarding the proposal. In brief, these included:

- The proposal's impact not just on the 97 young people who could be affected should this service be unavailable, but on their parents and other family members.
- The inability of many of the young people to use public transport due to wheelchair access and/or behavioural problems, and the possible safeguarding issues that could arise.
- The impact on the health, including mental health and behavioural issues, of the young people affected and their parents and other family members through the additional stress incurred should these young people have to stay at home.
- The financial impact on families, where in the absence of this service parents might have to give up work to take the young people to and from school/college.

- That parents taking the young people to and from school/college themselves could be further financially penalised, as the mileage allowance of £0.45 per mile is paid in one direction only. Moreover, this does not account for carer costs and the possible impact on welfare benefits that could be reduced as a consequence of payment of the allowance.
- The possibility that if parents were unable to access this service and decided not to send the young people to school/college, that they could be subject to a fine.

During this presentation and the ensuing discussion there was reference to the legal implications in relation to the Council's duties/responsibilities to promote the participation of young people in education and training. FACE Walsall contended that the policy proposal would effectively discriminate against these young people by denying them the opportunity to do this, with the policy being in their view contrary to some of the provisions of the SEND Code of Practice 2015, the Education and Skills Act 2008, and the Equality Act 2010.

The Committee noted the concerns of FACE Walsall and also requested that an opinion be obtained from the Council's Legal Services team and then made available to the Committee Members at the earliest opportunity.

The Committee noted the proposed timetable, with the final draft budget being considered by the Cabinet on 13 February 2019 prior to it be recommended to the meeting of the Council on 28 February 2019. In view of the consultation period on the policy proposal and the request for a legal opinion, the Committee also requested that they receive the revised draft revenue budget and capital programme prior to the February meeting of Cabinet. This would necessitate it being presented at the Committee's meeting on 10 January 2019.

Resolved:

1. That the draft revenue budget and capital programme relating to the remit of the Committee be noted;
2. That the policy proposal in relation to the review of home to school transport for service users – post-16 years of age – be noted;
3. That the Cabinet be requested to note the concerns that have been raised by the FACE Walsall Group.
4. That the Committee noted that consultation would be undertaken on all new 2019/20 policy savings and that feedback would be presented to the Cabinet on 12 December 2018 and looked forward to seeing the decision arrived at by the Cabinet.

41/18 CORPORATE FINANCIAL PERFORMANCE – QUARTER 2 FINANCIAL MONITORING POSITION FOR 2018/19

A report was submitted [annexed] detailing the 2018/19 year-end financial position for services under the remit of the Education Overview and Scrutiny Committee and based on the financial performance for quarter 2 (April 2018 to September 2018).

The Lead Accountant, Mr Mohammed Irfan, reported that the forecasted overspend for the services relating to this portfolio, prior to any mitigating action and use of reserves, was £0.721m. 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 £0.110m. He also drew Members' attention to section 1.6 of the report, which specified that within the services concerned there were a number of risks that totalled £0.200m, including home to school transport.

Resolved:

1. That the revenue and capital forecast for the 2018/19 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.

42/18 WORK PROGRAMME 2018/19 AND FORWARD PLANS

Members considered the Work Programme and the Forward Plans of the Council and the Black Country Executive Joint Committee [annexed]. Some amendments to the work programme to facilitate the effective business of the Committee during 2018/19 were also suggested and approved.

The Chair informed the Committee that in relation to the report on school place planning and expansions that was presented to the Cabinet on 24 October 2018, and which was deferred for further consideration of the matter to the meeting of Cabinet due to be held on 21 November 2018, this decision might be called-in for consideration at a special meeting of this Committee. Councillor Towe advised Members that as Portfolio Holder he was happy to attend the Committee in order to explain the process, but emphasised that if the Cabinet decision were to be called-in it would create a delay of four weeks.

Resolved:

That the revised Work Programme and the Forward Plans be noted.

43/18 DATE OF NEXT MEETING

The date of the next meeting was 10 January 2019.

The meeting terminated at 8.16 pm.

Chair.....

Date.....