

## Lancashire County Council

### Education Scrutiny Committee

Minutes of the Meeting held on Tuesday, 10th July, 2012 at 10.00 am in Cabinet Room 'C' - County Hall, Preston

#### Present:

County Councillor Mrs Pat Case (Chair)

#### County Councillors

|               |          |
|---------------|----------|
| K Bailey      | A Kay    |
| Mrs R Blow    | A Knox   |
| K Brown       | J Mein   |
| Mrs S Derwent | S Riches |
| C Evans       | P Steen  |
| P Evans       | M Younis |
| S Fishwick    |          |

#### Co-opted members

Mrs Janet Hamid, Representing Parent Governors (Secondary)  
F Kershaw, Representing CE Schools  
K Wales, Representing Free Church Schools

County Councillor Steen replaced County Councillor Jones and County Councillor Mein replaced County Councillor Wells for this meeting only.

Apologies were presented on behalf of Mr J Withington, a co-opted member representing Parent Governors (Primary).

#### 1. Appointment of Chair

**Resolved:** That the appointment by full County Council on the 24<sup>th</sup> May 2012 of County Councillor Mrs P Case as Chair of the Committee be noted.

#### 2. Appointment of Deputy Chair

**Resolved:** That the appointment by full County Council on the 24<sup>th</sup> May 2012 of County Councillor Mrs S Derwent as Deputy Chair of the Committee be noted.

#### 3. Membership, Terms of Reference and programme of meetings for 2012/13

The Committee received a report regarding the above and was informed that in May the full County Council had agreed the constitution of the Committee on the

basis of 16 County Councillors plus 5 voting Co-opted members and the following nominations had been received regarding membership of the Committee:

County Councillors (16)

|               |            |
|---------------|------------|
| K Bailey      | C Grunshaw |
| RN Blow       | A Jones    |
| K Brown       | AD Kay     |
| Mrs P Case    | A Knox     |
| Mrs S Derwent | Y Motala   |
| C Evans       | S Riches   |
| P Evans       | C Wells    |
| S Fishwick    | M Younis   |

Voting Co-opted Members (5)

Mr T Charnock – Representing RC Schools  
Mr F Kershaw - Representing CE Schools  
Mr K Wales - Representing Free Church Schools  
Mrs J Hamid - Representing Parent Governors (Secondary)  
Mr J Withington - Representing Parent Governors (Primary)

**Resolved:**

1. That the current membership of the Committee as set out above be noted.
2. That the following Terms of Reference for the Committee be noted.
  1. To review decisions made, or other action taken, in connection with the discharge of any relevant functions undertaken by the Cabinet collectively, or the relevant Cabinet Members or Cabinet committee.
  2. To make reports or recommendations to the Full Council, the Cabinet or the relevant Cabinet Members or Cabinet committee with respect to the discharge of any functions undertaken by the Cabinet collectively or the relevant Cabinet Members or Cabinet committee.
  3. In reviewing decisions (other than decisions designated as urgent under Standing Order 34(3)) made in connection with the discharge of any relevant functions undertaken by the Cabinet collectively or the relevant Cabinet Members or Cabinet committee, but which have not been implemented, the Committee may recommend that the decision be reconsidered by the person who made it or to refer the decision to the Full Council for it to decide whether it wishes it to be reconsidered by the decision taker.

4. To consider at its discretion as appropriate Forward Plans prepared by the Leader with a view to determining which, if any, of the proposed decisions it wishes to scrutinise.
5. To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council, the Cabinet, the relevant Cabinet Members, Cabinet committee or decided by the Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to either the Cabinet, the relevant Cabinet Members, Cabinet committee or to the Full Council as appropriate.
6. To fulfil all the statutory functions of an Overview and Scrutiny Committee as they relate to education functions of a Children's Services Authority.
7. To undertake reviews (whether requested by the Full Council, the Cabinet, the relevant Cabinet Members, Cabinet committee or decided by the Committee itself) and make recommendations to the Full Council, the Cabinet, Cabinet committee or the relevant Cabinet Members, as appropriate, on relevant services or activities carried out by external organisations which affect Lancashire or its inhabitants.
8. To consider any relevant matter referred to the Committee by the Scrutiny Committee following a request by a County Councillor or a Co-optee of the Committee who wishes the issue to be considered.
9. To request that the Scrutiny Committee establish sub-committees, task groups and other working groups and panels as necessary.
10. To invite to any meeting of the Committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor whom the Committee considers would assist it in carrying out its functions.
11. To require any Councillor who is a member of the Cabinet, the appropriate Executive Director or a senior officer nominated by him/her, or the Director of the Lancashire County Commercial Group to attend any meeting of the Committee to answer questions and discuss issues.
12. To recommend the Full Council to co-opt on to the committee persons with appropriate expertise in the relevant education matters, without voting rights
13. To recommend to the Scrutiny Committee appropriate training for members of the Committee on education related issues.

14. To consider and respond to petitions in accordance with the Council's petitions scheme.
3. That future meetings of the Committee be held in accordance with the programme of meetings set out below as agreed by the full County Council in December 2011, with all meetings being held at 10am in Cabinet Room 'C' at County Hall, Preston.

6<sup>th</sup> November 2012  
16<sup>th</sup> January 2013 (budget)

4. That due to a clash with the Schools Forum on the 12<sup>th</sup> March 2013 consideration be given to moving the scheduled meeting of the Committee on that date to an alternative date in order that members of the Committee are able to attend both meetings.

#### **4. Disclosure of Pecuniary and Non Pecuniary Interests.**

The Chair reminded the members of the Committee that the Standards regime had changed on the 1<sup>st</sup> July and they were now required to disclose pecuniary and non pecuniary interests. There were no declarations of interest in relation to matters on the agenda.

#### **5. Minutes of the meeting held on the 13th March 2012**

**Resolved:** That the Minutes of the meeting held on the 13<sup>th</sup> March 2012, be confirmed as an accurate record and signed by the Chair.

#### **6. Elective Home Education**

Mr Stott, the Director of Universal and Early Support Services, from the Directorate for Children and Young People, referred to the report which was presented to the last meeting and updated the Committee on further developments. Members of the Committee had been provided with a copy of the recently approved Elective Home Education Procedures together with a copy of the final report of the Elective Home Education O&S Task Group.

The Committee was informed that the work which had been done to date around EHE had been recognised at national level as a model of good practice and an Officer from the County Council was to attend the Parliamentary Education Select Committee which was looking at the issue.

Ms Molloy, School Attendance Lead Officer, referred to the various recommendations made by the O&S Task Group and the subsequent developments as set out on page 14 of the report. The work which had been done with the Inclusion and Disability Support Service and representatives from

the EHE community was highlighted and it was noted that the need for an additional section within the procedures to clarify instances where support differs for children for whom the County Council maintained a statement of special educational needs had been identified and would be the subject of further discussions.

In discussing the report the following points were raised by members of the Committee.

- There was some concern that children who were educated at home may not have the same opportunities to socialise with other children in the way that school based education provided. In response Mr Stott stated that for many parents who chose EHE it would be seen to be a perfectly natural way to educate children and would in no way be considered socially isolating.
- The Chair referred to previously raised concerns regarding safeguarding and noted the comments set out in the report in relation to discussions with the Safeguarding Unit when developing the EHE procedures. Mr Stott stated that a link between EHE and safeguarding could not be assumed and where actions were required to safeguard children who are being home educated they would form part of the child in need/child protection plan whilst any concerns related to the quality of educational provision would continue to be the remit of the EHE team.
- In order to put the safeguarding concerns into context it was noted that the Task Group report stated that out of 50,000 children who were home educated nationally there had been only two cases involving safeguarding. The different approaches to EHE across Europe were also discussed.
- It was also noted that under section 175(1) of the Education Act 2002 the County Council had a duty to make arrangements to ensure that education functions were exercised with a view to safeguarding and promoting the welfare of children. However, the Act did not give local authorities powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education unless parents were in agreement with such a request.
- There was concern that as the County Council had no statutory duty to monitor children who were home educated there was no way to ensure that they were receiving a suitable education. Mr Stott informed the meeting that the County Council did contact parents annually to request updates in order to monitor attainment and whilst under no duty to respond some parents did provide updates via correspondence or by meeting with Officers.
- In response to a query regarding parents who may consider EHE in response to their child being bullied in school Ms Molloy reported that in the first instance Officers would work with the parents to try and resolve any issue with

a view to the child remaining within the education system, though if the family ultimately decided to move to EHE then there was support available.

- The issue of attainment was discussed and Mr Stott informed the meeting that whilst formal examinations were generally accepted as the measure of attainment they were not the only means. He added that there were different approaches to education and some believed that schools were not the best delivery system. It was also noted that some home educated children did take formal examinations and achieved good grades.
- In response to a query regarding how the County Council's relationship with a child with special educational needs would change if they were to become home educated Ms Molloy reported that where the child had a Statement the Inclusion and Disability Support Service would review the situation and consider how their requirements may be best met. Provision for the child would then be the subject of further discussions with parents or if the Service was satisfied that their needs could be met through EHE then the Statement could be ended.
- With regard to funding Ms Molloy informed the meeting that discussions were ongoing in relation to the possibility of the County Council having the discretion to access funding via the Alternative Census in order to assist EHE families access Further Education provision during the final two years of compulsory school age education.

In conclusion Mr Stott informed the Committee that the recent revision of the County Councils EHE procedures had involved considerably more dialogue between the authority and parents who chose to home educate than before and as a result he felt that both parties now had a more positive relationship. He added that the County Council would continue to work with relevant parties in order to build on the progress which had been made to date.

**Resolved:**

1. That the progress to date in implementing the new Elective Home Education Procedures and in response to the recommendations of the Overview and Scrutiny Task Group, as set out in the report presented, be welcomed
2. That those areas where amendments to the procedures have already been identified as part of the planned review be noted and the County Council continue to work with parents and others to further develop support for EHE families.
3. That a further update on progress be presented to the Committee in March 2013.

## **7. Update on the current Lancashire County Council position on Academies.**

Mr Stott, the Director of Universal and Early Support from the Directorate for Children and Young People presented a further report on the development of Academies.

It was reported that Academies was a legal term which had now expanded to include Free Schools of all types, University Technical Colleges (UTC's) and most Studio Schools which would operate independently of the local authority, and report directly to the Secretary of State

It was noted that in response to the development of Academies the County Council had adopted a clear and consistent position, namely that all categories of school were of equal value and there was no prejudice for or against any particular category.

Mr Stott informed the meeting that the Department for Education (DfE) would no longer publish details of schools which had simply expressed an interest in becoming an Academy. Instead in the future attention would focus on those schools which had already converted to Academy status, were in the process of conversion or where the Governing Body had given a clear indication of the intention to convert.

In Lancashire it was noted that 18 schools had already converted to become an academy, of which 14 were secondary schools and 4 primary schools. A further 6 schools were in the process of converting (5 secondary and 1 primary, of which two are sponsored Academies) with agreed Academy Orders and funding agreements with the Secretary of State being developed for September 2012. The first Free School in Lancashire, which was an independent school, had opened in September 2011 and there were a further two validated new Free Schools wishing to open in the County, both of which were in East Lancashire.

Mr Stott reported that the County Council and local schools in Chorley had raised concerns about proposals to establish a Free School as it was felt that there was already sufficient provision in the local area and the DfE had subsequently decided not to enter into a funding agreement for the Free School it would not proceed.

In considering the report the following points were raised by members of the Committee.

- It was noted that a University Technical College (UTC) to be established in East Lancashire would offer 14-19 year olds specific vocational and occupational courses in areas such as heavy engineering and look to attract between 500 and 600 students from a 15 mile wide catchment area which would include areas outside of Lancashire.

There was some concern regarding the impact this would have on the

previous investment in education provision in East Lancashire and also with regard to the potential affect on transportation. In response Mr Stott confirmed that the County Council would continue to work with the UTC regarding admission arrangements and undertook to discuss the transport issue with colleagues a provide members of the Committee with a written response.

- It was noted that no other UTCs were currently proposed for Lancashire and Mr Stott undertook to provide members of the Committee with details of the number of UTCs nationally outside of the meeting.
- The development of Studio Schools, offering 14-19 year olds broader based vocational courses in areas such as manufacturing or distribution, was also discussed and it was noted that such a school was proposed in Hyndburn in association with Accrington and Rossendale College and Rhyddings Business and Enterprise College.
- With regard to the sponsored academy program it was reported that the County Council would continue to have discussions with the DfE in relation to those schools which were identified as potential sponsored academies and with regard to the changing cohort of schools concerned.

Mr Stott reported that the County Council had previously been instructed by the DfE to write to the Ridge Primary School suggesting that it consider converting to an Academy and this had been agreed by the Governing Body though as no local sponsor had been identified one had been found from outside the County. However, when Walverden School in Nelson had been sent a similar letter the Governing Body had decided to appeal to the HM Inspectorate for schools regarding conversion to an Academy.

- In response to a query regarding the possible impact of pupils being excluded from academies Mr Stott confirmed that in the first instance any pupil who was permanently excluded would become the responsibility of the County Council. He added that the authority would then provide interim education provision for the pupil while arranging for them to return to mainstream education. It was noted that as Academies were funded via a block grant based on the number of pupils on roll they would not be directly affected by any change to pupil numbers which may result from expulsions and the County Council would have to bear the cost associated with the excluded pupil.
- Mr Stott also informed the meeting that in the future the Government intended for Pupil Referral Units (PRU) to convert from local authority control to independent academy status and receive funding direct. It was noted that the county council was in the process of considering how this would work in the event that a Lancashire PRU converted.

**Resolved:** That the report be noted and further updates regarding the development of Academies in Lancashire brought to future meetings of the Committee.



## **8. School funding reform - next steps towards a fairer system**

Mr Stott, the Director of Universal and early Support Services, Directorate for Children and Young People presented a report in connection with the above and informed the meeting that the County Council, Schools Forum and individual schools in Lancashire had responded to the Governments consultation on the proposed reform of school funding.

It was reported that the consultation made reference to the possible impact of the Governments proposals around small schools and this had been misinterpreted by some elements of the media to imply that the County Council planned to consult on the future of a number of small schools. The Cabinet Member for Children and Schools had subsequently issued a statement to correct this misinterpretation and highlight that the County Council recognised the valuable contribution schools in rural areas made to their communities and would do everything it could to help them to continue.

The clarification of the County Councils position regarding the 100 small schools which were likely to be affected by the Governments proposals was welcomed. Members of the Committee also recognised the good work which had been done by officers and the Schools Forum in relation to formulating a response to the consultation.

It was suggested that whilst there was an issue regarding the division of funding between schools there was also an associated issue regarding the distribution of funding between local authorities and this may be something which the Committee could look at in the future.

Concern was also expressed at a perceived lack of communication between authorities regarding changing demographics which had resulted in the County Council reducing primary school provision in Rossendale due to a decline in the local population when the Borough Council had approved housing developments which would increase the population. In response Mr Stott reported that he would raise the issue with colleagues who worked in Capital and Provision Planning.

**Resolved:** That the report be noted and a further report presented to the next meeting regarding funding of schools nationally in advance of a future report dealing the specific position in Lancashire.

## **9. Urgent Business**

No items of urgent business were raised at the meeting.

## **10. Date of the Next Meeting**

It was noted that the next scheduled meeting of the Committee would be held at 10.00am on the 6<sup>th</sup> November 2012 in Cabinet Room 'C' at County Hall, Preston.

I M Fisher  
County Secretary and Solicitor

County Hall  
Preston