

## **Minutes of the Meeting held**

Tuesday, 14th March, 2017, 10.00 am

**Bath and North East Somerset Councillors:** Dine Romero (Chair), Matt Cochrane (Vice-Chair), Karen Warrington, Paul May (in place of Peter Turner), Sally Davis, Alison Millar and Liz Hardman

**Co-opted Non-voting Members:** Chris Batten

**Officers :** Richard Baldwin (Divisional Director - Safeguarding & Social Care), Mike Bowden (Strategic Director - People & Communities), Deborah Forward (Senior Commissioning Manager - Preventative Services) and Tom Morrison (Senior School Improvement & Achievement Adviser)

**Cabinet Member in attendance:** Councillor Michael Evans, Cabinet Member for Children's Services

### **73 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

### **74 EMERGENCY EVACUATION PROCEDURE**

The Chair drew attention to the emergency evacuation procedure.

### **75 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillor Peter Turner had sent his apologies to the Panel, Councillor Paul May was present for the duration of the meeting as his substitute.

Two Co-opted Members of the Panel, Andrew Tarrant and David Williams had sent their apologies to the Panel.

### **76 DECLARATIONS OF INTEREST**

Councillor Dine Romero declared an other interest as she has two children that attend Beechen Cliff School.

Councillor Matt Cochrane declared an other interest as he is a Governor at Bathwick St Mary Primary School.

### **77 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none.

**78 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING**

Sue Pendle had registered to make a statement regarding Children's Centre Services and would do so under Agenda Item 10.

Councillor Eleanor Jackson had registered to make a statement regarding Children's Centre Services and would do so under Agenda Item 10.

Councillor Tim Ball had registered to make two statements, one regarding Bath Community Academy and one regarding Children's Centre Services and would do so under Agenda Items 9 & 10 respectively.

**79 MINUTES - 17TH JANUARY 2017**

Councillor Paul May proposed that the announcement by former Chair of the Panel, Councillor Lisa Brett regarding her resignation should be recorded as a separate minute.

The Panel agreed with this proposal.

The Panel confirmed the minutes of the previous meeting with this amendment as a true record and they were duly signed by the Chair.

**80 CABINET MEMBER UPDATE**

The Cabinet Member for Children's Services, Councillor Michael Evans addressed the Panel, a summary is set out below.

Primary School Expansion

He informed the Panel that the expansion of Bathwick St Mary's Primary School is to be put on hold.

Secondary School Admissions

He said that 90.3% of children who applied were offered places at their first-choice school. He added that whilst this was above the regional and national average, it was down from last year's figure of 94.5%.

Education Results

He stated that overall the achievement of pupils was good and at least in line with or above the national average.

He said that progress however in primary schools was below the national average.

He added that action was needed to challenge schools about the effective use of pupil premium funding to raise the attainment and progress of disadvantaged pupils and those with SEN to at least in line with the national average.

### Ofsted

He said that the Council were expecting to be inspected very soon.

Councillor Liz Hardman asked what he knew about plans for a Grammar School with B&NES.

Councillor Michael Evans replied that he did not know a great deal about this at the present time.

Councillor Dine Romero said that Bathwick St Mary's Primary School had previously expressed concerns about expansion and asked how this might be resolved.

Councillor Michael Evans replied that the concerns relate to the nature of the building and whether it would be an extension or a separate facility.

The Strategic Director for People & Communities added that through the development of the former MoD site at Warminster Road the developer has allocated some land as part of a Section 106 Agreement. He said that the Council will continue to work with the governing body of the school on this matter.

Councillor Dine Romero asked what he saw as his responsibility with regard to the closure of Bath Community Academy.

Councillor Michael Evans replied that his role was to make sure that there are places within local schools so that pupils affected by the closure can attend. He added that there had been good co-operation from all schools so far.

The Chair thanked him for his update on behalf of the Panel.

## **81 BATH COMMUNITY ACADEMY**

Councillor Tim Ball addressed the Panel. He said that the local community had accepted that Bath Community Academy (BCA) will close, but that they were angry at the allocation of places for pupils to other schools and that they believe that some pupils have been cherry picked by other Schools / Academies.

He informed them that he was helping at least six families with future Year 7 pupils to appeal against their allocation of St. Mark's having been refused places at Ralph Allen.

He stated that he wished to commend the role that the Head Teacher of BCA had played in this process, but that he was concerned by the actions of other local Head Teachers.

He urged for a prompt decision to be made regarding the future provision on the site.

The Chair asked if he was aware that some Year 9 pupils were being told that courses they wish to enrol for at their new school were full.

Councillor Ball replied that he had been told this and he asks the Cabinet Member to address the issue.

The Chair asked if he knew that no offer of Home to School Transport would be given for pupils unless they chose St. Mark's as their new school.

Councillor Ball replied that he had heard that that may be the case and if so it would mean that pupils travelling across the City may have to embark on at least two bus journeys. He added that this concerned him as the safety of pupils is paramount.

The Strategic Director for People & Communities said that specific evidence would be required for any action to be taken regarding the allegation of the cherry picking of pupils. He added that course options can be limited for pupils outside of this particular scenario.

He said that pupils would be able to access Home To School Transport in line with the Council's published criteria and that would generally mean that those attending schools closer to BCA than St Marks would be unlikely to qualify on distance grounds, but might under SEN, FSM, etc. He said that pupils who live within 1 – 1.5 miles of their allocated school could not expect to be provided with transport. He added communication regarding a decision on the site would be key and that there was a pressing local need for more Special School places.

The Chair asked how long the offer of Home to School Transport for pupils transferring to St. Mark's would last.

The Strategic Director for People & Communities replied that it would last for the duration of need for those pupils with SEN, those eligible for Free School Meals and those living above the distance from school threshold, as well as to the pupils starting year 7 or 10 in September 2016 who had opted to transfer to St Marks.

Councillor Liz Hardman asked if an existing Special School could move to the BCA site when it becomes vacant if it chose to operate as a Free School.

The Strategic Director for People & Communities replied that any bid to operate a Free School must be from an entirely new entity.

Councillor Liz Hardman asked how well have parents engaged with the process and have the preferences for Year 9 been allocated.

The Strategic Director for People & Communities replied that the majority of parents had attended an Information Evening at BCA and have submitted their preferences. He added that the work regarding allocation was close to conclusion.

Councillor Matt Cochrane asked how the closure would affect the figures in relation to surplus places and capacity levels at schools across B&NES.

The Strategic Director for People & Communities replied that work has been carried out on this matter and that sufficient capacity should be available for at least the next 5 years subject to schools' decisions on their Planned Admission Numbers (PAN).

He added that a five school preference system was now in place which would help to ensure Bath pupils secure a place in a Bath school.

Councillor Alison Millar asked if any BCA pupils were transferring to Oldfield.

The Strategic Director for People & Communities replied that Oldfield have agreed to allocate some places by breaching their PAN.

Councillor Alison Millar asked how many current year 7 and 8 pupils are there at BCA.

The Strategic Director for People & Communities replied that there are approximately 50 in Year 7 and 50 in Year 8.

The Chair asked if there was a greater need to create a new Special School in the South West of Bath than any other area of Bath and if so would this not conflict with a current provider.

The Strategic Director for People & Communities replied that there was no greater need currently identified for one in the South West of Bath and that the schools system generally is based on competition and that the offers available should look to complement each other.

The Panel **RESOLVED** to recommend to;

- i) Note the actions in hand,
- ii) Commend the work of BCA, Council officers, and other local secondary schools to ensure that families affected by the closure are well supported and that pupils can experience a positive transition to another school.
- iii) Ask officers to identify what provision is missing from the current mix of schools and what the local and broader community needs are to ensure that the Council have an agreed position when an application for a free school or other development is received for the Rush Hill site.

## **82 CHILDREN'S CENTRES SERVICES COMMISSIONING OPTIONS UPDATE**

Sue Pendle, Chair of Trustees, First Steps Nursery addressed the Panel. She spoke of the good work that had been carried out over the past 25 years by First Steps and that it truly is a community organisation.

She said that as a local charity it was able to attract additional resources and that this could be at risk if they were not involved in the work of Children's Centre Services. She also highlighted the fact that Centres run by the Local Authority were overspending by £300,000 a year.

She stated that First Steps were looking for an opportunity to tender to remain part of the Children's Centre Service and that options 3 – 6 would exclude them.

Councillor Liz Hardman asked if First Steps had considered joining a consortium.

Sue Pendle replied that they had not ruled this option out and had looked into possible partnership arrangements. She said the matter was quite complicated as they would want to maintain their identity.

Council Alison Millar asked if First Steps had a preference between Options 1 and 2.

Sue Pendle replied that they had not stated a preference as Option 1 would mean the status quo and that if Option 2 were chosen they would bid for the Bath element.

Councillor Eleanor Jackson addressed the Panel. She recalled talking at a funeral to some friends of a former Ketamine user and asking them what provision they would like to have.

She said that they responded by saying that they wanted a constructive place to go to with activities they could take part in and services based on education.

She said that she was concerned about the provision of services for children and young people with Special Educational Needs and asked for services to remain and be supported in the Somer Valley.

She spoke in particular about The Potting Shed in Radstock as it appears that Sirona do not want to be involved anymore and Virgin Care will not talk to the project leaders. She explained that The Potting Shed was a gardening group for young people with Downs Syndrome and learning difficulties.

Councillor Paul May said that as a Board Member of Sirona he was aware of the scheme and its benefits. He added that he thought that through the work of the Your Care Your Way project that no changes would be made within the first 100 days of Virgin Care becoming the prime provider which would begin on April 1<sup>st</sup> 2017.

The Chair suggested that this matter could be picked up in the scheduled Youth Services report in May.

Councillor Liz Hardman said that she felt there was a danger if the Council did not continue with open access youth work.

Councillor Eleanor Jackson agreed with her comment.

Councillor Tim Ball addressed the Panel. He said that he had knowledge of the very successful work that First Steps does within his ward of Twerton and credited them being the launch model of Sure Start Centres around the country.

He spoke of how their service provided value to the community and was also cost effective.

He said that he couldn't speak highly enough of their services and recommended that the provision remains as it is now.

Councillor Alison Millar asked for the view of the Strategic Director for People & Communities.

He replied that the Options Appraisal document that had been supplied to the Panel was a process that the Council has to go through and was not about whether the services of First Steps were good or bad.

The Senior Commissioning Manager for Preventative Services added that it was not to be seen as a reflection of the current services as they are very valued.

Councillor Liz Hardman asked that in the introduction to the report the Panel be addressed as to how any changes would affect staff within the Bright Start (Council-run) Children's Centres.

Councillor Paul May asked Councillor Tim Ball if he would use the First Steps model in other areas of B&NES.

Councillor Tim Ball replied that he would indeed advocate it.

The Chair commented that it would be interesting to find out if this were possible.

The Senior Commissioning Manager for Preventative Services introduced the report to the Panel. She explained that they were being asked to review the six potential options and provide a steer on any additional advantages or disadvantages associated with each. She also invited them to share their views to inform a decision in regards to a preferred option for future commissioning of a Children's Centre service.

She thanked both First Steps and Bright Start Children's Centres for their participation in this difficult process.

Councillor Liz Hardman asked what would happen to staff at the Bright Start Children's Centres should a change in commissioning take place.

The Senior Commissioning Manager for Preventative Services replied that they would TUPE transfer to whoever was awarded the contract.

She then spoke about the options within the report.

**Option 2 – Tender for a two Children's Centre service model (one for Bath and one for North East Somerset):** This model would still require four Children's Centre building hubs (one each in Somer Valley, Keynsham, Bath East and Bath West). It would mean the Council would not be a provider of Children's Centre services and the Council would lease the Children's Centre hub buildings it owns to external providers who would then manage them. External agencies would be able to bid individually or in partnership.

She added that this would have an advantage through dividing the Children's Centre service in a more logical way with a Bath and a North East Somerset service which may facilitate partnership working in Bath.

**Option 4 – Tender both the Council run and external Children's Centre services to procure a new contract for one Children's Centre service:** In this option the Council would lease its Children's Centre hub buildings to the successful bidder. The successful bidder, if not the current provider for Bath West, would have to

negotiate a lease for Bath West or find an alternative venue to deliver Children's Centre services.

She said that external agencies would be able to bid individually or in partnership.

**Option 5 – Include in Your Care Your Way (YCYW) as part of the Prime contract:** This would need the agreement of the Prime contract holder for YCYW and would be subject to satisfactory assessment and due diligence checks with the Council satisfying itself that Virgin had the requisite expertise and experience to deliver this service.

She added that this model would still require four Children's Centre building hubs (one each in Somer Valley, Keynsham, Bath East and Bath West) and it would mean the Council would not be a provider of Children's Centre services and that the Council would lease the Children's Centre hub buildings it owns to Virgin as the prime contractor. She said Virgin would need to negotiate a lease for Bath West (Twerton) or identify alternative premises to deliver Children's Centre services.

**Option 6 – Include in Your Care Your Way as part of the Dynamic Purchasing System (DPS):** This option would mean that the internal and external Children's Centre services will be included as part of YCYW, and that the services would be commissioned and contract managed jointly by Council commissioners and Virgin. This is likely to be a two stage process with the services moving across to be subcontracted from Virgin in the first instance and then subject to tender through the DPS at some point in the future.

She said that there would be the opportunity for voluntary and charitable sector organisations to tender either as individual organisations or in partnership.

Councillor Paul May commented that he appreciated the depth of analysis that had been provided in the report. He asked for the reason behind the process.

The Senior Commissioning Manager for Preventative Services replied that the contract with First Steps was coming to an end and so it was appropriate at this time to look at the options.

Councillor Liz Hardman said that she wanted the Council to retain the best services for the community and questioned whether Option 5 would give too much power to Virgin Care. She asked what the next steps in the process would be.

The Senior Commissioning Manager for Preventative Services replied that it would be helpful if the Panel could identify one or two of their preferred options. She said that talks would then take place with service users and families to gather their views and then the matter would be discussed with the Senior Leadership Team (SLT) of the People & Communities Department.

Councillor Alison Millar asked if any figure could be given regarding the cost of the bond to underwrite pensions.

The Senior Commissioning Manager for Preventative Services replied that it was impossible to know the bond value at this stage and it would need to be properly assessed.

Councillor Paul May commented that he was nervous about Option 6.

The Senior Commissioning Manager for Preventative Services said that the Virgin Care (YCYW) contract includes Children's Health Services.

The Chair stated that she had concerns over Options 5 and 6 and that the potential for savings was probably restricted by remaining with Option 1.

The Cabinet Member for Children's Services, Councillor Michael Evans raised the issue of whether the decision should be made by officers, himself or the Cabinet.

Councillor Paul May said that he felt that this should be a decision for the Cabinet Member or Cabinet rather than for officers.

The Chair said that she agreed.

Councillor Karen Warrington said that she could see that Option 6 could provide an opportunity for economies of scale through Virgin Care

Councillor Alison Millar said that she shared the concerns raised regarding Option 6.

Councillor Liz Hardman said that her preferences were for Options 2 and 4 and that she felt that First Steps should maintain a role in provision.

Councillor Sally Davis said that her preference was Option 2 and that that still had the ability to move the service forward.

The Chair proposed the following recommendations;

- i) That the final decision should be made by the Cabinet Member for Children Services,
- ii) That the Panel's preferred option is Option 2,
- iii) That the costs associated with Option 6 be analysed further and reported back to the Panel.

The Panel **RESOLVED** to agree with these recommendations.

## **83 EDUCATION RESULTS 2016**

The Senior School Improvement & Achievement Adviser introduced this report to the Panel. He explained that the outcomes for vulnerable pupils, particularly those who are eligible for Free School Meals and those with Special Educational Needs is well below both other pupils and similar pupils nationally for both attainment and progress at all key stages.

He added that action was needed to challenge schools about the effective use of pupil premium funding to raise the attainment and progress of disadvantaged pupils and those with SEN to at least in line with national.

He said that overall progress from Key Stage 1 to Key Stage 2 for all pupils was below national for writing and mathematics. Boys' progress in writing and girls' progress in mathematics was low.

He stated that outcomes for pupils with Special Educational Needs in mainstream schools in Bath & North East Somerset are also low, and progress is generally lower than similar pupils nationally. Whilst pupils with EHCP plans in special schools are making better progress than similar pupils nationally, progress in mainstream secondary schools and in primary schools is low.

Councillor Matt Cochrane asked what the relationship was like between the Council and Academies with regard to the attainment and progress of disadvantaged pupils and those with SEN.

The Senior School Improvement & Achievement Adviser replied that the Council had a good relationship with most Academies and was offering them Pupil Premium reviews.

The Strategic Director for People & Communities added that the Council's role should be seen as a facilitator.

Councillor Liz Hardman asked if any Academies had purchased School Improvement services from the Council.

The Senior School Improvement & Achievement Adviser replied that some have and that the team has capacity to carry out Safeguarding Audits, Pupil Premium Reviews etc.

Councillor Sally Davis commented that it was important to have good staff retention levels in terms of School Improvement.

Councillor Alison Millar asked when a School or Academy would be asked to take part in a Pupil Premium Review.

The Senior School Improvement & Achievement Adviser replied that it may come as a recommendation following an Ofsted inspection or the Council may ask them to on reviewing results data.

Chris Batten asked what impact the exam changes in KS4 will have on pupils with SEN.

The Senior School Improvement & Achievement Adviser replied that it was too early to say but that it would be addressed at the meeting with Head Teachers due to take place tomorrow.

The Chair stated her concern that the gap between pupils on Free School Meals and those with Special Educational Needs and other pupils is not closing. She questioned if the matter should be discussed with the Regional Schools Commissioner.

The Strategic Director for People & Communities replied that the Regional Schools Commissioner was specifically responsible for the performance of Academies and that the Council has a responsibility relating to School performance across the whole system.

The Chair asked if any outcomes following alternative provision were available.

The Senior School Improvement & Achievement Adviser replied that it was difficult to analyse the difference that alternative provision has made in terms of results.

The Cabinet Member for Children's Services suggested a piece of work be carried out in conjunction with Norton Hill and Somervale to assess how they achieve their good results.

The Panel **RESOLVED** to recommend that;

- i) They endorse the proposal that officers invite a Senior HMI to attend the Strategic Director's meeting with Head Teachers on 2 March to share Ofsted's concerns about the performance of disadvantaged pupils across schools in Bath & North East Somerset and how this may influence Ofsted inspection judgments.
- ii) Where the gaps for disadvantaged pupils (those in receipt of FSM, looked after or adopted from care) in maintained schools are significantly larger than the national average, a pupil premium audit will be commissioned to review the use and impact of pupil premium funding to improve outcomes for eligible pupils. If the gap is larger in academy schools then officers will share concerns about the achievements of vulnerable groups with the Regional Schools Commissioner.
- iii) They actively support the engagement of disadvantaged primary school pupils in the Children's University to raise the aspirations of pupils from low income family backgrounds.
- iv) Officers explore opportunities to strengthen the support for pupils with EHCPs in mainstream schools, so that these pupils benefit from attending good and outstanding schools.

## **84 UNACCOMPANIED ASYLUM SEEKING CHILDREN**

The Divisional Director for Safeguarding & Social Care introduced this report. He explained that since the publication of the report some very positive talks had taken place with Curo to identify some housing options.

The Chair asked what communication this Council has had with the Government following the closure of the Dubs scheme.

The Divisional Director for Safeguarding & Social Care replied that no direct discussions had taken place with the Government on this matter and that the South West Councils arrange the dispersal of the children.

Councillor Liz Hardman asked if the Council had enough trained foster carers to accept additional unaccompanied children.

The Divisional Director for Safeguarding & Social Care replied that no issues had been encountered so far and that it does have enough trained foster carers.

The Panel **RESOLVED** to recommend;

- i) That we continue in discussions with Home Office re: receiving further refugees through Syrian Vulnerable Persons Resettlement (SVPR), Unaccompanied Asylum Seeking Children (UASC) etc.
- ii) That we continue to attempt to secure affordable housing and negotiate that a third party (Home Turf Lettings or similar) manage the property on our behalf and that their management fee is taken from the year 1 per capita allowance. Years 2-5 to be decided / negotiated. To this end it is recommended that we pay void fees where necessary to secure properties prior to occupation and make a claim to the Home Office to cover the void costs at the end of year 1 (this would not be possible if we hold an underspend).
- iii) That we continue to pursue options with the Home Office re: increasing our funding to cover the LHA gap.
- iv) That we continue our discussions re Community Sponsorship with any interested parties.

**85 PEOPLE AND COMMUNITIES STRATEGIC DIRECTOR'S BRIEFING**

The Strategic Director for People & Communities addressed the Panel. He said that he had nothing further to brief the Panel on outside the items that had been discussed on the agenda, except to say that officers were preparing for what they believe to be an imminent Ofsted inspection.

**86 PANEL WORKPLAN**

The Chair introduced this item to the Panel. She suggested that the Panel received a further update on Bath Community Academy in May.

Councillor Liz Hardman proposed that at the May meeting the Panel is updated on the work of establishing a Teckal Company. She said that she would also like them to receive a report to a future meeting regarding School Improvement.

The Panel agreed with these proposals.

The meeting ended at 1.05 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**