

BATH AND NORTH EAST SOMERSET

CHILDREN AND YOUNG PEOPLE POLICY DEVELOPMENT AND SCRUTINY PANEL

Tuesday, 16th January, 2018

Present:- Councillors Alison Millar (Chair), Anthony Clarke (in place of Matt Cochrane), Michael Evans (in place of Sally Davis), Robin Moss (in place of Liz Hardman), Richard Samuel (in place of Michelle O'Doherty), Lisa O'Brien (in place of Peter Turner) and Lizzie Gladwyn (Vice-Chair)

Co-opted Non-voting Member: Chris Batten (ATL)

Also in attendance: Mike Bowden (Strategic Director - People & Communities), Maria Lucas (Head of Legal and Democratic Services) and Richard Morgan (Education Business Manager)

43 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

44 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the emergency evacuation procedure.

45 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Members of the Panel had received guidance from the Council's Monitoring Officer that no member of the Panel on this occasion could be a School Governor or employed at a school.

Councillors Matt Cochrane, Sally Davis, Peter Turner, Michelle O'Doherty and Liz Hardman had sent their apologies to the Panel.

In their place as substitutes for the duration of the meeting were Councillors Michael Evans, Anthony Clarke, Lisa O'Brien, Richard Samuel and Robin Moss.

Apologies were also received from co-opted members David Williams, Andrew Tarrant and Kevin Burnett.

46 DECLARATIONS OF INTEREST

Councillor Anthony Clarke declared an other interest as he has grandchildren that attend schools within B&NES.

47 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

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

All statements were regarding the Call-In of decision E3019: School Funding Formula and therefore would be received at item 7.

49 CALL-IN OF CABINET MEMBER DECISION E3019 - SCHOOL FUNDING FORMULA

Councillor Eleanor Jackson addressed the Panel. She said that she had signed the Call-In as schools in areas of social deprivation would be affected by the decision.

She spoke in respect of St. Nicholas Primary School, where she is a governor, and therefore knew that finances at schools are so stretched and the pressures they are under.

She said that the Governments assumption of a formula that one size fits all is wrong and will be implemented with indecent haste as with Universal Credit.

She did not feel that there was enough transparency and accountability to the decision and ultimately did not believe that any teacher would want their pupils to benefit over others.

She asked that the Panel uphold the Call-In and that tapering of the funding be investigated further.

Councillor Liz Hardman addressed the Panel. A copy of the statement can be found on the Panel's Minute Book, a summary is set out below.

There are advantages to moving to the National Funding Formula now:

- All schools will benefit from an increase in their budget with a minimum of at least 0.5% extra spending per pupil.
- We have to adopt this National Funding Formula in 2020, so why not do it now?

However, although the National Funding Formula has its merits in that schools will get funding for a greater number of disadvantaged children, because the money is now spread more thinly, children living in areas of high deprivation will attract less funding than before.

The dilemma, continue with the current funding formula, where schools with our most disadvantaged pupils get more funding or adopt the new formula which will give all schools more money, but those schools in some of the most disadvantaged areas of B&NES will face a loss of up to £155,000, such as Twerton Infant and Junior Schools.

There is in fact a middle way, which is why I am supporting the "Call In". The B&NES Labour Group has suggested the following: The new National Funding Formula would be implemented immediately, but through drawing down a modest amount

from Council Reserves, there would be a buffer to lessen the impact on those schools which would lose out most. No schools would lose out in cash terms, but those schools who may have expected a larger income than would be forthcoming, would be helped to adjust. This would mean In Year one, the cost would be £467,000 and in year 2, £233,500, a total of £700,500.

This would mean in Year all schools get a best possible scenario financial settlement and this is then tapered in year 2 to help schools adjust from the real impact of the National Funding Formula 2020.

With a modest amount from Council Reserves we could be investing our money in our disadvantaged young people, in enabling schools in our most disadvantaged areas to adjust to the new formula. I hope the members of the Panel will send this decision back to the Cabinet Member to be reconsidered.

George Samios, Headteacher, Twerton Infant School addressed the Panel. A copy of the statement can be found on the Panel's Minute Book, a summary is set out below.

He explained that inequalities relating to health and education exist over short distances within B&NES. He stated that it was the most unequal of 573 constituencies in England and Wales in terms of the percentage of young people who go to university from its richest compared to its poorest areas - 12% in Twerton, 100% in Lansdown, Widcombe and Bathwick.

He said that a high degree of social mobility exists in areas such as Twerton, Whiteway and Southdown and that he was disappointed that B&NES was not included in the announcement by Government to become an opportunity area, which would see local partnerships formed with early years providers, schools, colleges, universities, businesses, charities and local authorities to ensure all children and young people have the opportunity to reach their full potential.

He stated if social mobility is truly important in B&NES, then every effort should be taken to reduce inequalities and this should directly influence decisions on school funding and decisions on when and how changes to school funding are implemented, whenever the Council has the power to do so.

He said that all schools have "core costs", regardless of their size. Schools require a Headteacher, Deputy Headteacher, Caretaker, SENCO, School Business Manager or Secretary. Whether it is a small school or a large school, these are one-off costs that come from the school's funding. In a large school, these core costs represent a smaller proportion of the overall budget. But in smaller schools, these costs are much more significant.

A much "fairer" comparison of per-pupil funding, would be to remove the "core costs" and work out the per-pupil funding from the income that was left over.

In communities where there is high deprivation, schools incur greater costs to meet the needs of children and their families. Extensive research shows that what happens for a child between 0 and 3, in the home, is hugely significant on children's

outcomes in life. National and international evidence suggests that in areas of high poverty children are more likely to start school with very low levels of Personal, Social, Emotional, Physical, Communication and Language development. Our own school's experience is that many children enter school 12-18 months behind a typical level of development.

For children living in poverty and who have experienced early adversity or early trauma, the role of the school is vital in meeting their emotional needs and overcoming barriers so they can feel safe and make accelerated progress. This almost always involves working with families to support parents in their key role.

Ultimately, the decision comes down to this question, "Should 47 primary schools receive an increase in funding of 2.6% (average), rather than 3.3% for 2018-19, so that 12 schools, including those serving the most deprived communities, can benefit from an increase of 5.4% for one year before their funding drops back down?"

Councillor Robin Moss commented that the decision made is a judgement of money -v- outcomes. He asked which was more important.

George Samios replied that both are important. He added that pupil progress at Twerton is outstanding, but that the funding available currently helps this greatly and gives pupils the best chance.

Councillor Richard Samuel asked if he was aware if an assessment of equalities impact had been carried prior to the decision.

George Samios replied that he was not aware and said that further work on equalities would be welcomed.

The Education Business Manager said that the NFF has a fully disclosed equalities impact assessment, but that a local one has not been carried out.

Councillor Richard Samuel stated that he would expect the Council to apply their own local assessment in the decision making process, including in papers to the Schools Forum and Cabinet Member.

The Head of Legal & Democratic Services advised that all officers and Councillors have a duty to promote equality and in her view this duty had been complied with.

Councillor Richard Samuel said that life chances of children are affected by this decision and would have expected a school by school commentary, not just a report containing data.

Sue Adams, Headteacher, Roundhill Primary School addressed the Panel. A copy of the statement can be found on the Panel's Minute Book, a summary is set out below.

I have been at Roundhill Primary for nearly 13 years and in that time I have come to understand well both the scale and depth of the learning needs of our school community. We have a higher than local and national average of children with

special educational needs (25%) and we consistently have the highest level of social care needs within BANES Primary schools.

I'd like to tell you about 9 year old pupil – they were on a CP Plan for 2 years due to concerns about domestic violence, drug and alcohol misuse and parental separation. This affected their learning but, more worryingly, their fear that the world was not a safe place, led to triggering of very harmful behaviour, putting them and others at risk on a daily basis. Part of their support plan was drama therapy and to build a safe space that they could retreat to when anxious to avoid the harmful behaviour. They also needed a key worker to build a secure attachment with to support their learning.

This pupil was able to attend his Child Protection meeting with the drama therapist, his parents, our Family Worker and a Social Worker he had not met before. He was able to tell his mother that hearing her shout and fight with her partner made him very scared and he would feel guilty and worried about her when he left her to come to school. When asked if there was anything else he would like to say to his family he told each of them that he loved them.

His contribution had a big impact on his parents and the social worker said she had never experienced a child contribute to their child protection meeting so effectively.

At Roundhill there are 40 more similar children experiencing 4 or more of what are termed Adverse Childhood Experiences. These include domestic abuse, drug and alcohol misuse, mental health issues, prison, emotional abuse, emotional neglect, physical neglect, physical abuse, sexual abuse.

We use Pupil Premium funding to ensure that children get the most effective and high quality learning experiences and TA support and we use any additional funding to provide therapeutic support to children in such circumstances including drama therapy, school based counselling (P2B), sports mentoring and family worker support. This provision ensures that our children and families get the support that gives them the resilience to overcome the barriers they face.

This is not a cost it is an investment in the futures of our most vulnerable children and I would urge you to consider any way in which you can support funding for BANES' most vulnerable pupils.

Councillor Robin Moss read out a statement from Councillor Joe Rayment in his absence. A copy of the statement can be found on the Panel's Minute Book, a summary is set out below.

Recent analysis showed that Bath has the highest levels of inequality, when it comes to higher education entry, of any constituency in England and Wales. This arises both because we have areas of considerable wealth and advantage, and because we have areas of considerable disadvantage and poverty.

Twerton is the most disadvantaged area of BANES with only 12% of young people going on to higher education, one in three children grow up in poverty, and the life expectancy for a man in Twerton is ten years less than that in other areas of the city.

When you are living in poverty, when you are surviving month to month, when you are having to choose between heating and eating, when you are faced with the threat of eviction, when you are working multiple jobs, or when you never yourself had a love of education, it is much harder to find the time to read - to or with - your child, to help them with their homework, and to instil in them a love of learning.

It is for these reasons that I urge the Panel to call in this decision. I understand that the national funding formula will have to be implemented in two years, and Twerton's schools will have to adapt to the new funding regime.

However, in the short term this Council is presented with an opportunity. It can either go ahead with the decision as planned or it can choose to spend a relatively small amount of money to give a boost to Twerton's schools and others, while at the same time not disadvantaging other schools.

This is the option which has not been considered and which I pleaded with the cabinet member to consider before he made his decision.

So if this decision goes through, unamended, with your explicit support, you will be giving consent to a real terms cut to the education of the most disadvantaged children in our authority. Do not let that happen.

Ed Harker, Chair of the Schools Forum addressed the Panel. He said that historically the Forum has sought to be equitable and minimise turbulence for schools in terms of funding.

He explained that schools were consulted on whether to implement the NFF in 2018 or continue with a modified Local formula, and officers from the Local Authority were asked to provide the Forum with the results. He added that a third option or 'halfway house' would be difficult to model.

He stated that a long discussion on the matter did take place prior to the Forum making their recommendation.

Councillor Michael Evans asked if the Forum was divided on its decision.

Ed Harker replied that there were some differences of opinion and that it was a vote carried by 6-4. He stated that George Samios had addressed the Forum and that Headteachers from Multi Academy Trusts were present.

He explained that members of the Forum are represented by geographical areas of the Council.

Councillor Lisa O'Brien asked why a third or other option was difficult to model.

Ed Harker replied that this was because the formula has 9 factors to take into account, adding that it previously had had 14. He said that any individual changes to try to make it more equitable are complicated.

He added that he would be surprised if any school had budgeted in respect of receipt of funding as it is seen mainly as an opportunity to use when given.

Councillor Robin Moss asked if the Forum could have decided upon an option C if they could not agree on either option A or B.

Ed Harker replied that the inclusion of the 0.5% increase per pupil was part of the recommendation made by the Forum. He added that should the Cabinet Member decision not stand or the response to the DfE be delayed, schools would not have the information they need to form a budget for the coming year.

Councillor Robin Moss commented that he felt that the Forum would have benefited from local Equalities Impact Assessments had they been undertaken.

Councillor Tim Ball, Lead Call-In Member addressed the Panel. He urged the Panel to consider all four points raised within the Call-in, not just the one deemed valid by the Chief Executive.

He said that parents had not had an opportunity to input into the process.

He spoke of how one child with additional needs can affect the resources of a school greatly. He added that children can struggle with the education system if not assisted at an early stage.

He stated that a decision to taper the funding would have been more welcome as one size does not fit all.

Councillor Paul May, Cabinet Member for Children & Young People addressed the Panel. He said that he has high degree of respect for both George Samios and Sue Adams and the work that they do for their respective schools.

He said that in his view the process taken in reaching his decision was sound and that to be in receipt of the third highest settlement in the country should be welcomed.

He explained that he attended and observed the Schools Forum that debated this matter and that he had met George and Sue prior to making his decision.

He stated that he was passionate to support schools in disadvantaged areas and would look to provide it where he could.

Councillor Richard Samuel asked if he had considered straying into making a decision outside of the options given.

Councillor Paul May replied that he would have found that difficult to given the process that was carried out and the evidence presented.

Councillor Richard Samuel asked if there were plans to alleviate any negative impacts.

Councillor Paul May replied that the Local formula had historically favoured disadvantaged schools and that he had taken the decision as to how a large income can be used most effectively.

The Chair asked for officers to outline the practical implications for any decision reached by the Panel.

The Strategic Director for People & Communities replied that the Panel could;

- i) Dismiss the Call-in which would mean that the Cabinet Member decision stands.
- ii) Uphold the Call-in and give reasons for the Cabinet Member to reconsider his decision. He added that if in this scenario the Cabinet Member was minded to change his decision the most practical decision would be to switch to the Local formula. Referring to the DfE deadlines he said that a delay in the Dedicated Schools Grant could result in a cash flow problem that the Council would have to fund.

Councillor Richard Samuel asked what decisions other Local Authorities had made.

The Education Business Manager replied that he was aware that the majority of Councils in the South West and Midlands had chosen to move to the NFF from April 2018.

Councillor Michael Evans commented that the income should be celebrated and praised the courageous decision taken by the Government. He thanked officers and the Schools Forum for their work in the process.

He agreed that the NFF was not one size fits all, but that it was fair to pupils across the country.

He said that he felt that the Panel should dismiss the Call-in.

Councillor Anthony Clarke agreed and said that the Call-in should be dismissed. He said that the responses to the survey were very clear along with the recommendation of the Schools Forum. He added that the procedure carried out in reaching the decision was correct.

Councillor Robin Moss said it was his view that the decision amounted to equality -v- equity and that local Equality Impact Assessments should have been carried out. He added that transitional arrangements would have been welcome and that he would support a recommendation to uphold the Call-in and the use of Council reserves.

Councillor Richard Samuel agreed that a transitional arrangement was needed as some schools will be in a disadvantaged position.

Councillor Lisa O'Brien stated that she believed that the Schools Forum takes its role very seriously and did not think that they were led to a decision. She added that she felt the Cabinet Member had taken their recommendation and the survey results on board when making his decision.

She said that she felt that the Panel should dismiss the Call-in.

Councillor Lizzie Gladwyn said that she personally had fought hard to get to her current position and attended schools to discuss future options with pupils. She stated that most B&NES children would benefit through this decision.

The Chair said that she respected Councillor May in his role as Cabinet Member and admired George and Sue for the difficult roles they have as education is so generally underfunded. She said that she would like Councillor May to reconsider his decision and look into a third option.

Following advice from the Head of Legal & Democratic Services, Councillor Richard Samuel proposed the following motion;

The Panel agrees that the Call-in should be upheld and that the Cabinet Member should reconsider the decision having regard to;

- The absence of equality impact assessments at both consultation and decision stages and

- The absence of satisfactory consideration of transitional arrangements

In addition the Panel further recommends that the Council uses reserves to fund such transitional arrangements to provide certainty in setting schools' budgets.

Councillor Robin Moss seconded the motion.

The motion was put to the vote and it was RESOLVED by 3 votes for and 4 votes against. The motion therefore was not carried.

Councillor Michael Evans proposed a motion that the Call-in should be dismissed.

Councillor Anthony Clarke seconded the motion.

The motion was put to the vote and it was RESOLVED by 4 votes for and 3 votes against that the Call-in should be dismissed.

This means that the decision made by the Cabinet Member for Children & Young People, Councillor Paul May can take place with immediate effect.

The meeting ended at 12.50 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services