

AT A MEETING of the CHILDREN AND YOUNG PEOPLE SELECT COMMITTEE of the COUNTY COUNCIL held at The Castle, Winchester on Wednesday, 20 January 2016.

PRESENT

Chairman:

p Councillor Ray Bolton

Vice-Chairman:

p Councillor Roz Chadd

Councillors:

p John Bennison	p Roger Huxstep
p Ann Briggs	p Warwick Lovegrove
p Zilliah Brooks	p Martin Lyon
p Rita Burgess	p Ken Moon
p Christopher Carter	p Jackie Porter
p Criss Connor	p Bruce Tennent
p Marge Harvey	p Ken Thornber
a Tony Hooke	p Malcolm Wade
p Rob Humby	p Christopher Wood

Substitute Members:

p Keith Evans

Co-opted Members:

Vacant: Primary School Parent Governor Representative
p Andrew March: Secondary School Parent Governor Representative
a Urzula Topp: Roman Catholic Schools Representative
p Gary Walker: Special School Parent Governor Representative
a Jeff Williams: Church of England Schools Representative

At the invitation of the Chairman:

p Councillor Peter Edgar – Executive Member for Education
p Councillor Keith Mans – Executive Lead Member for Children’s Services

112. **BROADCASTING ANNOUNCEMENT**

The Chairman announced that the press and members of the public were permitted to film and broadcast the meeting. Those remaining at the meeting were consenting to being filmed and recorded, and to the possible use of those images and recordings for broadcasting purposes.

113. **APOLOGIES FOR ABSENCE**

The Chairman noted that Councillor Chadd, the Vice Chairman, had given her apologies at short notice, and resultantly Councillor Huxstep would be assisting as Vice Chairman for the duration of the meeting. Apologies for absence were also received from Jeff Williams, the Church

of England Schools representative.

114. **DECLARATIONS OF INTEREST**

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Personal interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 4 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

Councillor Jackie Porter declared a non-pecuniary interest in Item 6, as she is the Chair of a Charity in receipt of grant funding from Children's Services.

Councillor Malcolm Wade declared a non-pecuniary interest in Item 6, as he is the Chair of a Youth Charity in receipt of grant funding from Children's Services.

115. **MINUTES**

The Minutes of the meeting held on 14 October 2015 were confirmed as a correct record, and signed by the Chairman.

116. **DEPUTATIONS**

The Committee did not receive any deputations at this meeting.

117. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman did not make any announcements at this meeting.

118. **REVENUE BUDGET FOR CHILDREN'S SERVICES 2016/17**

The Interim Director of Children's Services and a representative of the Director of Corporate Resources attended before the Committee in order to present the revenue budget for Children's Services for 2016/17 (see report and presentation, Item 6 in the Minute Book).

The presentation outlined the overall County Council financial position, setting out the complex and significant announcements made by Government in relation to the Revenue Support Grant settlement and other budget-related matters. The overall reduction in the Revenue Support Grant for the County Council was 37.4% (£48m), against an expected figure of 15.9% (£19m) and a national average of 24.5%. Additionally, it was expected that this Grant would cease to exist from 2019/20, earlier than first forecast.

Additional monies had been announced through the Better Care Fund (BCF), which would mean an additional £19m provided to Hampshire County Council for spending through BCF plans, which is lower than additionally anticipated. The settlement would also result in a reduced Education Services Grant, although as this was not ring-fenced and distributed corporately it would not directly affect Children's Services.

Changes to funding methodology and settlements would see a revised gap in 2016/17 of £81.5m, compared to the £50m originally predicted. There would be further work for the Cabinet to undertake in advance of their decision in February on the strategy to take in order to meet this deficit. All options would see use of at least £54.5m from the Grant Equalisation Reserve. Discussions were ongoing by the Cabinet as to whether increasing Council Tax (by 1.99%) and utilising the opportunity to apply a Social Care Precept (2%) would be suitable method of closing the gap. A final decision would be taken in February 2016.

An overview of the Council's reserves strategy and financial position was provided, which set out that of the £462m held, approximately £77m was truly 'available' to support one-off spending.

Members heard details on the proposed 2016/17 budget for Children's Services. It was noted that the schools budget was funded through specific grants that are ring-fenced, and the spend of this is determined through the Schools Forum. The formula used for schools funding was under review, and likely to change significantly within the current parliamentary term, as are the responsibilities of the Local Authority, although details of the likely changes had not been shared to date.

The priorities for the Department in 2016/17 had been taken from the themes identified in the Transformation to 2017 paper, and would set a vision leading to 2019. The performance of the Department was still strong and the Council still led nationally in terms of the rating given by 'OFSTED' to the Department.

The work being undertaken with the Department for Education to explore different and innovative ways of delivering social care and support had begun to show some early outcomes, with the number of children requiring care placements in 2015/16 showing a declining trend. It was noted that children requiring an intervention and placement out of the family home would always still receive this, if appropriate. The number of foster placements in Hampshire was at a new high level in the County, although it was hoped that this would continue to increase.

The issues and pressures identified were not new and had previously been discussed in detail with the Committee. The Department would continue to work to manage increasing demand for children's services on the Council. Work had been continuing with other Local Authorities in the south east to implement the memorandum of co-operation on the use of agency staff, and this was working well.

In considering the more detailed Children's Services revenue budget, and in response to questions, Members heard:

- The memorandum of co-operation was not a legal document, but an agreement between the Local Authorities signed up to its vision. It had not been tested in Case Law, but legal advisors worked on the document and were satisfied that its application had been tested elsewhere and could be robustly defended if challenged. The timescale of one year for social workers not to be re-employed by a Local Authority through an agency was determined to be the most 'reasonable' in law.
- Some fostering and care placements were commissioned externally because of the high level of need a specific child may have that the Local Authority could not cater to. However, there were no plans to expand general fostering places out to the independent sector. It was agreed that figures be provided on the split between in-house and independent fostering places.
- Placements in the independent sector were based on need, the child's view (if appropriate) and quality/cost of the service.
- The Swanwick Lodge building had been renovated and was physically ready for greater occupation by service users, but staff who were newly recruited were still being trained. Once this had been completed, it was hoped that the service would become fully operational at the full capacity of 16 placements.
- The pupil premium funding for 2016/17 was £15.495m.

Figures on fostering provided.

Following questions, the Chairman moved to debate. Some

Members outlined their concerns that without knowing whether it was proposed to increase or freeze council tax, they were not able to take a view on the Children's Services budget. It was clarified that this decision would not impact on the budget lines set out before Members.

Following debate, the Chairman moved to recommendations. The following was agreed by a majority of Members present.

RESOLVED

That the Committee support the recommendations being proposed to the Executive Lead Member for Children's Services in section 10 of the revenue report.

119. **CAPITAL PROGRAMME FOR CHILDREN'S SERVICES 2016-17 – 2018/19**

The Interim Director of Children's Services and his representatives attended before the Committee in order to present the capital programme for Children's Services for 2016/17 – 2018/19 (see report and presentation, Item 7 in the Minute Book).

It was heard that this was the largest capital programme embarked upon by Hampshire County Council, in order to ensure suitable provision for school places. To date, a mixture of approaches had been used to meet demand, but future requirement would see the need to build and extend schools across Hampshire. The secondary places position had been set out in a recent report reviewed by the Committee in October 2015.

There were some significant strains on the programme, with a planned deficit in 2018/19. Developer contributions and funding from the Department for Education would be crucial in reducing the deficit.

On the 2016/17 to 2018/19 Capital Programme, in response to questions, Members heard:

- That there was some disparity in the capital budgets year to year; this was due to the carry forward of some monies from previous years, due to sometimes amended start dates for projects. All additional monies carried forward were allocated against specific projects.
- Analysis shows a primary pupil yield of 0.3 children per dwelling for new housing developments.. An evidence base was being accumulated to determine whether 0.3 continued to be appropriate, or whether that number was now higher in some parts of the county..
- Where there are surplus places in the secondary sector, these will be filled prior to new places being built.

- Ideally, modular classrooms were only used to provide a short term school places solution.
- There had been a change in policy wording in the Department for Education, with all new schools referred to as being 'free' schools rather than 'academies'.
- Some budget lines had £0 against them in future years. This was due to the project being completed by this time, and there being no further ongoing capital cost associated.
- That the planned deficit in the capital programme budget was exceptional and new, and the Department were working to resolve this issue.
- The issue of construction industry inflation being ahead of national inflation figures was not a new one, and was thought to be due to there being more demand than capacity in the building sector. The Department and the property services team monitored the cost of building materials closely and often substituted items should their price escalate beyond the means of the budget, or should a commodity become cheaper and be better for the build.
- It was important that schools should be used by the whole community. New school buildings were designed in a way that enables communal areas to be available out of school hours, without needing to open up access to the rest of the building. Additionally, new school plans included sustainable transport plans, which plotted out safe cycling and walking routes.

Following questions, the Chairman moved to debate. It was heard that it was important to highlight the potential risk faced to the capital programme should additional funds not be secured to assist with school places, and should developer contributions not be of the level required to assist with this programme.

Following debate, the Chairman moved to recommendations. An additional recommendation was proposed by Councillor Lyon and seconded by Councillor Wood:

That the Executive Lead Member is asked to specifically note the high level of risk on the capital programme relating to the receipt of capital resources from developer contributions, and notes this in discussion with planning authorities, as outlined in the report in paragraphs 7.0 and 7.4.

A vote was held and the recommendation was agreed by a majority of members.

RESOLVED

That:

1. The Executive Lead Member is asked to specifically note the high level of risk on the capital programme relating to the receipt of capital resources from developer contributions, and notes this in discussion with planning authorities, as outlined in the report in paragraphs 7.0 and 7.4.
2. The Committee support the recommendations being proposed to the Executive Lead Member for Children's Services proposed Capital Programme in section 19 of the report.

120. **HOME SCHOOLING**

The Committee received a presentation from representatives of the Director of Children's Services (item 8 in the minute book) providing an overview of elective home education in Hampshire, and the role of the Department in supporting children who are home schooled.

As of January 2016, 894 children and young people were known to Hampshire County Council (as the Local Education Authority (LEA)) as being electively home educated. In Hampshire, the district with the highest number of children being educated at home was the New Forest. The reasons for children being home schooled vary, but are predominantly reported to be due to the personal choice and views of the parent(s), or the parent's perception that mainstream education will not cater for the needs of their child.

Hampshire County Council has good links with home education support groups, and used these relationships to share information and provide support where needed. This had led to Hampshire being highly regarded as an LEA working with the home education sector.

As part of the Council's 'Hampshire Offer', all parents/guardians are given the opportunity to meet with an education consultant to discuss the needs of their child(ren), and offer advice and guidance. Approximately 28% of parents/guardians take up this offer.

Hampshire County Council does not have a legal right to monitor the educational provision of children who are taught at home, and it can't be assumed because of this that home education leads to greater safeguarding risks for children.

In response to questions, Members heard:

- Hampshire County Council as the Local Education Authority (LEA) hold a database of all known children in

elective home education, but this list is not exhaustive as there is no requirement for families moving into Hampshire who have never attended school to inform the LEA. Good partnership working with the police, health and education sector has resulted in known cases being referred to the LEA, but it isn't possible to estimate the numbers of children who are not known to any public authority, and therefore are 'unknowns'. It is these unknown cases that are of a safeguarding concern for Hampshire County Council, rather than the children known to the LEA.

- There isn't a suggestion that those who elect to educate their child at home do so in a way that negatively impacts the child. Additionally, there isn't conclusive evidence to suggest that children who are home educated are at greater risk of requiring safeguarding measures.
- The case for a mandatory register of home educated children was one that had been debated by local and national government. The Hampshire view was that this could potentially drive those parents/guardians who may work informally with the LEA underground and lead to less information being shared on children, and some families are unwilling to be monitored by public authority and would not comply with any requirements put upon them. Additionally, those children at risk would be unlikely to be registered.
- The Hampshire County Council have a generalised duty to safeguard children through the range of services it provides. It is reasonable that the Council intervenes when it has information on a child being at risk, and if it does not have evidence or information which suggests this, then it would be unable to take action.
- A national report authored by Badman on elective home education had made recommendations suggesting changes to legislation and the responsibilities on LEAs in relation to this. It was thought that lobbying by home education support groups were instrumental in these not being taken forward for action.
- Schools are not required to provide places for home educated 'private' students in formal qualification exams. Therefore the Department works closely with schools to negotiate places ahead of exam timetabling, in order to ensure those who wish to sit exams can do so.
- National and local data is not available on the educational attainment of children who are home schooled who sit for formal exams, as they are entered as private candidates and there is no compulsion on parents or carers to inform the LEA of results. Some parents/guardians with whom the LEA has a favourable relationship will offer this information, and this is encouraged, but only offers a snapshot of achievement.

- There has been a significant increase in the number of children being home educated over the previous year.
- OFSTED do not have powers to inspect educational environments that are not registered as schools. Therefore any home education support group sessions or groups of children being taught collectively would not be admissible to inspection.
- That the Department worked closely with further education principals in order to ensure the smooth integration of children who have previously been home educated into an educational setting.
- Children with a traveller or refugee/immigrant background generally are generally known to the Ethnic Minority and Traveler Achievement Service and therefore do not fall into the 'unknown' category of home educated children. Those with an immigrant/refugee background are often keen to learn and have settled in the UK due to educational provision, and therefore do not tend to be home educated.

A recommendation was proposed by Councillor Thornber and seconded by Councillor Harvey:

That the Select Committee resolves to ask its MPs and Government to legislate to give Local Education Authorities the right to monitor the education of those children whose parents elect to give them education at home. We remind Government that Local Educational Authorities have a statutory responsibility for the education of all children in their area.

A vote was held and the recommendation was agreed by a majority of members.

RESOLVED:

That the Select Committee resolves to ask its MPs and Government to legislate to give Local Education Authorities the right to monitor the education of those children whose parents elect to give them education at home. We remind Government that Local Educational Authorities have a statutory responsibility for the education of all children in their area.

Post meeting note

The letter drafted following this recommendation, and the response received from the Department for Education, has been appended to these minutes.

Work programme updated.

121. **PUBLIC HEALTH IN SCHOOLS**

Due to the Committee's detailed consideration of the budget items above, Members agreed to defer the public health in

schools item until the May meeting.

RESOLVED:

That the Public Health in Schools presentation be deferred to the next meeting.

122. **WORK PROGRAMME**

The Director of Policy and Governance presented the Committee's work programme (see Item 10 in the Minute Book).

Work programme updated.

The Chairman proposed the following additional items for adding to the work programme:

- Changes to how school performance and attainment is assessed (to include the previous year's attainment figures).
- Overview of progress made in children and young people disability services (to include short breaks and health provision in schools for children with disabilities).

The topic of the upcoming consultation being led by the Economy, Transport and Environment Department on school transport was raised and discussions were held on how Members from the CYP Select Committee could understand the details behind the consultation, and be involved in discussions, prior to a decision being taken by the Executive Member for Economy, Transport and Environment. It was agreed that this would be looked into.

RESOLVED:

That the work programme, subject to any amendments made during the meeting, is agreed.

Chairman, 25 May 2016