

PUBLIC

MINUTES of a meeting of the **CABINET MEMBER - CHILDREN AND YOUNG PEOPLE** held on 9 September 2014 at County Hall, Matlock.

PRESENT

Councillor K Gillott (in the Chair)

Apologies for absence were submitted on behalf of Councillor Mrs J S Street

82/14 **MINUTES** **RESOLVED** that the minutes of the meeting held on 5 August 2014 be confirmed as a correct record and signed by the Cabinet Member.

83/14 **NEW INSTRUMENTS OF GOVERNMENT** Under the School Governance (Constitution) (England) Regulations 2012 the following Governing Body had requested an amendment to their Instrument of Government.

RESOLVED that the Instrument of Government for New Mills Primary School be amended to provide for a new Governing Body of 14 members comprising 4 parents, 1 Local Authority, 1 staff, 1 Head Teacher and 7 co-opted Governors.

84/14 **APPOINTMENT OF PERSONS TO SERVE AS LA GOVERNORS ON SCHOOL GOVERNING BODIES** **RESOLVED** (1) that the following persons be appointed to serve as LA Governors on school governing bodies under the School Governance (Constitution) (England) Regulations 2007.

V Graham – Mary Swanwick Primary School
J Queening – Parkside Community School
J Bacon – Speedwell Infants School
E Tidd – Woodford C.E. Voluntary Controlled Primary School
O Jones – Brampton Primary School
M Bagshaw – Duckmanton Primary School
R Perry – Duckmanton Primary School
K Lovegrove – Inkersall Primary School
V Thompson – Spire Junior School
K Miles – Spire Infant & Nursery School
J Carley – William Rhodes Primary & Nursery School
D Myerscough – Glossopdale Community College
J Creed – Hayfield Primary School

R Weston – Hayfield Primary School
K Sewell – Buxton Infants School
J Hamilton – Buxton Community School
L Trainor – Castleton C.E. Primary School
A Hind – Clowne Infant & Nursery School
C Green – Stanton Primary School
K Bonnett – Springwell Community College; and

(2) to approve the nomination of the following person to serve as a Local Authority Governor:

J Hardy – Chapel-en-le-Frith High School.

85/14 AUTHORITY FOR APPROVING APPOINTMENTS AND NOMINATIONS OF AUTHORITY AND LOCAL AUTHORITY GOVERNORS TO RETURN TO THE CABINET MEMBER FOR CHILDREN AND YOUNG PEOPLE (The Chair agreed to the consideration of this report as an urgent agenda item to avoid delay in the approval of appointments and nominations process) The Strategic Director for Children and Younger Adults sought approval to return the function of approving appointments and nominations on Authority and Local Authority Governors previously delegated to Local Area Committees to the Cabinet Member for Children and Young People.

The report related to Derbyshire maintained schools. It also related to academies which had decided to include a representative of the Local Authority on their Governing Body. The report did not apply to Authority appointed members on Pupil Referral Unit Management Committees.

Authority for approving appointments and nominations was delegated by the Cabinet Member for Children and Young People to Local Area Committees on 1 October 2013. It was proposed to return the approval for this to the Cabinet Member for Children and Young People, similarly for the removal of the Governor if required. The appointment and nomination process, attached to the Strategic Director's report remained unchanged except in this regard.

The reasons for the proposal were that

- Local Area Committees met quarterly and this was causing a backlog to the approval of appointments and nominations. Cabinet Member Meetings were held on a monthly basis;
- There had been some occasions where the Local Area Committees had not been quorate and this had resulted in delays to the approval of appointments and nominations; and

- The Local Authority might appear to be inefficient if governor vacancies were not filled in a more timely fashion.

RESOLVED that the delegation of the function of approving appointments and nominations of Authority and Local Authority Governors revert back to the Cabinet Member for Children and Young People, as detailed in the Strategic Director's report with effect from 17 September 2014.

86/14 SCHOOLS FORUM CONSTITUTION The Strategic Director for Children and Younger Adults sought approval for a number of minor changes to the schools forum constitution.

There were several refinements to the operation of the Schools Forum which needed to be addressed.

The period of office of school and academy representatives on the Schools Forum was 4 years, and the current periods of office were due to end on 31 December 2014. As a result of national changes to the timescale for completing schools delegated budgets the timing of forum elections was problematic. Not only would the process of conducting an election to establish a new forum take place at one of the busiest times of the year there was a risk of losing a wealth of experience of existing members at a critical time in the budget process. Whilst the Forum's role in respect of mainstream schools 2015/16 budgets should have been completed by 31 December, the Forum would have a key role to play still in respect of Early Years and High Needs Budgets.

These problems were exacerbated by the fact that the Forum had recently received a number of resignations, due mainly to the retirements of members from their school roles. In the short term this would further impact on the knowledge base of the forum.

The forum had also been considering its structure and operations against the DfE's guidance – "Schools Forum – a guide to schools and academies on its role and their responsibilities". Several issues were identified including the size of the forum, with Derbyshire's forum having 40 places which was substantially larger than those of neighbouring LA's. The size of the forum needed to be reviewed to ensure that the forum was both effective and economical to support.

In order to deal with the above issues it was proposed that the current membership's period of office be extended by 8 months to 31 August 2015, this would allow more time for both the forum and the County Council to consider the long term structure of the forum from September 2015 and retain

existing expertise for the 2015/16 budget process. Elections would be arranged over summer 2015 with new members taking up office for a 4 year period commencing 1 September 2015. Future 4 year cycles would then run from September to August.

There were two other matters to consider. Firstly pursuant to regulation 6 of the Schools Forum (England) Regulations 2012 (SI2261), representation on the forum from academies should now be by election from the proprietors of the academies. This would require a change to the existing constitution which currently allowed the Authority to nominate academy representatives.

The second was that the current forum constitution required the Authority to ballot individual governors rather than Governing Bodies whenever a school Governor vacancy needed to be filled and where an election was required i.e. when there were more candidates than vacancies. This was a disproportionately time consuming and expensive process as ballot forms and prepaid envelopes had to be sent to several thousand individual governors. The Authority had previously attempted to use electronic media for this process but this had elicited very low levels of responses.

It was proposed therefore that Governing Bodies rather than individual Governors be invited to vote on Governor elections, either by direct email to Chairs of Governors or via the schools extranet. This would be a much quicker and less expensive process and one which was consistent with the arrangements for consulting schools on other funding matters. This change had been considered by the schools forum and was unanimously supported.

RESOLVED to approve (1) that the current period of office be extended as set out above;

(2) the required change to the election of academy representatives;

(3) that Governing Bodies and/or Chairs of Governors be balloted in respect of school governor vacancies in accordance with the proposed arrangement as detailed above;

(4) that the Schools Forum's constitution be amended to reflect the changes set out above; and

(5) that if required, a further report be brought in summer 2015 setting out additional changes to the membership and/or operation of the schools forum.

87/14 LETTINGS CHARGES IN YOUTH CLUBS Approval was sought to implement a standard charging tariff for lettings of rooms in Derbyshire County Council youth buildings. Currently a formula was used to calculate the recommended charges for lettings at each individual youth building. This calculation included building costs divided by annual hours that the centre was used for. The figure was then divided by the number of rooms with larger rooms counted as two rooms and sport halls as three.

Due to the different sizes of the buildings and running costs there was a variation in the charges from building to building. Table 1 showed the current charges per building for small rooms; large rooms were charged at double or treble the rate. There were currently 2 categories of charges: a) for the voluntary sector or groups with educational aims and b) private or social functions. The caretaker or cleaner costs were also added to the lettings charge and the rate varied depending on the category of letting and if the building had to be opened for the letting to take place.

It was proposed that a two tier charging system should remain with a standard rate of at least £6 per hour for the voluntary sector with a commercial rate of £13 per hour for private functions, with double or treble rates applied as appropriate to the size and function of the room. For those buildings with a current rate above these levels the charge would remain the same as income should not decrease.

It was also proposed that the same fee be applied both in core (7 am – 7 pm) hours and non-core hours. Opening and closing costs would be applied as an additional cost of 1.5 hours per letting, as this fell under the single status arrangements and was in line with school letting arrangements. The 1.5 hours was a minimum charge, therefore if the letting was for longer the fee would be for the actual number of hours. This cost would be determined locally depending on the actual cleaner/caretaker cost. The caretaking costs would vary for core and non-core hours and out of hours lettings would be subject to time and a third for opening and closing payments. The new charges would be in place by 1 January 2015, with the current building user groups being given 3 months' notice of the cost change. If there were any existing letting contracts between Derbyshire County Council and regular hirers which provided for longer notice periods these would be taken into account. For non-profit making groups who may have difficulty affording these increases a local agreement could be made for an agreed period with the appropriate authorisation from the district manager.

The Corporate Resources department was in the process of developing a lettings policy to cover all Derbyshire County Council buildings. It was

intended that the standard charges would be brought in line with the corporate charges when the new policy was implemented.

RESOLVED (1) that approval be given to the new letting tariffs for youth buildings from 1 January 2015 until the new corporate lettings policy was adopted; and

(2) that a further report be considered on the new corporate lettings policy.

88/14 CHILDREN AND YOUNGER ADULTS (CAYA) SERVICE SPENDING 2014/15 The Cabinet Member was informed of the results of the latest CAYA service budget monitoring with major variances highlighted. Details were also given of the projected year end ear-marked reserves balances taking into account anticipated drawdowns and additions during the year.

The report provided analysis of the latest forecast year end position for 2014/15 based on income/expenditure up to the middle of July.

The forecast year end position for CAYAs expenditure funded by the Council was an overspend of £3.467m. The projected overspend in the year could be financed by the uncommitted balance from the previous year's accumulated underspends and initiatives were being progressed to align the level of spend and available on-going resources. A breakdown by service area was attached at Appendix 1 to the Strategic Director's report. In relation to the Dedicated Schools Grant (DSG) the changes in schools funding reform meant that there were now very few central budgets maintained by the Authority. The Authority retained control over spending on children and young people with additional educational needs in schools (including academies and independent non-maintained sector as well as maintained schools) and the support services that worked with those pupils. At this stage in the year there was very little additional information on demands on the budget compared to that used to prepare the budgets.

Within the DSG however there was a specific allocation for early year's placements for vulnerable 2 year olds. This was projected to be underspent by £4.329m in 2014/15 due to a lower proportion of eligible children taking up their entitlement than the Government had provided funding for.

In relation to CAYA budgets the forecast overspend was £3.467 m. This would be funded from previous years uncommitted underspends. The main cause of the overspend was that the actions to reduce spending had slipped against the timetable originally envisaged when the budget was originally set. Details were also given of the current situation with the Complex Case Pooled

budget; placement costs and additional resources. The projected end year position of the CAYA ear-marked reserves was attached at Appendix 2 to the report and predicted a net reduction of £6.847m.

The projected overspend of £3.467m was the largest drawdown anticipated at this stage and there would be further drawdowns from other reserves during the year to cover the relevant expenditure.

RESOLVED to note the outcome of the latest budget and ear-marked reserves monitoring for 2014/15.

89/14 APPROVAL FOR PROCEDURES AND PROTOCOLS FOR WORKING WITH ACADEMIES (The Chair agreed to the consideration of this report as an urgent agenda item to avoid delay in the procedures and protocols being in place for the beginning of the new academic year). Approval was sought for the draft procedures and protocols for DCC schools improvement working with academies.

The Authority believed that schools should be maintained with a democratically accountable framework. However, there were schools that had converted to academy status and were therefore accountable directly to the Secretary of State.

The Local Authority had a statutory responsibility as champion for all children regardless of where they attended school and were accountable for the outcomes of all children.

In order to ensure that academies within Derbyshire were appropriately held to account by the Local Authority for the progress and achievement of children it was necessary to work with academies and maintain a dialogue that enabled concerns about performance or inclusion, or conduct to be raised at the earliest opportunity. The draft procedure and protocols which were appended to the report set out the responsibilities for both academies and the Local Authority in order that there was a shared understanding of respective roles and responsibilities. The expectation was that there would be an annual conversation about standards which would provide the opportunity to discuss the academies valid data performance and their processes for school improvements.

The draft procedures also outlined the process for issuing letters of concern to academies where there were unacceptable low standards of performance or concern over an academy's conduct. The practice was similar to procedures of issuing a Statutory Performance and Standards and Safety Warning Notice pursuant to Section 60 of the Education and Inspection Act

2006 to a maintained school as set out in the Local Authority procedures for schools causing concern.

RESOLVED to approve the draft procedures and protocols for working with academies.

90/14 REVISION OF LOCAL AUTHORITY SCHOOLS CAUSING CONCERN PROCEDURES (The Cabinet Member agreed to the consideration of this report as an urgent agenda item to avoid delay in the procedures being in place for the beginning of the academic year). Approval was sought for the revised Local Authority procedures for school causing concern.

The statutory guidance for schools causing concern was revised and issued to local authorities in May 2014 and was attached at Appendix 1 to the Strategic Director's report. Statutory guidance set out the Local Authority's role in relation to maintained schools that were causing concern.

The significant majority of Derbyshire schools were successfully enabling children and young people to do well in their education, as indicated by the levels of achievement across the County. These schools managed to sustain their own success by implementing rigorous self-evaluation and effective school improvement planning.

The Local Authority had a rigorous process for monitoring school performance and a clear graduated response to addressing concerns about performance that were identified through the process. The revised Local Authority procedures attached at Appendix 2 to the report clarified the process and procedures that the Local Authority would apply in all cases of schools causing concern.

RESOLVED to approve the revised Local Authority procedures for Schools Causing Concern.

91/14 EXCLUSION OF THE PUBLIC RESOLVED that the public be excluded from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:-

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC WERE EXCLUDED FROM THE MEETING

- (1) To confirm the exempt minutes of the Cabinet Member – Children and Young People held on 5 August 2014.

- (2) To consider the report of the Strategic Director for Children and Younger Adults on VM and DH – request for an enhanced adoption allowance and financial support package for LR (contains information which is likely to reveal the identity of any individual).
- (3) To consider the report of the Strategic Director for Children and Younger Adults on Mr & Mrs W – request for financial assistance with adaptations to foster carers home (contains information which is likely to reveal the identity of any individual).