

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

Note: These Minutes have been amended. Please see Minutes of 20 September 2011 for amendments

MINUTES OF THE MEETING HELD ON TUESDAY, 2 AUGUST 2011

Councillors Present: Jeff Beck (In place of Dave Goff), Brian Bedwell (Chairman), Dominic Boeck, Jeff Brooks (Vice-Chairman), Adrian Edwards (In place of Virginia von Celsing), Manohar Gopal (In place of David Holtby), Carol Jackson-Doerge (In place of Emma Webster), Mike Johnston, Alan Macro (In place of Tony Vickers), David Rendel, Andrew Rowles (In place of Marcus Franks) and Quentin Webb

Also Present: Nick Carter (Chief Executive), Mark Lewis (Education Assets Manager), Ian Pearson (Head of Education Service) and Julia Waldman (Acting Head of Youth Services and Commissioning), David Baker (LSP Performance Executive), David Lowe (Partnerships & Scrutiny Manager), Councillor Gwen Mason and Councillor Irene Neill

Apologies for inability to attend the meeting: Councillor Virginia von Celsing, Councillor Marcus Franks, Councillor Dave Goff, Councillor David Holtby, Councillor Tony Vickers and Councillor Emma Webster

Councillor(s) Absent:

PART I

32. Minutes

The Minutes of the meeting held on Tuesday 28th June 2011 were approved as a true and correct record and signed by the Chairman subject to the following two amendments:

Page 3 paragraph 4 – the wording be altered from:

Councillor Quentin Webb commented that there was no value in further discussion and proposed that no case had been made to refer the Outturn report back to the Executive. Councillor Chopping seconded the proposal.

To:

Councillor Quentin Webb commented that there was no value in further discussion and proposed that no case had been made to refer the Outturn report back to the Executive. Councillor Linden seconded the proposal.

Page 5 Minute No 27 after paragraph 3 – the following wording was added:

Councillor David Rendel asked Councillor Brian Bedwell what was misleading in the press release. Councillor Brian Bedwell made no further response.

33. Declarations of Interest

Councillor David Rendel declared an interest in Agenda Item 11, but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

34. Actions from previous Minutes

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There were two actions followed up from previous Commission meetings:

1. Activities for Teenagers: Update presentation under agenda Item 8;
2. School Severe Weather Plans: Verbal report under agenda Item 10.

35. **Items Called-in following the Executive meeting on 21st July 2011**

No items were called-in following the last Executive meeting.

36. **Councillor Call for Action**

There were no Councillor Calls for Action

37. **Petitions**

There were no petitions to be received at the meeting.

38. **Activities for Teenagers**

Julia Waldman (Acting head of Services and Commissioning) gave a presentation on activities for teenagers over the six month period since changes were introduced into the Youth Service.

The presentation covered four main areas:

- National messages
- Information of youth activities – mapped across West Berkshire by sector and by activity type
- Issues impacting provision
- Recommendations

The presentation provided a lot of detail on youth activities in West Berkshire but it raised many questions in Members minds in understanding the impact of service and funding changes had made. Councillors Brian Bedwell and Jeff Brooks both requested that this topic should be brought back to the OSMC in three months time. A written report was required based on a piece of research that drilled down into the service details and assessed the impact on service provision.

RESOLVED that;

1. A written report by Julia Waldman to be brought to OSMC on the 1st November 2011.
2. That the OSMC would raise a set of questions that needed to be addressed within the report.

39. **School Academies**

Councillor Alan Macro introduced the report to the Commission which summarised the work carried out by the Stronger Communities Select Committee and a Task Group, made up of Members from the Select Committee.

Councillor Macro highlighted a number of main issues raised and reviewed by the Task Group:

- The funding arrangements were not fair, those applying at the early stage would potentially receive more funding than they were entitled to creating disadvantages elsewhere;
- The Secretary of State had written to schools encouraging them to become academies and detailed the benefits of converting to academy status;
- There were significant costs to be carried by the Local Authority in supporting the legal work required to convert a school to academy status;

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- There would be a direct impact on the Local Education Authority as the number of LA maintained schools were reduced and there was less use of council services;
- Academies have the freedom to buy services from any source;
- The Local Authority was offering a set of services but had decided that some services could not be offered to academies;
- It was unclear what action might be required by the Local Authority for a failing academy;
- The Local Authority retained some statutory responsibilities to provide Home to School transport, Special Education Needs (SEN) support of non-statemented pupils, assessment and provision for statemented pupils and the need to ensure attendance.

Councillor Alan Macro referred the Commission to Section 8 on pages 16 and 17 of the report which outlined nine suggested recommendations to be taken forward to the Executive subject to the Overview and Scrutiny Management Commission's approval.

Councillor Quentin Webb raised the concern that there was no recommendation for the Head of Finance to monitor the costs incurred by the Local Authority. Costs of converting schools to academies would vary considerably, for example Park House was a relatively simple conversion but Kennet school was a particularly complex legal case to manage and the costs were considerable.

Councillor Irene Neill commented that recommendations 3, 4, 5, 6 and 7 all carried requirements to manage costs and ensured there was no detrimental impact on Local Authority maintained schools.

Councillor Jeff Beck proposed that Members accept the report's recommendations which should be put forward for consideration by the Executive.

Councillor Jeff Brooks made a number of comments:

- Academies were a major Coalition Government initiative;
- The Local Education Authority (LEA) was left to run a rump of maintained schools;
- Kennet School had elected to convert early to academy status for financial gain;
- There was a real need to assess the implications on the LEA as the number of maintained schools was reduced.

Several Councillors raised a number of concerns regarding the phrase "at full cost" in Recommendation 1, Section 8.1.1 on page 16 of the report. It was queried whether it meant just the recovery of all costs or did it include a margin to create a commercial rate that would not disadvantage non-academy schools.

Ian Pearson (Head of Education Service) reassured Members that the costing of services had been carefully considered. The Education Service was planning to provide high quality services to schools and children. Those services offered must recover all their costs and there would not be any subsidies from maintained schools. Considerable thought had been put into the business case and trading strategy covering the services offered.

Ian Pearson then advised that the funding of academies was changing, early conversions had been over funded by the DFE (not Local Authorities) and more recently the ready reckoner showed smaller funding benefits.

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Councillor Jeff Brooks asked if secondary head teachers were aware of the change. Ian Pearson confirmed it had been discussed at a meeting of maintained and academy school head teachers. Ian Pearson commented that the LEA had offered to work with schools considering academy status and provided information and signposting support to head teachers.

Councillor Jeff Brook expressed concern regarding point 7 on page 15 “of the report “The minimal amount of consultation that appears to be required with parents is a concern” and he thought it was sad that it was so light touch.

Councillor Alan Macro stated the authority did not want to discourage schools converting to academies. The Task Group had identified a number of questions and issues it wanted to raise with the Government. In particular, the need for academies to cooperate with Local Authorities in managing children who moved into the area in year, and with the provision of attendance information. It was agreed to draft a letter requesting a meeting with the Government to discuss the issues raised by the Commission.

RESOLVED that:

Councillors Irene Neill and Alan Macro would write a letter requesting a meeting with the Government.

Councillors asked Councillor Alan Macro to draft an amendment to the report’s recommendations that covered the need for academies to cooperate with Local Authorities in managing children who move into the area and with the provision of attendance information. (See recommendation 9 listed below).

Councillor Jeff Beck proposed that Members accept the report’s recommendations with the amended recommendation 9 added. Councillor Dominic Boeck seconded the proposal. At the vote it was carried unanimously.

The suggested actions (recommendations) for the Executive finally agreed were:

1. The Head of Education Service, in conjunction with other appropriate Heads of Service, should actively seek to sell services to academies at full cost, where this makes sense for service delivery and is also to the benefit of other schools. Efforts should be made to ensure that contracts are established for a minimum period of three years;
2. The Head of Education Service, in conjunction with other appropriate Heads of Service, should monitor service reductions to ensure continued viability of delivery and identify corrective action if necessary;
3. The Head of Education Service should encourage the Schools’ Forum to ensure that any financial transfers to academies are in line with real costs and not to the detriment of other schools;
4. The Head of Education Service should monitor the extent to which the Local Authority remains responsible for certain academy capital costs to ensure that this does not have a detrimental impact on Local Authority budgets;
5. The Head of Education Service should monitor the conversion of schools to academy status and the setting up of Free Schools within West Berkshire, including those outside the District boundary which might have an impact on West Berkshire schools, in order to continually evaluate the impact to the Local Authority;

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6. The Head of Education Service should request that the government looks at meeting the Council incurred costs of academy conversions in line with the financial support given to governing bodies who wish to convert;
7. The Head of Education Service should ensure that academies are meeting the requirements of their Funding Agreement with the Secretary of State to support 'weaker' schools;
8. The Head of Education Service and the Head of Cultural Services should encourage academies to make sites and facilities available for community use at a reasonable cost.
9. The Secretary of State should be asked to ensure that academies are required to cooperate with other schools and the LEA, specifically, in the areas of accepting children who move into the area in year and sharing the names of the children on their roll, with the LEA;
10. The Portfolio Holder for Children and Young People and the Youth Service should distribute the approved report to West Berkshire's Members of Parliament to seek their help with pursuing the concerns raised and potentially arranging a meeting with a representative of the Department for Education.

Councillor Brian Bedwell on behalf of the Commission thanked Task Group and Councillors Alan Macro and Irene Neill for their report and recommendations.

40. **Schools Severe Weather Plans**

Mark Lewis (C&YP Assets Manager) provided a verbal update on the progress being made with Schools Severe Weather Plans. All schools had been sent a letter that requested details of their severe weather plan. Forty responses had been received from a total of seventy-eight maintained schools. Thirty schools had provided a plan and a further ten advised that a plan was under development.

All plans would be reviewed and feedback would be offered where appropriate.

Councillor Brian Bedwell commented that there was a need for all schools to have a severe weather completed before the onset of winter. Mark Lewis confirmed that it remained his objective.

Councillor David Rendel asked Mark Lewis to come back to the OSMC at its meeting on 1st November 2011 to provide a further update.

Councillor Adrian Edwards asked was a template provided and could teachers plan to attend the nearest school when travel was difficult. Mark Lewis confirmed that a template was provided as part of the guidance information to schools. Examples of best practice severe weather plans were also made available. The practise of directing teachers to their nearest school when travel conditions were difficult had been discussed with head teachers but it was considered to be unworkable.

Councillor Brian Bedwell asked for a letter to be sent to the chair of school governors asking them to endorse the need for every school to have a severe weather plan. Councillor Jeff Brooks supported Councillor Bedwell and Councillor Irene Neill as portfolio holder agreed to send the letter to chairs of school governors.

RESOLVED that:

1. Mark Lewis would provide a further update on Schools Severe Weather plans at the OSMC meeting on 1st November 2011.
2. Councillor Irene Neill would write to chairs of school governors requesting their support that each school should hold a severe weather plan.

41. Health Scrutiny Panel

Councillor David Rendel declared an interest in Agenda Item 11, but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

The Commission considered a verbal report (Agenda Item 11) on the work of the Health Scrutiny Panel (HSP).

Councillor Quentin Webb reported that at the first meeting of the Health Scrutiny Panel held on 19th July 2011 the following topics had been discussed:

- An update report from Bev Searle on the Health Service in West Berkshire. The report was noted;
- An update report from June Graves on the Health and Wellbeing Board. The report was noted and June Graves was actioned to produce a written summary of the "Update on the Health and Wellbeing Board";
- Dignity of Care for Older People in Hospitals, the Panel approved the proposed methodology and timescales for the review;
- It was proposed that the Six Lives report be brought to the Autumn meeting.

RESOLVED that the verbal report would be noted.

42. Resource Management Working Group

The Commission considered a verbal report (Agenda Item 12) on the work of the Resource Management Working Group (RMWG).

Councillor David Rendel reported to Members to the number of new work items were agreed at the meeting of the RMWG held on 26th July 2011:

- To receive an update on the Timelord changes following Phase 3;
- To review the Council's policies and procedures for energy saving;
- To scrutinise individual items on the Risk Register;
- To review the Medium Term Financial Strategy (MTFS).

RESOLVED that the verbal report would be noted.

43. West Berkshire Forward Plan July - October 2011

The Commission considered the West Berkshire Forward Plan (Agenda Item 13) for the period covering July to October 2011.

RESOLVED that:

The Forward Plan would be noted.

44. Overview and Scrutiny Management Commission Work Programme

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The Commission considered its work programme and that of the Health Scrutiny Panel and Resource Management Working Group for 2011/12.

Two changes to the OSMC work programme were discussed and agreed:

- Delayed discharges from hospital would be deleted from the programme;
- Conduct a review of West Berkshire plans for the Olympics and Diamond Jubilee events in 2012. Initial discussion to be scheduled for the November 1st meeting of the OSMC.

RESOLVED that:

The changes to the work programme would be noted.

(The meeting commenced at 6.30 pm and closed at 8.40 pm)

CHAIRMAN

Date of Signature