

MINUTES OF A MEETING OF THE CHILDREN & YOUNG PEOPLE OVERVIEW & SCRUTINY COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON MONDAY, 11 MAY 2015 AT 1.00 PM

Present

Councillor EP Foley – Chairperson

CA Green
RL Thomas

PN John
C Westwood

M Jones
RE Young

G Phillips

Registered Representatives & Co-opted Members:

Mr W Bond (Special School Parent Governor)
Mr T Cahalane (Roman Catholic Church Representative)
Mr K Pascoe (Secondary School Parent Governor)
Mr R Thomas (Primary School Parent Governor)

Invitees:

Councillor HJ David - Cabinet Member Children & Young People
Deborah McMillan – Corporate Director Education and Transformation
Michelle Hatcher – Group Manager Inclusion
Carol Morgan – Education Psychologist
Mark Champion – Estyn Inspector
Caroline Rees – LA Link Inspector, Estyn

Officers:

Andrew Jolley – Assistant Chief Executive Legal & Regulatory Services & Monitoring Officer
Rachel Keepins – Scrutiny Officer
Andrew Rees – Senior Democratic Services Officer - Committees R

167. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members for the reasons so stated:

Councillor PA Davies – Other Council Business
Councillor DK Edwards - Other Council Business
Councillor DBF White – Work Commitment
Rev Canon Edward J Evans – Prior Commitment.

168. DECLARATIONS OF INTEREST

None.

169. MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meetings of the Children and Young People Overview and Scrutiny Committee of 17 February and 7 April 2015 were approved as a true and accurate record subject to the Rev Canon Edward J Evans apologies being recorded in

minute number 157 of the minutes of the meeting of 17 February 2015.

170. **CALL-IN OF CABINET DECISION: PROVISION FOR PUPILS WITH ADDITIONAL LEARNING NEEDS (ALN): OUTCOME OF CONSULTATIONS ON PROPOSAL FOR CHANGES TO PENCOED PRIMARY SCHOOL**

The Scrutiny Officer reported that in accordance with Overview and Scrutiny Procedure Rule 17 of the Constitution, three Members of the Committee had requested that the decision made by Cabinet on 28 April 2015 to cease one Moderate Learning Difficulties (MLD) learning resource centre provision at Pencoed Primary School be Called-In. The decision had been Called-In on the basis of:

- Insufficient information on the effects on standards;
- Evidence not provided on the change in the profile on children's needs;
- Lack of evaluation of the impact of closure on pupils affected;
- No evidence of the impact on other schools with MLD provision;
- Inadequate responses to some of the consultees questions.

The Monitoring Officer informed the Committee of the Call-In process in that the Committee following its examination of the Cabinet decision, has the power to recommend that the decision be re-considered by Cabinet or request that Council review the decision. He advised that in this case the matter which was the subject of the Call-In is a Cabinet function.

The Corporate Director Education and Transformation reported on a strategic overview of Additional Learning Needs (ALN) and that a review of learning resource centre provision had been undertaken at Pencoed Primary School including the re-structure of the inclusion service to make it more robust. She stated there is a changing profile within schools in that staff are trained in schools to support pupils with moderate learning difficulties.

The Group Manager Inclusion informed the Committee of the proposal to cease one moderate learning difficulties (MLD) learning resource centre at Pencoed Primary School. She stated that the number of pupils attending the resource had declined with 16 surplus spaces at the school in 2014-15. The Committee was informed that criteria had been developed in that the correct pupils received the most appropriate provision for their needs.

The Committee referred to statements not being carried out by the authority and whether the profiling of pupils were being done properly as some pupils' needs may not be identified and that the number of pupils who require specialist support could increase quickly. The Corporate Director Education and Transformation informed the Committee that the authority was previously ranked 22nd out of 22 local authorities for assessing pupils but was now ranked first and re-assured the Committee that robust procedures are in place to ensure transparency and clarity and that a clear set of criteria had been developed. Pupils were able to access additional provision without the need for a statement and there were no pupils which the authority was not aware of. Information was collated from parents and schools on pupils for the LRC to make an assessment and every pupil is offered a place, applications are received a year in advance. The Committee expressed concern at the conflict in evidence to that presented in the consultation report, in that from the consultation with parents and staff it suggested schools were having difficulty in securing visits from the Educational Psychology service which suggested that there could be more pupils in need of a diagnosis of MLD. The Inclusion Service was not aware of a

pupil being disadvantaged and not given access to the Educational Psychology service. The Committee also considered that from the evidence in the consultation from parents and staff it suggested that the MLD criteria had changed and pupils could no longer access the class and its provision which conflicted with the response of officers who had stated in the report that the criteria was often reviewed which conflicted with the response by officers that the criteria had not changed. The Committee was informed by the officers that the Inclusion Service would be liable to challenge if a pupil was wrongly diagnosed as having MLD.

The Committee questioned what would happen to the projected savings of £45k from the closure of one MLD Learning Resource Centre at Pencoed Primary School. The Cabinet Member Children & Young People commented that it was the intention to ring-fence the £45k savings within the service to support pupils with communication disorders in the County Borough who require support from Learning Resource Centres. He stated that a class for pupils with communication disorders had been opened at Maesteg Comprehensive and that provision was needed in the west of the County Borough and that the savings would be used to meet that need.

The Committee expressed concern that the consultation process had not been followed correctly in that the School Organisation Statutory Code which sets out the Principles for Consultation including a list of those who must be consulted with. Concern was also expressed that Estyn had not been consulted on the full Equality Impact Assessment which should be separate to the Child Impact Assessment, in that Article 29 of the United Nations Convention on the Rights of the Child requires that be addressed in terms of impact or potential impact. The Group Manager Inclusion informed the Committee that Estyn had recognised that the consultation had been followed. The Cabinet Member Children & Young People commented that some responses to the consultation had not been received but that he would confirm whether the ABMU had responded to the consultation process.

The Committee questioned the Authority's view on the response from Estyn on the proposal. The Cabinet Member Children & Young People commented that a decision had not been made to close MLD provision at Pencoed Primary School but that public notice had been issued and that he recognised that Estyn is an important consultee. He informed the Committee that he met regularly with the Group Manager Inclusion and confirmed that numbers attending the MLD learning resource centre had fallen. He stated that all schools were in a better position to meet MLD needs and that pupils needed to be supported at their local primary school, but the authority was aware that demand for pupils with communication disorders will increase. The Committee was disappointed at the lack of a statement from the Chair of Governors on the consultation proposals. The Group Manager Inclusion informed the Committee that the consultation responses were not a verbatim account of the process. The Cabinet Member Children & Young People informed the Committee that the local Members had been briefed on the public notice proposals and that future need and demand had been considered and that an explanation as to the ring-fencing of the £45k saving had been given. He indicated that comments had been articulated by the Governing Body on the proposals and that the pupils currently in receipt of ALN provision at the school were to go to comprehensive education shortly. Officers informed the Committee that provision existed for pupils with complex learning difficulties and that numbers of pupils with ALN at Pencoed Primary were falling but a rise had been identified in pupils with other needs.

The Committee commented that the Estyn report needed to be revisited due to the negative comments made by Estyn. Concern was also expressed by the Committee at the difficulties parents in accessing the Educational Psychology

service for their children in order to diagnose MLD. The officers informed the Committee that its data over a two year period showed a decline in the numbers of pupils with ALN and MLD but an increase in pupil numbers with complex needs around ASD.

Conclusions

Following its examination of the decision, the Committee decided to recommend that the decision be re-considered by the Cabinet within 5 working days for reasons outlined below:

1. Cabinet is asked to revisit the consultation outcome report with particular regard to Estyn's response to the proposal. It is recommended that a full investigation into the Estyn response is carried out to ensure that all their queries regarding the proposal are addressed. Following this, it is also recommended that a further response is received from Estyn prior to a final decision being determined.
2. Concerns were expressed by the Committee in relation to the Consultation process and the responses provided within the Consultation report. Members queried whether the Consultation had correctly followed the School Organisation Statutory Code which sets out the Principles for Consultation including a list of those who must be consulted with. It is therefore recommended that Cabinet ensure that the correct process under the Statutory Code has been followed and provide evidence as such in the Outcome of Consultation Report. This should incorporate details of all responses, including those who did not respond, as well as key information such as the statement given by the Chair of Governors; in order to ensure that a robust, informed decision can be made.
3. The Committee also expressed concerns over the Equality Impact Assessment and the United Nations Convention on the Rights of the Child. In relation to the former, it was reported that Estyn may not have received the full EIA and thus it is recommended that they are provided with this as part of the Directorate's response to their queries. In relation to the latter, Members noted that Article 29, of the UNCRC, which states that the education of the child shall be directed to 'The development of the child's personality, talents and mental and physical abilities to their fullest potential', has not been addressed in terms of impact or potential impact, despite its relevance to the decision. The Committee therefore recommends that the EIA be revisited to ensure all aspects of potential impact are dealt with.
4. The Committee expressed concern that there appeared to be conflicting evidence from that presented in the consultation outcome report and that provided by Officers in the meeting. For example, the evidence gathered from the consultation with parents and staff suggests that schools are experiencing difficulties in securing visits from the Educational Psychologist, thus suggesting that there could be more pupils who are in need of a diagnosis of MLD. Likewise, the responses from parents and staff state that the MLD criteria has changed and therefore pupils can no longer access the class and its provision which Officers responded in the report stating that the criteria are often reviewed and was revisited a couple of years ago. However, this conflicted with information during discussions with Officers whereby it was stated that the criteria has not changed.

The Committee therefore recommend that:

- a) The evidence from the consultation responses be explored further with the view to clarify such points in order to inform the decision of Cabinet and to provide clarification for the school; its staff and parents;

- b) Officers seek to find out whether other schools with Learning Resource Centres are also experiencing issues with securing EP visits in order to confirm whether there are potentially more pupils with MLD than are currently recorded.
5. The Committee expressed concern over the reported indication of a decline in numbers of pupils in the Resource Centre being based on two years' data, given that the five years data reported at the meeting showed more of a fluctuation in numbers. The Committee therefore recommend that the five year data be incorporated into the proposal in order to provide a greater understanding of the situation.

171. OUTCOME OF THE ESTYN INSPECTION OF THE CHILDREN'S DIRECTORATE

The Scrutiny Officer presented a report which informed the Committee of the outcome of the Estyn Inspection of the Children's Directorate.

The Committee was introduced to Caroline Rees, Local Authority Link Inspector from Estyn and Mark Campion, Estyn Inspector.

The Local Authority Link Inspector presented the Committee with feedback of the Estyn inspection of education services for children and young people which was undertaken in October 2012, with the Authority being identified as requiring ongoing Estyn monitoring visits as a follow-up to the inspection. She stated that the Authority had developed a Post Inspection Action Plan (PIAP) to address each of the five areas of Estyn's concerns. Progress against the PIAP had been monitored closely by Estyn with follow up inspection visits in March and December 2014.

The Estyn Inspector informed the Committee of the significant changes in the senior management team of the Children's Directorate since the inspection and that initially progress in addressing the recommendations had been slow, but the pace of change had since increased under the leadership of the new Director. He stated the Council had made sufficient progress in relation to the recommendations following the inspection and was no longer in need of Estyn monitoring resulting in the removal of further follow-up activity.

The Estyn Inspector informed the Committee of the progress made against the five recommendations. In the case of Recommendation 1, outcomes had improved; however there were a number of schools performing close to the average, with few schools performing showing excellent or poor performance. He also informed the Committee that the Central South Consortium Joint Education Service which provided school improvement service on behalf of the Council had brought greater consistency to the way in which schools are evaluated. Challenge advisers evaluate the quality of leadership and management in schools. Schools within the Consortium are working more closely together to support each other through a range of approaches which the Consortium and local authority are facilitating, which were at an early stage of development. It was too soon to judge the impact of them on standards and provision across the authority's schools. He stated that the authority is using its statutory powers more effectively to intervene in schools was causing concern.

In respect of Recommendation 2, attendance at secondary schools had improved, with attendance at primary schools remaining near to the Welsh average but showing an improvement. He stated that the authority had reduced the level of persistent absentees in both primary and secondary schools and the authority had a level of permanent exclusions. He also informed the Committee of a zero tolerance approach adopted by the authority in authorising holidays in term time and of issuing fixed penalty notices for poor attendance.

The Estyn Inspector informed the Committee that in respect of Recommendation 3, the authority used self-evaluation to understand what is working well, but the self-evaluation did not fully evaluate impact in all areas, such as inclusion services, looked after children, gypsy and traveller children and children with special education needs. He stated the authority had introduced a new corporate performance management framework which defines accountabilities for performance management as well as setting processes and procedures from corporate level to individual levels.

The Estyn Inspector informed the Committee that in respect of Recommendation 4 the quality of information provided to elected Members to challenge the performance of the authority's services and schools more robustly had been largely addressed.

He informed the Committee that in regard to Recommendation 5 the numbers of NEETS had increased since the inspection. Improvements had been made to reduce the number of NEETS but this had not been sustained and the authority was now rated 18th in Wales. The authority had a high number of pupils whose destination was unknown which stood at 16.

The Committee questioned whether Estyn inspected the Central South Consortium. The Estyn Inspector informed the Committee Estyn had worked with the Wales Audit Office looking at leadership and challenge advisers and it would be publishing a report on the Consortium to be released on 3 June 2015. He stated that Estyn would be carrying out an inspection of the Consortium in 2016.

The Committee noted the different levels of performance by schools and requested a list schools showing their performance.

Conclusions

The Committee complimented the Children's Directorate on the hard work and commitment that had led to significant changes and improvements and ultimately to the removal of Estyn monitoring.

Additional Information

Members requested that they receive Estyn's report on the Consortia once it is published in June.

The Committee reiterated a previous request for a list of the schools in the County Borough and their general overall performance, in order to gain an understanding as to what schools were performing in 'the middle', and what schools were high performing etc.

172. **SCHOOL EXCLUSIONS- UPDATE ON TASK AND FINISH GROUP**

Conclusion

The Committee agreed to defer the item on Exclusions due to there being insufficient information within the report in order for Members to carry out their role effectively and make informed conclusions and/or recommendations.

173. **THE EDUCATION OF PUPILS OUT OF AUTHORITY**

The Corporate Director Education and Transformation presented an update on children and young people who are educated outside the authority (OOA pupils) and on local

authority changes to the statementing of children with special educational needs. She stated that prior to the re-structure of the Inclusion Service in 2014, the authority did not have a system in place for tracking children placed OOA. The cost to the authority of OOA provision was extremely high, with the quality of provision and ability to meet the needs of the young person often unchallenged.

The Corporate Director Education and Transformation reported that Bridgend was the worst performing authority in Wales for statutory assessments of children's special educational needs. The aim was for children and young people to remain within their local community with family and friends, attending a local authority school which was able to meet their educational needs. She informed the Committee that a strategic approach had been adopted and a data base implemented which had led to significant improvements being made. The data base identified type of ALN, current placement and the date of statutory annual review. The data base had identified that 32% of statemented pupils educated OOA have a diagnosis of ASD. A significant developed had been a proposal for two classes for pupils with ASD attending Ysgol Bryn Castell Special School commencing in September 2015 to accommodate KS4 and KS4/5 pupils.

The Corporate Director Education and Transformation informed the Committee the authority's approach to statementing pupils had changed with greater emphasis placed on the statutory assessment of pupils to ensure the right decision had been reached by the authority in matching educational provision to need and that this was captured in a statement. She stated that the authority's performance had risen to 100% new requests for statements being issued within 26 weeks, with the authority placed 1st out of 22 in Wales for performance in 2014/15.

The Corporate Director Education and Transformation informed the Committee of the estimated savings of £304k in 2014/15 through the ending of external placements. A net saving of £152k had been identified of providing ASD support within Bridgend. She stated that the authority had been able to avoid £200k additional costs by multi agency working which meant two pupils with complex needs being kept in county instead of being placed out of county.

The Committee commented that they were impressed of the changes being made so that pupils were educated locally as opposed to being educated out of county.

The Committee questioned the suitability of the new provision for pupils with ASD in Ysgol Bryn Castell. The Group Manager Inclusion informed the Committee that pupils with ASD were placed in a unit in Penarth, although it was of paramount importance to educate locally.

Conclusions

Following detailed discussion the Committee commented that they were favourably impressed with the report and the changes being made for educating all pupils locally rather than some out of Authority.

The Committee commented on the links that needed to be ensured between educating pupils with complex needs and any new remodelling of Children's residential homes due to the fact that the report stated that 50% of OOA pupils are also Looked After Children. If this figure continues but they are now being kept in house, the Authority needs to ensure that there is sufficient foster care or residential places for these pupils.

Members queried the sustainability of the new provision being placed in YBC Special School for pupils with ASD in light of the Authority's current financial situation. The

Committee strongly supported the long term continuation of this provision and thus agreed that it, as well as the work in general relating to the education of OOA pupils and pupils with complex needs, needed to be closely monitored from a budgetary aspect to ensure it is funded accordingly to meet the needs of these vulnerable children.

Additional Information

The Committee requested a brief update on whether there had been any progress on Weston House for Post-16 learners as there were potential savings to be made here.

174. **NOMINATION TO STANDING BUDGET RESEARCH AND EVALUATION PANEL**

The Scrutiny Officer presented a report seeking nominations for the Standing Budget Research and Evaluation Panel in line with the Corporate Resources and Improvement Overview and Scrutiny Committee's recommendations made as part of the 2014-15 budget setting process.

RESOLVED: That the Committee appointed the Chairperson and Councillor C Westwood to sit on the Standing Budget Research and Evaluation Panel with Councillor G Phillips being appointed as a reserve Member.

175. **FORWARD WORK PROGRAMME UPDATE**

The Scrutiny Officer presented a report which detailed the items to be considered at the meeting of the Committee to be scheduled at the Annual Meeting of Council and sought confirmation of the information and invitees required.

Conclusions:

The Committee noted the items to be considered at its meeting to be scheduled at the Annual Meeting of Council.

176. **URGENT ITEMS**

There were no urgent items.

The meeting closed at 4.00 pm