



Leicester
City Council

Minutes of the Meeting of the
CHILDREN, YOUNG PEOPLE AND EDUCATION SCRUTINY COMMISSION

Held: THURSDAY, 2 NOVEMBER 2023 at 5:30 pm

P R E S E N T:

Councillor Batool - Chair

Councillor Cole
Councillor Dr Moore
Councillor Pickering

Councillor Haq
Councillor Pantling

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25. APOLOGIES FOR ABSENCE

The Chair welcomed those present and led introductions.

Apologies were received from Councillor Barnes.

26. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have had in the business to be discussed.

Councillor Pantling declared that she was Chair of Governors at Eyres Monsell Primary school.

Councillor Pickering declared that she was a Governor at Rolleston school.

Councillor Dr Moore declared that she was Chair of the Advisory Board at Millgate School (Discovery Academy Trust).

27. MINUTES OF THE PREVIOUS MEETING

AGREED:

That the minutes of the meeting of the Children, Young People and Education Scrutiny Commission held on 19th September 2023 be confirmed as a correct record.

28. CHAIR'S ANNOUNCEMENTS

None.

29. PETITIONS

The Monitoring Officer reported that none had been received.

30. QUESTIONS, REPRESENTATIONS, AND STATEMENTS OF CASE

Representations were received from students of Ash Field Academy, Principal of Ash Field Academy, Tracey Lawrence and Unison representative for staff at Ash Field Academy, Tom Barker. The Chair confirmed that they each would speak during the item Call-in Ashfield.

31. CALL-IN ASH FIELD

The Monitoring Officer submitted a report informing the Commission that the Executive decision taken by the Assistant City Mayor for Education on 28 September 2023 relating to withdrawing the funding for the Residential Provision at Ash Field Academy totalling over £400k per annum, with effect from 1 September 2024 had been the subject of a seven-member call-in under the procedures at Rule 12 of Part 4D, City Mayor and Executive Procedure Rules, of the Council's Constitution.

The Chair clearly outlined the process that she would follow in determining how to resolve the call-in. The Commission was recommended to either:

- a) Note the report without further comment or recommendation. (If the report is noted the process continues and the call in will be considered at Council on 23 November 2023); or
- b) Comment on the specific issues raised by the call-in. (If comments are made the process continues and the comments and call in will be considered at Council on 23 November 2023); or
- c) Resolve that the call-in be withdrawn (If the committee wish for there to be no further action on the call-in, then they must actively withdraw it. If withdrawal is agreed the call-in process stops, the call-in will not be considered at Council on 23 November 2023 and the original decision takes immediate affect without amendment).

The Chair invited the proposer of the call-in, Councillor Bajaj, to the table and allotted them five minutes to make their case. The proposer raised the following points:

- The call-in was aimed to examine the impact of the withdrawal of funding upon the students, carers and families.
- The withdrawal of funding would jeopardise the service provided of overnight accommodation for four nights a week. Vital support would be taken away.
- The residential service was vital for students to grow independence, spend time with friends, build confidence and learn skills.
- Further to this, the residential service provided a much-needed break for parents who could be reassured that their child was safe, enjoying their time and being educated.

The Chair invited the seconder of the call-in, Councillor Haq, to the table and allotted them five minutes to make their case. The following points were raised:

- The forecast for the school's finances showed a £600k deficit in this financial year and a £800k deficit in the 2024/25 financial year. Energy costs had increased, and the cost of nursing had increased due to a shortage of staff. In addition to this, the treatment and accommodation of various medical conditions was costly.
- The Academy were trying to save £400k.
- The costs of transport to and from the residential service were raised and the impact on transport in the city should the journeys have to be made separately and independently was highlighted.
- Many parents relied on the service for respite and care which could also allow them to care for other children they may have. Therefore, it was necessary to continue supporting parents. If families could no longer look after a child, then there would be a cost implication for the Council.
- The life skills learned at the Academy were described with the aid of pictures.
- Special units were not available anywhere else.

Students from Ashfield were invited to speak on the matter and the following points were raised:

- Their independence should be a priority.
- The residential service had helped students to feel normal following the Covid-19 pandemic and help them to get back on track and learn lost skills such as cooking and interaction with others.
- A student had been able to move into their own flat with the skills learned at the residential service.
- The residential service had taught students to be as independent as possible. It was crucial to understand how important the service was for independence and social skills and how significant it was for the development of life skills such as self-regulation, socialising with others and shopping.

- It was suggested that if the funding was withdrawn, a change in students' physical and mental health would be observed. Difficulties that would arise from a potential closure would include jeopardising students' independence and social interaction with friends, since equipment needed for interactions such as sleepovers may not be available outside of the residential service.
- The service helped students fulfil their intentions to become valuable members of society.

Unison representative for staff at Ash Field Academy, Tom Barker was invited to speak on the matter and the following points were raised:

- Unison members worked alongside other students and staff.
- The Deputy City Mayor, Housing and Neighbourhoods, had visited the Academy to explain why funding was being withdrawn. Justifications had included the suggestion that the service provided was not education and therefore should not be funded by the High Needs Block. This was suggested to show a lack of understanding of what education was and was suggested to be an ableist viewpoint as it was a definition of education that discriminated against those with Special Educational Needs and Disabilities (SEND). Helping students to socialise was as educational as traditional academic subjects such as mathematics and English.
- The Council had initially provided two-years notice of any withdrawal of funding so that alternative funding arrangements could be made. The academy was initially told that they would know the outcome of the consultation in January 2023, however a decision was not made until October 2023, which left staff and students with 10 months' notice.
- It was acknowledged that the government had cut funding to local authorities and added financial rules to oblige local authorities reduce funding on schools, however, it was suggested that the Council could still overspend in this area if it decided to, and services could be kept open.
- It was stated that Unison had offered to assist in liaising with the government in relation to the overall funding situation, though this had not been taken forward.
- It was suggested that if funding was cut the service would be unable to remain open.

The Chair invited Assistant City Mayor for Education, Libraries and Community Centres, Councillor Dempster, to respond and the following points were raised:

- There were many reasons for the City Council to display its commitment to young people.
- The decision referred to the removal of local authority funding rather than the closure of the unit and the Council were prepared to work with the School and the NHS to look into other opportunities for funding.

- The decision was not based on school standards and the Council was aware that the service was outstanding.
- The crux of the matter was that the funding was coming out of the High Needs Block, when according to Department for Education (DfE) rules, it should not.
- The Council were not in receipt of sufficient money, particularly money from central government and as such the High Needs Block was overspent. The DfE had made it clear that it was necessary to get spending under control or the DfE would intervene and make decisions on behalf of the Council.
- Regarding respite care, it was important to work with the NHS and Social Care where there was responsibility to provide respite care, although it was also important to recognise that they also had budget difficulties.

Members of the Commission discussed the report which highlighted the following points:

- The Council were obligated to make the decision to reduce the overspend to the High Needs Block by the DfE.
- There was still time to find alternative funding.
- There was agreement that the service supported independence, and taught skills that could not be learned in the classroom.
- It was important to note that the Council were not closing the facility.
- If the Council did not follow DfE advice, then the DfE would make decisions on behalf of the Council and the Council would not have any control over action taken by the DfE. This could potentially affect more children.
- The service should not be funded from the High Needs Block as this can only be used for educational purposes as dictated by the by the DfE.
- There was a need for equity and equality across the city for SEND children. There were various pots of money such as those in NHS and Social Care that would be more fitting for the service.
- Transport costs were raised again; however, it was noted that transport spending came from a different budget.
- There was a conversation to be had between the Council and the Academy on tapering the withdrawal of funding so that it was not all withdrawn at once and would allow an easier transition to alternative sources of funding.

The Chair asked if the proposer wished to withdraw the call-in. It was noted that the proposer wished for the call-in to proceed.

Councillor Dr Moore moved that, following the points raised during the meeting, the call-in be withdrawn. This was seconded by Cllr Pantling and upon being

put to the vote the motion was CARRIED.

RESOLVED:

1. That the call-in be withdrawn.
2. That further discussions be held between Leicester City Council and Ashfield Academy on the tapering of funding.

32. HIGH NEEDS BLOCK - VERBAL UPDATE

The Director for Social Care and Education gave a verbal update to confirm the detail of the Dedicated Schools Grant (DSG) report, due to go to the December meeting. He also gave an outline of informal Scrutiny work on this matter.

The Principal Education Officer joined the meeting to assist with the discussion of this item.

Key points included:

- The Local Authority had overspent on the High Needs Block and was now subject to discussions with the Education and Skills Funding Agency (ESFA) who required the Council to provide a recovery plan.
- There was currently a forecast overspend of £11.1m for the current financial year.
- There were pressures due to not having the correct level of funding and a high level of demand regarding SEND children.
- The recovery plan had been submitted by 15 September following which the ESFA were met with to discuss the proposals.
- Data was provided on the future prediction on the number of children based on demographics and school placements.
- Models had needed to be presented showing what the data would look like both with mitigations and without mitigations.
- Feedback on the meeting with the ESFA was still being awaited despite chasing. It was difficult to know whether the plan would be robust until feedback was received.

In response to questions, the Commission were informed that:

- The majority of local authorities were overspent with different councils at different levels of overspend. Information on this would be provided as part of a report to be brought to a future meeting.
- If action was not taken on the overspend, commissioners from the DfE would make decisions on behalf of the Council.
- There was a burden on SEND placements and support in mainstream schools and the budget was not increasing. The ESFA had required the Council to look at everything they did. The Council were looking at every way they could support children in schools.

- There was pressure on schools in terms of the number of children in schools needing a plan, and the Council were in a similar situation to the situation across the country. Starting from a low base in terms of supporting, there were a lot of children with needs. There was a legal duty to educate children and there was less money and more demand.
- There were many children awaiting health assessments, including on conditions such as ADHD and autism. Many children in schools were struggling and many had a plan but no formal diagnosis. There was an 18-month wait for speech and language therapy.
- The ESFA had asked the Council to produce a forecast based on current demands and what this would look like in terms of the money needed. This was a particularly high amount. The Council were then asked to look at the figures taking mitigating actions into account. There was a need to ensure that the right organisations paid in order to bring down the overspend.
- Children could have good outcomes without an education healthcare plan. There was lots of good practice regarding SEND that would be good for all children in a class.
- Formula funding in no way matched the needs it was supposed to, and members needed to consider ways to address this.
- Regarding SEND Schools in Academy Trusts, there was a banding system based on a child's needs. The bandings had been reviewed two years ago and a modulation process was being worked on across the city. There was a peer review on banding so that there was confidence that the banding was fair.

AGREED

1. That the verbal update be noted.
2. That the full report come to the Commission once feedback was received from the ESFA.
3. That informal scrutiny work be initiated following the receipt of this report to a future scrutiny commission meeting.

33. WORK PROGRAMME

Support for some informal scrutiny on how the High Needs Block was used and the effectiveness of its use was voiced.

It had been suggested that once feedback was received from the ESFA, a list of measures would be put forward. It was further suggested that instead of reviewing everything, it might be that a certain aspect is chosen to examine. It was suggested that this might help assist the informal scrutiny work.

It was clarified that such any group that undertook some informal scrutiny would need to set a finish date.

The Chair further clarified that if the Commission decided upon it, such informal could be set up immediately following the receipt of feedback from the ESFA. And carried over into the next municipal year if required.

The Work Programme was noted.

34. ANY OTHER BUSINESS

In response to a query regarding the connection of heat pumps to schools, the Principal Education Officer would find out the details and convey them.

There being no further items of urgent business, the meeting finished at 18:57.