

# **CHILDREN'S SERVICES COMMITTEE**

## **MINUTES AND DECISION RECORD**

14 March 2023

The meeting commenced at 4.00 pm in the Civic Centre, Hartlepool

**Present:**

Councillor: Jim Lindridge (In the Chair)

Councillors: Councillors, Brian Cowie and Christopher Groves

Co-opted Members:

Mark Tilling, Secondary Head Representative

David Turner, Primary Head Representative

Zoe Westley, Special School Head Representative

Also Present:

In accordance with Council Procedure Rule 4.2 Councillor Shane Moore was in attendance as substitute for Councillor Sue Little and Councillor Ben Clayton as substitute for Councillor Brenda Harrison

Officers:

Sally Robinson, Director of Children's and Joint Commissioning Services

Amanda Whitehead, Assistant Director, Education

Danielle Swainston, Assistant Director, Joint Commissioning Services

Sandra Shears, Head of Finance (Corporate and Schools)

Julie Reed, Pupil Place Planning, Admissions & Capital Manager

Emma Rutherford, Virtual School Head Teacher

Jackie Webb, Inclusion Co-ordinator

Julian Heward, Senior Communications and Marketing Officer

Denise Wimpenny, Principal Democratic Services Officer

### **41. Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Brenda Harrison, Cameron Sharp, Moss Boddy, Bob Buchan, Chair of Adult and Community Based Services Committee, Joanne Wilson, RC Diocesan Representative and Zoe Westley, Special School Head Representative.

## **42. Declarations of Interest**

None.

## **43. Minutes of the meeting held on 14 February 2023**

Received.

## **44. Dedicated Schools Grant – Early Years Block 2023/24**

*(Director of Children's and Joint Commissioning Services)*

### **Type of decision**

Key tests (i) and (ii) apply – Forward Plan Reference CJCS 131/23

### **Purpose of report**

To present the indicative Dedicated Schools Grant (DSG) funding allocation in relation to the Early Years Funding for 2023/24 and propose the Early Years National Funding Formula (EYNFF) that sets hourly rates for providers for 2023/24.

### **Issue(s) for consideration**

The Committee was referred to the 2023/24 funding allocation for the Early Years Block, shown in a table included in the report. Following consultation with providers and the Schools' Forum in relation to three to four year old provision, an increase of 29p per hour to the existing formula was proposed, which included 24p to fund the previously separate Teacher's Pay Grant (TPG) and Teacher Pension Employer Contribution Grant (TPECG), details of which were set out in the report.

The Schools' Forum had considered the 4 options, as set out in the report regarding the new (TPG)/(TPECG) supplement and had unanimously recommended Option 3 to extend the TPG/TPECG supplement to all settings with a qualified teacher and not set aside a contingency.

In relation to the proposed hourly rate structure 2023/24 for two year old provision, it was proposed that the previous 16p increase be retained and the new hourly rate funding increase for 2023/24 of 22p be passed directly to providers.

The following decision was agreed with no dissent.

### **Decision**

- (i) The contents of this report and the outcomes from the consultation with providers and Schools' Forum were noted.

- (ii) The recommendation of the Schools' Forum to centrally retain funding of 5% was noted.
- (iii) That the hourly rate funding formula for three to four year old provision for 2023/24, as show in the table at paragraph 5.1, passing the increase of 6p onto all providers through the base rate be approved.
- (iv) That option 3 for payment of the new TPG/TPECG supplement shown at paragraph 8.4 of this report as recommended by Schools' Forum be approved.
- (v) That the hourly rate funding formula for two year old provision for 2023/24, as outlined at paragraph 8.6, passing the increase of 22p onto providers through the hourly rate be approved.

## **45. High Needs Provision – Capital Allocations (HNPCA) 2022-24** *(Director of Children's and Joint Commissioning Services)*

### **Type of decision**

Key tests (i) and (ii) apply – Forward Plan Reference CJCS 133/23

### **Purpose of report**

To approve High Needs Provision Capital Allocation (HNPCA) to develop MLD (Moderate Learning Difficulties)

### **Issue(s) for consideration**

The Department for Education had notified the Council of the following allocations for 2022/23 and 2023/2024 to increase education SEND provision or to improve the quality of SEND provision:-

2022/23	2023/2024	Total
£962,737	£732,295	£1,695,032

Elected Members had approved, in June 2022, spend on the 2022-24 allocations, details of which were provided which left an allocation of £1,486,520.11. Members had agreed options could be explored to develop provision for moderate learning difficulties, secondary additionally resourced provision and communication and interaction, additionally resourced provision for early years and primary age children. There continued to be significant pressure on provision for children with additional needs and the development of local provision ensured that these children did not need to be educated outside of Hartlepool.

A commissioning process had been undertaken and the following schools had expressed an interest in delivering provision:-

St Helen's Primary - Communication and Interaction - £40,000  
High Tunstall College of Science - Moderate Learning Difficulties -  
£800,000 - £1,000,000 (the tender process will determine exact costs).

The total cost of the two settings would therefore be £1,040,000 (subject to outcome of tendering process) and would leave an allocation of £446,520.11 to implement further capital programmes for children with SEND, dependent on emerging needs.

The Assistant Director responded to clarification sought regarding funding issues and provided details of the support arrangements arising from enhancing mainstream provision to meet SEND needs.

The following decision was agreed with no dissent.

### **Decision**

The High Needs Capital Provision allocations as set out in the report were approved.

## **46. 2023/24 Schools' Capital Works Programme** *(Director of Children's and Joint Commissioning Services)*

### **Type of decision**

Key Decision – Tests (i) and (ii) apply – Forward Plan Ref CJCS 123/23.

### **Purpose of report**

The purpose of this report is to seek approval to the 2023/24 Schools' Capital Works Programme, as detailed in confidential **APPENDIX A**, in order to progress the design and detailed costing exercise in time for the majority of projects to be carried out during the summer holiday period. **This item contained exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, information relating to the financial or business affairs of any particular person (including the authority holding that information).**

### **Issue(s) for consideration**

The report provided background information in relation to capital funding allocations, a hard copy of which was tabled at the meeting. At the time of writing the report, capital funding allocations for 2023/24 had not been communicated to the Local Authority and had still not been confirmed. Approval was sought for the schemes proposed in confidential Appendix A. **This item (Appendix A) contained exempt information under Schedule 12A of the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006), namely information relating to the financial or business affairs of any**

**particular person (including the authority holding that information) (Para 3).**

The Committee was referred to Table 1 which outlined the total funding available of £949,910 for works and Table 2 which detailed the total cost of schemes and contingency of £924,100 of which Members' approval was sought.

The proposal to carry forward a contingency sum of £70,000 from 2022/23 to 2023/24 was welcomed.

The following decision was agreed with no dissent.

**Decision**

- (i) The Committee approved the schedule of 2023/24 capital works programme as summarised in confidential APPENDIX A, subject to the LA agreeing contributions from schools towards individual schemes in line with the shared funding principles established by the Schools Forum. **These items contained exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, information relating to the financial or business affairs of any particular person (including the authority holding that information) (Para 3.**
- (ii) That the Director of Children's & Joint Commissioning Services, in consultation with the Chair of this Committee, be given dispensation and discretion to authorise works where an emergency (eg risk of school closure) or a significant health and safety risk is exposed.
- (iii) That the Director of Children's & Joint Commissioning Services, in consultation with the Chair of this Committee, be given dispensation and discretion to add or remove a project(s) as a result of an increase or decrease in the 2023/24 SCA funding allocation.

## **47. Dedicated Schools Grant – High Needs Block 2023/24** (Director of Children's and Joint Commissioning Services)

### **Type of decision**

Key decision - tests (i) and (ii) apply. Forward plan reference is CJCS 132/33.

### **Purpose of report**

The purpose of the report was to inform Members of the funding allocation for the High Needs Block in 2022/23 and to seek approval for the 2022/23 budget. The High Needs Block forms part of the Dedicated Schools Grant (DSG).

### **Issue(s) for consideration**

The Assistant Director, Joint Commissioning reported that the High Needs Block funding allocations for 2023/24 had been published by Government on 16 December 2022. As with other areas of the DSG, funding for the High Needs Block was via a National Funding Formula (NFF).

Hartlepool had benefited from an 11% (£1.882m) increase in 2023/24 (11% in 2022/23). Despite the increases in funding from Government, high needs spending for 2022/23 was projecting an overspend, with latest projections predicting a £0.906m overspend in 2022/23. On 15 February 2023, School's Forum had a lengthy discussion to consider the final outcome of the High Needs Task and Finish Group which had been established to consider the proposals as set out in the report to improve the current position. These proposals were unanimously supported.

The report detailed that the total high needs funding for 2023/24 was £18.661m (subject to government updates in June 2023). The detailed high needs block planned spend for 2023/24 was also set out in the report and it was highlighted that the budget requirement proposed for 2023/24 exceeded the High Needs Block funding allocation by £2.146m. The challenges around the majority of the budget spend being allocated for out of area provision were provided. Members were referred to the risk and financial implications as set out in the report.

In the lengthy discussion that followed, Members welcomed the proposals and acknowledged the hard work of officers and Schools' Forum given the complexity of the issue and the challenges around increased provision. In response to queries raised arising from the report, clarification was provided in relation to the issues in terms of independent school fees and the costs associated with private and out of area provision. An update was also provided in relation to the proposals for free school provision in Hartlepool.

The following decision was agreed with no dissent.

### **Decision**

- (i) That the contents of the report be noted.
- (ii) That the proposed new 25 place primary ARP from 1 April 2023 and the extension of 22 secondary ARP places with effect from 1 January 2024 at a cost of £0.205m (paragraph 5.4.2) be approved.
- (iii) The Committee noted the agreement from School's Forum to establish a solution focused forum, bringing challenge to the current process in order to reduce the significant cost of independent school fees (paragraph 5.5.2).
- (iv) That an increase of 6 places at Horizon School and the introduction of a new top-up rate of £14k for Horizon School and £1.6k for Haven at a total cost of £0.120m (section 5.7) be approved.
- (v) That the proposed uplift of 4% to top-up ranges for IPS and ARPs and cease the clawback process at a total cost of £0.270m (section 5.8 and 5.9) be approved.
- (vi) It was noted that once further work is complete and a cost model established for both special academies, a proposal will be presented to Members at a future Committee (paragraph 5.10.2).
- (vii) The creation of 2 SEND Officer posts to increase capacity at a cost of £0.089m (paragraph 5.15.3) be approved.
- (viii) The creation of an early year's offer with a focus on early intervention at a cost of £0.116m (make up of posts in the team yet to be agreed) (paragraph 5.15.5) be approved.
- (ix) That the overall budget requirement of £20.807m shown at paragraph 5.1 of the report, noting that the budget allocation is £18.661m be approved.
- (x) It was noted that Schools Forum had committed to draw up a plan which will look to address the deficit over a three-year period.

## **48. Approval of Term and Holiday Dates 2024-25** (*Director of Children's and Joint Commissioning Services*)

### **Type of decision**

Non-key

### **Purpose of report**

To seek agreement of the Committee to the pattern of school term and holiday dates for the school year 2024-25 for Community Schools.

To seek agreement of the Committee in recommending these dates to governing bodies of Aided and Foundation Schools and academies in Hartlepool.

### **Issue(s) for consideration**

Members were advised that local authorities for a number of years had tried with some success to agree a unified calendar of term dates across the northern region from Yorkshire to Northumberland, based on guiding principles agreed by the regional group in 2012-13.

In the autumn/spring terms representatives from the Tees Valley region and other north east representatives consulted on a pattern for 2024-25 based on the guiding principles, details of which were set out in Appendix 1. The proposed pattern enabled schools to begin the academic year on Monday 2 September 2024 and end the year on Monday 21 July 2025.

Following consultation with Head Teachers in Hartlepool and also relevant associations in relation to the school year pattern for 2024-2025 the general consensus from the local authorities within the Tees Valley and other regional authorities was to adopt the model attached at Appendix 1.

The following decision was agreed with no dissent.

### **Decision**

- (i) That the scheduled term dates and holiday dates for 2024-25 for Community Schools as shown in Appendix 1 to the report be approved.
- (ii) That the scheduled term and holiday dates for 2024-25 be recommended to governing bodies of all Voluntary Aided, Foundation Schools, as well as Academies in Hartlepool.

## **49. Amendment to the Instrument of Government of Kingsley Primary School** (*Director of Children's and Joint Commissioning Services*)

### **Type of decision**

Non-key

### **Purpose of report**

To seek approval of the Committee to amendments to the Instrument of Government of Kingsley Primary School in accordance with the School Governance (Constitution) (England) Regulations 2012 as amended by the School Governance (Constitution and Federation) (England) (Amendment) Regulations 2014.

### **Issue(s) for consideration**

The report set out details of a proposal to reduce the governing body from the current 15 to 13 with the removal of two Co-opted Governor positions.



This would bring the school closer in line with the numbers on governing bodies of the remaining maintained schools. Four Parent Governor positions would be retained which met the minimum requirements of the governance regulations. There would continue to be one Local Authority Governor, one Staff Governor, the Head Teacher and six Co-opted Governors. A copy of the revised Instrument of Government was appended to the report.

The following decision was agreed with no dissent.

### **Decision**

The revised Instrument of Government for Kingsley Primary School be approved.

## **50. Elective Home Education** (*Director of Children's and Joint Commissioning Services*)

### **Type of decision**

For information

### **Purpose of report**

To provide information in relation to elective home education in Hartlepool.

### **Issue(s) for consideration**

The report provided background information in relation to elective home education which included details of parental rights and responsibilities, local authority responsibilities, Hartlepool procedures, monitoring arrangements in place following agreement that elective home education is suitable/unsuitable.

The Committee was advised that there were rising numbers of children being removed from school to receive elective home education. Since the start of the spring terms 2023, 5 school weeks, 18 children had been removed from schools to electively home educate. Details of the number of children receiving elective home education across various periods was provided as well as details of the total number of children removed to elective home education for the period 2014 to 2022. Between 2018 and 2019 there was a significant increase in the number of parents choosing EHE for their child. This rose again in 2020, primarily due to Covid.

Cohort information by year group, SEN needs, vulnerability, reasons for removal from schools as well as schools attended prior to elective home education was provided, as set out in the report.

In the lengthy discussion that followed, officers and school representatives responded to issues raised arising from the report. Clarification was provided in relation to the challenges around attendance, the reasons for

parents electing to home educate which included Covid, parental choice, cultural issues and difficulties in school. The importance of schools working together and sharing good practice to address the rising numbers choosing to home educate was emphasised. Members welcomed the approach by the team to encourage schools to introduce a cooling off period to work with parents to establish what measures could be introduced to encourage parents to reconsider home schooling. The Committee noted that home education and attendance was a key issue for schools and was a national as well as a local challenge. A Member suggested that the data presented in the report be available by age group.

Concerns were raised in relation to parents refusing to engage with the virtual school team given that there was no legal requirement on parents to inform the local authority. Concerns were also expressed that there were children in Hartlepool that had never been registered in a school and were receiving elective home education. The measures in place to identify such children were clarified.

### **Decision**

That the contents of the report, comments of Members and concerns in relation to Elective Home Education be noted.

## **51. Children Missing Education – Annual Report** *(Director of Children's and Joint Commissioning Services)*

### **Type of decision**

Non-key

### **Purpose of report**

To provide an up to date report in relation to the number of children identified and tracked as a child missing education.

### **Issue(s) for consideration**

The report provided background information in relation to the statutory guidance in place for tracking and identifying children who are missing from or not receiving a suitable education.

The Committee was advised that in the academic year 2021-22 there were 166 referrals, 155 traced and as at 31 August 2022, 11 remained missing from education. The 11 outstanding continued to be investigated and procedures followed, details of which were provided. It was thought that 11 cases had returned to Romania for an unknown duration and no onward educational destination was provided.

Members were referred to the data included in the report in relation to Children Missing Education Referrals by National Curriculum for the period 2021-22 and 2022-23 Autumn Term. Of the 77 referrals, 7 remained untraced. It was thought that 3 were in Romania, 2 in Poland, 1 awaiting specialist provision and 1 awaiting a transfer from hospital to home.

Following presentation of the report, the Chair together with Members of the Committee welcomed the report and practices in Hartlepool and spoke in support of the service acknowledging the commitment of the staff to continue to track and trace children missing from education.

**Decision**

That the contents of the report be noted.

**52. Date and Time of Next Meeting**

It was reported that the next meeting would be confirmed following the May elections.

The meeting concluded at 5.25 pm.

**H MARTIN**

**CHIEF SOLICITOR**

**PUBLICATION DATE: 21 MARCH 2023**