

# Children, Families & Schools Committee

Date: **11 September 2023**

Time: **4.00pm**

Venue: **Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 3BQ**

Members: **Councillors:** Helliwell (Joint Chair), Taylor (Joint Chair), Hamilton (Deputy Chair), Shanks (Opposition Spokesperson), Allen, Daniel, Goddard, Mistry, Goldsmith and Hogan

**Co-optees:** Lesley Hurst (Diocesan Assistant Director of Education) and Simon Parr (Catholic Diocese)

**Non-Voting Co-optees:** Adam Muirhead (Community Works Rep) and Becky Robinson (PaCC)

Contact: **Emma Thomson**  
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Date of Publication – Friday 1 September 2023

# AGENDA

Part One

Page

## 14 PROCEDURAL BUSINESS

- (a) **Declarations of Substitutes:** Where councillors are unable to attend a meeting, a substitute Member from the same political group may attend, speak and vote in their place for that meeting.
- (b) **Declarations of Interest:**
  - (a) Disclosable pecuniary interests;
  - (b) Any other interests required to be registered under the local code;
  - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*Note: Any item appearing in Part Two of the agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the press and public. A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and on-line in the Constitution at part 7.1.*

## 15 MINUTES

7 - 12

To consider the minutes of the meeting held on 12 June 2023.

## 16 CHAIRS COMMUNICATIONS

## 17 CALL OVER

- (a) Items 21 – 24 will be read out at the meeting and Members invited to reserve the items for consideration.

- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

## 18 PUBLIC INVOLVEMENT

13 - 14

To consider the following matters raised by members of the public:

- (a) **Petitions:** To receive any petitions presented by members of the public;
- (b) **Written Questions:** To receive any questions submitted by the due date of 12 noon on 5 September 2023;  
i. Sharing curriculum materials with parents – Gary Vallier
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on the 5 September 2023.

## 19 ITEMS REFERRED FROM COUNCIL

To consider items referred from the last meeting of Full Council held on 20 July 2023.

## 20 MEMBER INVOLVEMENT

15 - 16

To consider the following matters raised by Members:

- (d) **Petitions:** To receive any petitions;
- (e) **Written Questions:** To consider any written questions;  
i. Cllr Shanks - Primary school places  
ii. Cllr Goldsmith - Refurbishment work at the Hive  
iii. Cllr Goldsmith - Holiday provision for children with disabilities
- (f) **Letters:** To consider any letters;
- (g) **Notices of Motion:** To consider any Notices of Motion referred from Full Council or submitted directly to the Committee.

## 21 PROTECTED CHARACTERISTICS FOR CARE EXPERIENCED YOUNG PEOPLE

17 - 24

Report of the Executive Director – Families, Children & Learning.

Contact Officer: Anna Gianfrancesco

Tel: 01273 293966

Ward Affected: All Wards

## 22 PROPOSAL FOR THE FUTURE DELIVERY OF AFTER SCHOOL CLUBS FOR CHILDREN AND YOUNG PEOPLE WITH A DISABILITY

25 - 58

Report of the Executive Director – Families, Children & Learning.

Contact Officer: Georgina Clarke-Green

- 23 STRATEGIC RISK 15 ANNUAL PROGRESS UPDATE** **59 - 74**  
Report of the Executive Director – Families, Children & Learning.  
*Contact Officer: Carolyn Bristow* *Tel: 01273 291288*
- 24 PROPOSALS FOR THE FUTURE OF HERTFORD INFANT AND HERTFORD JUNIOR SCHOOLS** **75 - 82**  
Report of the Executive Director – Families, Children & Learning.  
*Contact Officer: Richard Barker* *Tel: 01273 290732*  
*Ward Affected: All Wards*
- 25 ITEMS REFERRED FOR FULL COUNCIL**  
To consider items to be submitted to the 19 October 2023 Council meeting for information.

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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### **Further information**

For further details and general enquiries about this meeting contact Emma Thomson, (01273 291077, email [emma.thomson@brighton-hove.gov.uk](mailto:emma.thomson@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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**BRIGHTON & HOVE CITY COUNCIL**  
**CHILDREN, FAMILIES & SCHOOLS COMMITTEE**

**4.00pm 12 JUNE 2023**

**COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ**

**MINUTES**

**Present:**

Councillors: Taylor (Joint Chair), Helliwell (Joint Chair), Hamilton (Deputy Chair), Shanks (Opposition Spokesperson), Allen, Daniel and Hogan

Co-optees: Lesley Hurst (Diocesan Assistant Director of Education), Simon Parr (Catholic Diocese), Adam Muirhead (Community Works Rep) and Becky Robinson (PaCC)

Standing invitees: Evie Silverstone (Youth Council Representative)

**PART ONE**

**1 Procedural Business**

**(a) Declarations of Substitutes**

- 1.1 Cllr Alexander substituted for Cllr Goddard, Cllr Hill substituted for Cllr Goldsmith and Cllr Rowkins substituted for Cllr Mistry.

**b) Declarations of Interest**

- 1.2 There were none.

**(c) Exclusion of Press and Public**

- 1.3 There were no Part Two Items and so the press and public were not excluded from the meeting.

**2 Minutes**

- 2.1 **RESOLVED:** That the minutes of the meeting held on 6 March 2023 were agreed as a correct record.

**3 Chair's Communications**

- 3.1 The chair delivered the following communication:

I'd like to start by reiterating our thanks to the people of Brighton & Hove for putting their trust in Labour and electing the first majority council in over two decades. We see it as an honour and privilege to serve the city. It is also a significant responsibility, and nowhere more so than in the policy area of Children, Families and Schools.

I'd also like to start by extending our genuine thanks to the fantastic officers within the directorate – particularly Deb Austin, and her team of Assistant Directors, who have been extremely responsive, helpful and supportive in our first month in administration. Lucy, myself and the whole Labour team have all been struck by their knowledge, passion and dedication to the children and young people in this city. I'd also like to thank our Democratic Services Officer, Emma Thomson, and our lead lawyer, Natasha Watson, for the efficient and knowledgeable way in which they made preparations for the first Committee of the new administration.

I'd like to say a few words about our priorities as an administration in the vital policy area of Children, Families and Schools. There is no greater responsibility for a local authority than our duty to act as Corporate Parents for young people and Unaccompanied Asylum-Seeking Children. That's why I was delighted to attend the first Corporate Parenting board of the new council last week, where the leader of the council, Councillor Sankey, demonstrated the importance this administration places on Corporate Parenting, by co-chairing the meeting with Sophie, one of our brilliant care-experienced young people. It was fantastic to see a large number of Councillors from all parties at that meeting, and I hope that will continue.

It's worth noting that almost every type of public service in this country is creaking under the weight of Tory government under-funding, inflationary pressures, and a society that is orientated around market forces and private interests, as opposed to one that is built around fairness and social justice. The provision of care placements for children is one such area that is under increasing pressure. As such, I am pleased that this Committee will be considering a proposal to increase allowances for foster careers, to bring us in line with neighbouring local authorities, and help to incentivise more foster parents to come forward. Placing children with foster families is the preferred outcome for those young people and is also considerably less expensive than residential home care placements. This administration recognises the vital importance of successfully placing children with foster parents, or in residential homes, and will focus on developing measures to support the effectiveness of that provision.

I would also like to take the opportunity to pay tribute to the many fantastic social workers in Brighton & Hove. It is a difficult job, with huge responsibility and pressure, and we are clear as an administration that we want Brighton & Hove to remain an authority where social workers are keen to come and work.

We must also acknowledge that some of the schools in our city are under pressure, including many of our primary schools. It is no secret that primary age pupil numbers in the city have fallen in recent years, partly as a result of how unaffordable the city is for working families. Falling pupil numbers results in significant challenges for school budgets. This administration will approach this issue carefully and seek to provide solutions that are best for pupils and parents – using creative ideas and pragmatism where possible.



We have some fantastic schools in the city that we should all be proud of. We are also acutely aware that some secondary schools in the city are under pressure from falling pupil numbers, and that this closely aligns with the issue of educational inequality and the gap in attainment for disadvantaged pupils. This administration strongly believes in a 'family of schools' in Brighton & Hove, and we know that certain secondary schools will require increased support to help them improve, and thus attract higher pupil numbers. It will be a priority for this administration to improve attainment outcomes for pupils from disadvantaged backgrounds, and we believe this objective can only be achieved by the whole city taking responsibility for this issue, as well as schools and the local authority.

In the area of special educational needs and disabilities, I was pleased to see the recent Ofsted report on Brighton & Hove City Council and NHS Sussex, which concluded that services for SEND children 'typically lead to positive experiences and outcomes'. However, I know I speak for officers and the whole administration when I say that Brighton & Hove City Council will work tirelessly on the areas of improvement that were highlighted and continue to engage with parents groups to ensure our services for SEND children are the best they can be.

In the coming months we will be setting out how we'll implement the bold policies in our manifesto. We will be listening to parents, to teachers, to social workers, and most importantly of all, to our children, so that we can understand what they think is needed to strengthen education and children's services in the city.

#### **4 Call Over**

4.1 All items except for item 8 were reserved for discussion.

#### **5 Public Involvement**

5.1 There were no petitions, written questions or deputations.

#### **6 Items Referred from Council**

6.1 There were no items referred from Council.

#### **7 Member Involvement**

7.1 There were no petitions, written questions, letters, or notices of motion.

#### **8 Constitutional Matters**

8.1 The recommendations as set out in the report were agreed without discussion.

8.2 **RESOLVED:** That the Committee agreed –

- i. That the Committee's terms of reference, as set out in Appendix A to the report, be noted and;
- ii. The establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to

matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.

## **9 Proposals for the future of Hertford Infant and Hertford Junior Schools**

- 9.1 The Head of School Organisation introduced the report which outlined the proposals to consider the future of Hertford Infant and Hertford Junior schools.
- 9.2 Cllr Shanks welcomed the proposal and queried why consultation wasn't being undertaken at the infant school.
- 9.3 Cllr Helliwell raised questions regarding temporary usage of the infant site pending the Education Secretary's decision.
- 9.4 Cllr Hill queried the costs that would be incurred from the building being unoccupied.
- 9.5 **RESOLVED:** That the Committee agreed –
- i. To undertake a consultation on the proposal to create a one form entry Hertford primary school on one site and for this to be implemented by relocating Hertford Infant School to the junior school site and extending the age range to pupils aged 4-11 years.

## **10 Review of Fostering Allowances**

- 10.1 The Head of Service - Fostering Adoption & Permanence introduced the report which endorsed an increase in allowances paid to Brighton & Hove City Council foster carers to compete with Independent Fostering Agencies and adjoin Local Authorities in the recruitment and retention of foster carers.
- 10.2 Cllr Hill sought clarification on the payment difference outlined in appendix 2.
- 10.3 Cllr Daniel supported the recommendation, thanked foster carers and raised questions regarding Staying Put and the number of placements with Brighton & Hove foster parents, independent fostering agencies and residential placements.
- 10.4 Cllr Hill raised points regarding considerations being given to increasing proposals further.
- 10.5 Cllrs Hamilton, Allen and Shanks echoed their support for the uplift.
- 10.6 **RESOLVED:** That the Committee agreed –
- i. To increase fostering allowances as detailed in Option 2 in paragraph 4.2 of the report.

## **11 School Meals Contract**

- 11.1 The Head of School Organisation introduced the report which outlined proposals to re-tender the school meals contract to take effect from August 2024.

- 11.2 Cllr Allen raised questions regarding the percentage of schools that buy into the centralised contract for school meals, the available data on what percentage of Pupil Premium children take up their free school meals and what was being done to increase that number.
- 11.3 Cllr Hill raised points regarding best practice from other local authorities, health and safety concerns and considerations to conditions of outsourced workers compared to in-house.
- 11.4 Cllr Daniel queried how the contract would help maintain a sustainable food approach.
- 11.5 Cllr Shanks raised points regarding secondary schools and the lack of information about children with allergies and requested that the report that went to the Procurement Advisory Board was shared and a further report came back to Committee once the contract was agreed.
- 11.6 **RESOLVED:** That the Committee agreed –
- i. To grant delegated authority to the Executive Director, Families, Children and Learning to take all necessary steps to enter into a contract for the provision of school meals for an initial term of four years with an option to extend for a further two periods of 12 months.
  - ii. To grant delegated authority to the Executive Director, Families, Children and Learning to extend the contract subject to satisfactory performance of the contractor.

## 12 Childcare Sufficiency Assessment

- 12.1 The Childcare Strategy Manager - Free Entitlement introduced the report which informed the Committee about childcare sufficiency in Brighton & Hove, parents' and providers' views of childcare in the city and the national and local policy context.
- 12.2 Cllr Hill raised points regarding the overall satisfaction of SEND children and the number of parents with SEND children that responded.
- 12.3 Cllr Helliwell queried if any studies had been undertaken to establish why parents in Brighton & Hove are less likely to access their full allowance of early years free entitlement.
- 12.4 Cllr Hamilton raised questions regarding rates for children from East Sussex and West Sussex coming to Brighton & Hove.
- 12.5 Cllr Hill requested if a report could be completed outlining the number of parents with SEND children surveyed and their satisfaction rates, which the chair suggested was submitted as a written question to the next Committee for consideration.
- 12.6 Ms Robinson advised that PaCC could create a survey relating to paragraph 4.7 of the report, to establish the difference in data between parents and carers with SEND children and those without.

12.7 **RESOLVED:** That the Committee agreed –

- i. To note the Childcare Sufficiency Assessment (CSA) (Appendix 1), which is published to parents and childcare providers so that childcare providers can develop their provision to meet local needs.
- ii. That further work is carried out with early years childcare providers to assess their capacity to offer the extended childcare support offer.
- iii. That early years providers are supported to review their business and operating models, as resources allow, to ensure that with the anticipated increase in funding, standalone Early Years Free Entitlement (EYFE) provision is available as widely as possible and further support should be put in place for staff recruitment and retention once DfE plans are known.
- iv. That Family Hubs develop support for parents through the direct service and the digital family hub to ensure that they are able to take up their full EYFE, including the extended childcare support offer, as well as access government support with childcare costs.
- v. That the increased funding rates for providers for additional support and inclusion for children with SEND which came into effect from April 2023 are monitored to see whether these result in improved parental satisfaction.

### **13 Items Referred for Council**

13.1 No items were referred to the next meeting of Council.

The meeting concluded at 4.55pm

# Brighton & Hove City Council

## Children, Families & Schools Committee

## Agenda Item 18(b)

**Subject: Public Involvement – Written Questions**

**Date of meeting: 11 September 2023**

### WRITTEN QUESTIONS

A period of not more than fifteen minutes shall be allowed at each ordinary meeting for questions submitted by a member of the public.

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

The following written questions have been received from members of the public:

#### 1. Sharing curriculum material with parents

"In a recent letter to headteachers and school leaders (1), the secretary of state for education stated:

*"... I have become aware of an increasing number of cases where parents have had concerns about the materials used to teach their children. Some have been prevented from viewing those curriculum materials because their children's schools believed they were unable to do so for commercial reasons. The Department is clear that parents should be able to view all curriculum materials".*

Does the Chair agree with me that it is reasonable our schools abide by this requirement when parents have grave concerns?" [99 words]

Notes:

1. <https://www.gov.uk/government/publications/secretary-of-state-letter-to-schools-about-sharing-curriculum-resources-with-parents>

Name: Gary Vallier



# Brighton & Hove City Council

## Children, Families & Schools Committee

## Agenda Item 20(b)

**Subject: Member Involvement – Written Questions**

**Date of meeting: 11 September 2023**

### WRITTEN QUESTIONS

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

The following written questions have been received from Members:

#### **1. Cllr Sue Shanks – Primary school places**

What is the percentage of primary school places filled, as opposed to unfilled, in this year's September intake? If undersubscribed, what steps will the council be taking to ensure efficiency across primary schooling in the city ahead of next September?"

#### **2. Cllr Chloë Goldsmith – Refurbishment work at the Hive**

What are the council doing to ensure that there are no more delays to the refurbishment work at The Hive and to make sure the school will open as planned in January? Are the council also doing anything more to track the progress of the refurbishment, so that if there are any more delays, parents are given far more than two weeks' notice of any changes?

#### **3. Cllr Chloë Goldsmith – Holiday provision for children with disabilities**

Research from the Disabled Children's Partnership found that only 10% of families with disabled children were able to find a suitable holiday club for their child during the summer holidays, and only 4% were able to find something for the days and hours needed for them. Will the council commit to carrying out an audit of holiday provision for children with disabilities in Brighton & Hove, and use that to take steps to address any shortfalls?





# Brighton & Hove City Council

## Children, Families & Schools Committee

## Agenda Item 21

**Subject:** Protected Characteristics for Care Experienced Young People

**Date of meeting:** 11<sup>th</sup> September 2023

**Report of:** Executive Director Families, Children & Learning

**Contact Officer:** Name: Anna Gianfrancesco  
Tel: 01273 29  
Email: [anna.gianfrancesco@brighton-hove.gov.uk](mailto:anna.gianfrancesco@brighton-hove.gov.uk)

**Ward(s) affected:** All

### For general release

#### 1. Purpose of the report and policy context

- 1.1 A Notice Of Motion (NOM) to Full Council on 20<sup>th</sup> July 2023 called for the Council to recognise that care experienced people are a group who are likely to face discrimination; that Councils must put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration; that future decision, services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience; that in the delivery of the Public Sector Equality Duty the Council includes Care Experience in the publication and review of Equality Objectives.
- 1.2 The NOM requested that a report is submitted to the relevant committees of the Council with a view to the Council adopting a policy so that Care Experience is treated as if it were a Protected Characteristic.

#### 2. Recommendations

- 2.1 That Committee agree that Care Experience is adopted as a protected characteristic by Brighton and Hove City Council.
- 2.2 That all Equalities Impact Assessments and Committee reports consider the implications for children in care and those with care experience, to support the Council's duties as a Corporate Parent.

#### 3. Context and background information

- 3.1 Brighton & Hove City Council, as at 30 June 2023 is corporate parent to 332 children in care and 381 young people who were previously in care. Care experienced children and young people face significant barriers that impact on them throughout their lives. They are also a group that are likely to face discrimination. 24% of the prison population have spent time in care; 41%

of 19-21 year old care leavers are not in education, employment or training compared to 12% of other young people of the same age; 66% have special education needs and 35% have an Education Health and Care Plan compared to 12% of the general population; 50% of children in care have a diagnosable mental health condition.

- 3.2 Elected members and council officers have a collective responsibility towards children and care experienced young people as Corporate Parents.
- 3.3 The public sector equality duty requires public bodies such as councils to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation of people with protected characteristics in the exercise of its functions.
- 3.4 The Independent Review of Children's Social Care, published in May 2022, recommended that "Government should make care experience a protected characteristic" and that "Many care experienced people face discrimination, stigma and prejudice in their day to day lives. Public perception of care experience centre on the idea that children are irredeemably damaged and that can lead to discrimination and assumptions being made". The review recommended that the government should make Care Experienced a protected characteristic.
- 3.5 As of June 2023 more than 30 local authorities have recognised Care Experienced as a protected characteristic. The Notice of Motion presented to Full Council in July 2023 provides for Brighton and Hove to join other local authorities in recognising the discrimination and prejudice care experience can bring.
- 3.6 By adopting Care Experienced as a protected characteristic, in addition to addressing discrimination and prejudice, any developments or policy decisions made by the council will need to consider the impact upon children in care and those who have experienced care. This will support the council in its statutory role of corporate parent and ensure this responsibility is promoted across all council services.
- 3.7 All Equalities Impact Assessments and committee reports would need to consider the needs of and impact on children in care and those who have experienced care. Appendix 1 has been developed to support officers in considering the needs of children in care and those who have experienced care.

#### **4. Analysis and consideration of alternative options**

- 4.1 For the council to fulfil its Corporate Parenting responsibilities and ensure its decision making fully considers those it cares for or were previously in care, the council needs to proactively seek out and listen to the voices of care experienced people when developing new policies.

- 4.2 Every councillor and officer within the council has a responsibility to act for children in care and those previously in care as a parent would for their own child. While councils have a legal duty as corporate parents to care leavers under 25, by acknowledging Care Experienced as a protective characteristic it means the impact of any change needs to be considered for all those who have experienced care, not just those the council currently have a legal responsibility for.
- 4.3 Where there are changes in service provision or policy that requires an Equality Impact Assessment this needs to include the impact of change on children in care and on people with care experience. Treating Care Experienced as an additional equality strand, the council will be able to show it is actively fulfilling its statutory responsibilities and moral duties as a Corporate Parent.

## **5. Community engagement and consultation**

- 5.1 The Care Leavers Forum have been consulted on Care Experienced becoming a protected characteristic and they are in full support.

## **6. Conclusion**

- 6.1 By making Care Experienced a protected characteristic, the council are committing to providing opportunities and support to children and young people to improve their outcomes and show a genuine and demonstrable commitment to them.
- 6.2 As corporate parents, it is the council's collective responsibility to support children and young people with care experience, and to enable them to have the same opportunities as any other child. This support should include the promotion of good health and education, nurturing talent, and providing stability, thus supporting successful adult lives. The council has a leadership role in working with other public bodies to ensure that they consider and adopt a similar approach and understanding of care experienced children and young people, to help redress many of the inequalities they face.

## **7. Financial implications**

- 7.1 There are no direct financial implications as a result of the recommendations of this report. Within the Families, Children and Learning directorate there is a gross budget for care Leavers of £4.605m. This is partly funded by grants from central government of £1.594m.

Name of finance officer consulted: David Ellis Date consulted: 04/08/23

## **8. Legal implications**

- 8.1 The Committee are being asked to agree that in the delivery of the Public Sector Equality Duty the Council includes Care Experience in the publication and review of Equality Objectives. This would have the effect of adopting the

experience of being a looked after child (“Care Experience”) as if it were a protected characteristic. This is not a legal obligation but is within the exercise of the council’s discretion to ensure that policy decisions are taken with an understanding of the impact upon a population for whom the council holds responsibilities and obligations. Looked after children and former looked after children may also hold other protected characteristics which will also feature in the consideration of public sector equality duty as defined by statute.

Name of lawyer consulted: Natasha Watson      Date consulted 29/08/2023

## **9. Equalities implications**

- 9.1 As a public authority we must have due regard to the need to:-
- eliminate unlawful discrimination, harassment and victimisation
  - advance equality of opportunity
  - foster good relations between people who share a protected characteristic and those who do not.

By creating a Protected Characteristic for those people who have experienced care (Care Leavers) we are supporting the end the inequalities that many care leavers face.

## **10. Sustainability implications**

- 10.1 There are no sustainability implications

## **Supporting Documentation**

### **Appendices**

1. Corporate Parenting and Care leavers Protected Characteristic guidance and Assessment template.

**Protected Characteristic for Care Leaver/Care Experienced Guidance and Assessment Template**

**When considering whether there are Corporate Parenting or Care leaver Protected characteristic Implications which should be reflected in a Committee report, please review the Guidance below and the Assessment Template. Where there are impacts identified these, together with any mitigations, should be summarised in the report under the ‘Section 11. Other Implications’ section under the heading ‘Corporate Parenting Implications’. If there are no relevant implications, this section is not required to be included in the Report.**

When considering the impact on children in care and care leavers of a service development or service change local authorities should consider:-

- What more could we do to ensure looked-after children and care leavers feel listened to and their suggestions acted on?
- To what extent are the needs and priorities of looked-after children and care leavers reflected in local strategic needs assessments, local service provision, and development plans?
- How can we collectively deliver services to looked-after children and care leavers in a way that is joined-up and which supports young people to make a successful transition to adulthood?
- Are the children and young people in our care enjoying happy, fulfilled childhoods and looking forward to their adult lives, with positive foundations and stable relationships? If not, why not and what can we do to address this?
- How do we know what children and young people’s wishes and feelings are and how do we capture their views?
- How can we deliver services to looked-after children and care leavers in a way that mirrors as far as possible the way a good parent would support their child?
- How can we deliver services in a way that recognises the unique circumstances of looked-after children and care leavers?

**Assessment Template**

<b>Corporate Parenting Theme</b>	<b>Some Considerations</b>	<b>Relevant Yes/no</b>	<b>If yes, impact</b>	<b>Brief description</b>	<b>If negative Impact, mitigations.</b>
Views and wishes of children in care and care leavers.	Does the proposal impact on children in care and/or care leaver? Do you need to consult with them? Do you need to go to Corporate Parenting Board? Have you discussed/consulted with FCL- safeguarding and care/participation services? Can				

**Protected Characteristic for Care Leaver/Care Experienced Guidance and Assessment Template**

	they help you consult with young people?				
Does this proposal impact on our high aspirations for children in care and care leavers?	Can this proposal support the development, education and employment opportunities for children in care and care leavers? Can it provide positive activities for children in care and care leavers and/or support peer relationships?				
Are we providing stable environments for children in our care?	Will this support them to return to their birth family? Will it provide stable accommodation for care leavers? Does it support and enhance the offer by carers? Will it enable the facilitation of care provision?				
What are we doing to look after the health and wellbeing of children in care and care leavers?	Does this proposal impact on access to health services for children in care and care leavers? Are we considering the impact of trauma and loss? Does the proposal challenge/impact on stigma and discrimination. Does the proposal impact on access to stable placements and/or provide positive activities, create safe spaces for children in care and care leavers?				

**Protected Characteristic for Care Leaver/Care Experienced Guidance and Assessment Template**

What are we doing to ensure that our children in care are not unnecessarily criminalised?	Does this proposal support restorative practice? How can this proposal help reduce exploitation ( often within spaces/environment)				





# Brighton & Hove City Council

## Children, Families & Schools Committee

## Agenda Item 22

**Subject:** Proposal for the future delivery of After School Clubs for children and young people with a disability

**Date of meeting:** 11 September 2023

**Report of:** Executive Director – Families, Children & Learning

**Contact Officer:** Name: Georgina Clarke-Green  
Tel: 01273 292257  
Email: Georgina.ClarkeGreen@brighton-hove.gov.uk

**Ward(s) affected:** All

### For general release

#### 1. Purpose of the report and policy context

- 1.1 To submit the new proposal to Committee for the running of after school clubs for children and young people with a disability in the city through the two special schools Hill Park and Downs View.

#### 2. Recommendations

- 2.1 To agree to the proposal of re-commissioning the after school clubs through the two special schools Hill Park and Downs View schools. This would be a new model of delivery and commissioned through a service level agreement (SLA) as both schools are maintained through the local authority. The SLA would be for an initial term of three years with the option to extend for a further period of up to two years, subject to good performance.

#### 3. Context and background information

- 3.1 Following on from the recent announcement that Extratime is closing its services gradually between July and October 2023, each aspect of the original contract is in the process of being reviewed. The original contract comprised of after school clubs, a holiday scheme and a youth scheme. The after school clubs are run within term time and the holiday and youth schemes operate in the school holidays. This paper focusses on the after school clubs, officers are working with parents and carers to consider alternative plans to address the gap in short breaks provision for the school holidays next year.
- 3.2 Parents and carers have expressed their views about the continuation of the after school clubs through surveys sent out in the summer term by the special schools. The factors which parents felt were driving their need for this type of provision were being a single parent/carer family, having more than one child with SEND, not receiving any other respite, being working parents/ carers.

They were all clear that after school clubs were needed for families to be able to work and thrive.

- 3.3 The after school clubs provided a short break after school for children and young people attending both Hill Park and Downs View schools, there were also two children who attended mainstream schools. These clubs were held in term time at the end of each school day. Previously only a limited number of children were able to access the after school provision (20 places per week were commissioned) and there were a high number of children on the waiting list.

#### Proposed model

- 3.4 The proposal is to continue to provide term time sessions that would be held after school but from Tuesday to Thursday (3 days per week) rather than from Monday to Friday. The sessions will be held from 3pm (or the end of school day) to 5.30pm at both Downs View and Hill Park special schools. The sessions will include activities such as dance, sports, arts, outdoor crafts.
- 3.5 The reason for changing the number of sessions across the week is primarily because securing the workforce over the 5 days per week is highly likely to be unsustainable in terms of the recruitment and retention of staff. In particular, staff are not keen to work on a Friday. Had Extratime continued to deliver the contract only two children were due to attend the after school sessions at Hill Park and at Downs View on a Monday and a Friday in the Autumn term. The parents/carers of these children have indicated that they would be able to accommodate the alternative days.
- 3.6 Play and leisure opportunities help improve the cognitive, physical, social and emotional well-being of children and young people. Children and young people with SEND can be very isolated in life and after school club opportunities offer them a chance to learn through social activities. These experiences improve when around a larger number of individuals. In this proposal we are proposing that there are a minimum of 6 children each session, this is more achievable if we run the clubs over three days rather than spreading the places over 5 days which would mean smaller group numbers. It also means that we can be more efficient with staffing ratios.
- 3.7 In recognition that a different model is being considered, both special schools sent out a survey to the parents/carers of children and young people who attend their schools. There were a range of questions that covered the following (Appendix 1):
- Whether parents/carers would like access to this type of provision
  - Which days they would prefer their child to attend
  - Cost of session
  - Whether they would like to access sessions with a Personal Assistant (PA)
  - What ratios of staff they feel they would need to support their child
  - Which sorts of activities they think their child would like
  - What they felt would be the fairest way to allocate places and how they would prefer we prioritise the places available

- 3.8 Initially, the after school clubs will be for the children and young people attending the special schools together with the two children attending mainstream schools who already had places with Extratime. Consideration will then be given to offering children with the same profile of need based in local mainstream schools once the clubs are established.
- 3.9 Each special school will have a consistent admissions policy/method of allocating places that is fair, and that also reduces the time that children sit on any waiting list. Initially, all children up to the end of Year 11 who had been attending the after school club run by Extratime will be offered a place.

Table 1: Sessions per week, number of places and maximum number of children supported over the week

### Downs View

Number of sessions per week	Maximum Number of places per session
<b>3</b>	<b>10</b>
39 weeks p/yr = 117 sessions a yr	This equates to 1170 places on offer each week for 39 weeks of the year.

### Hill Park

Number of sessions per week	Maximum Number of places per session
<b>3</b>	<b>16</b>
39 weeks p/yr = 117 sessions a yr	This equates to 1872 places on offer for 39 weeks of the year.

The previous contract was for 20 places per week, the new model is offering 78 places per week. Previously, the average number of children accessing each session was between 1 to 7 children, we are now expecting each session to be between 6 and 10 at Downs View and 10 to 16 at Hill Park.

- 3.10 There will be a fee for each session to parents/carers which was also the case with the previous contract. We have increased the session rate by £2 as special schools do not have access to grant funding as charitable organisations such as Extratime do and which was used to supplement the

programme. The new proposed fee, £14 per session, is a comparable rate to other after school clubs across Sussex. Proposed session fees will be:

- Weekday term time session - £14
- Weekday term time session if attending with a PA - £8

Both parent/carer surveys asked about the uplift and 92.5% agreement with the additional £2 per session. We will work with those parents/carers who could not commit to the £2 rise to ensure that their child can still access the club.

We have introduced a reduced rate for children who wish to attend with their PA as we believe this will encourage more individuals to consider taking up the role of PA if they have a supported activity to attend.

### 3.11 Staffing Structure

The following staffing levels across the two sites allow for the cohort that had attended the after-school clubs when the service was run by Extratime. It is also designed to meet the potential level of need that the schools' current pupils have.

Post	Hours	Task
Project Lead	24	to enable them to plan sessions across both sites and be unallocated within each session.
Project Support Workers	90	This figure is based on 6 project support workers working 7.5 hours a week each (across the two sites).
Administrator	24	To carry out admin tasks relating to the after-school club so not to impact on the current special school core teams.

3.12 It is anticipated that this new model can be operational at the beginning of October 2023.

## 4. Community engagement and consultation

4.1 Because of the speed at which we need to replace this service we have not been able to undertake extensive consultation with stakeholders. However, wherever possible we have tried to gain the views of the community and in particular those parents/carers who already use the service.

4.2 Both of the special school executive heads have invited parent/carers of children who attend their school to answer a survey on the provision of after school clubs. Downs View had 34 completed returns and 28 of those expressed an interest in their child attending an after school club. Hill Park had 52 returns and 49 of those also indicated that they would like their child to attend an after school club. Therefore, 77 families in total would like the opportunity for this extended day offer. The main headlines across the two special schools from the consultation were:

- 94% of families at Hill Park and 82% at Downs View who completed the survey said they would be or may be interested in their child attending extended day provision.
- 92.5% of those wanting their child to attend the provision said they were willing/able to pay the £14 per session
- 77% said they would be interested in, or would like to, use the club as a safe place for a PA to bring their child (this is for families who have a PA or if they had a PA they would like to use the club)
- Most parents said they would be looking for a 1:3 or 1:1 staffing ratio to meet the needs of their child.
- Most parents/carers would want to keep their place once they had secured it rather than an annual or termly rota system.
- In regard to priority for placement, working parents/carers featured highly in Hill Park's survey. Whereas there was a more or less equitable split across the other categories in the remaining Hill Park data and Downs View.

## 5. Conclusion

- 5.1 The proposed model for after-school clubs will help to support an increased number of children and young people with disabilities at the end of their school day. The clubs will provide them with a range of activities in a safe and stimulating environment with support staff who know their individual needs and have built good relationships with them. This provision will help to support families by providing an extended day for either one or several days in the week. This will also help to support parents/carers who are working and or find it difficult to find support between the hours of 3 and 5.30pm to enable their working arrangements.
- 5.2 This model also provides good value for money with a unit cost that is comparable to similar provision in other authorities.

## 6. Financial implications

- 6.1 The gross cost of the proposed provision model across the two schools is estimated to be £140k per annum. As set out in the body of the report, it is expected that the gross cost would be offset by fee income from parents/carers and based on full occupancy, it is estimated that this would result in a net annual cost of £100k.
- 6.2 Assuming 100% capacity the gross unit cost would be approximately £21 per hour and the net unit cost would be approximately £15 per hour this is comparable to the cost in other local authorities for similar provision.

Name of finance officer consulted: Steve Williams Date consulted: 15/08/23

## 7. Legal implications

- 7.1 Due to the fact that Extratime is winding-up its charity, the normal Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") provisions do not apply and Extratime employees will not automatically

transfer to the transferee (in this case either the Council or another contractor). Any subsequent dismissal by reason of the transfer will therefore not be 'automatically unfair'.

Name of lawyer consulted: Chris Kingham Date consulted: 15/08/23

### Procurement

7.3 The award of the SLA falls outside the remit of the Public Contract Regulations 2015, both in terms of the value of the proposed opportunity falling well below the relevant threshold and due to the service being delivered by a maintained school rather than external contractor.

Name of procurement lead: Edward Barfoot Date consulted: 29/06/23

### **8. Equalities implications**

8.1 An Equality Impact Assessment has been completed (Appendix 2)

### **9. Sustainability implications**

9.1 Brighton & Hove City Council is committed to taking responsibility for its own impact on the environment and the special schools are part of this.

9.2 Both schools will continue to demonstrate how they will achieve best practice, value for money, and innovations. This will include minimising non – recyclable waste and promoting recycling.

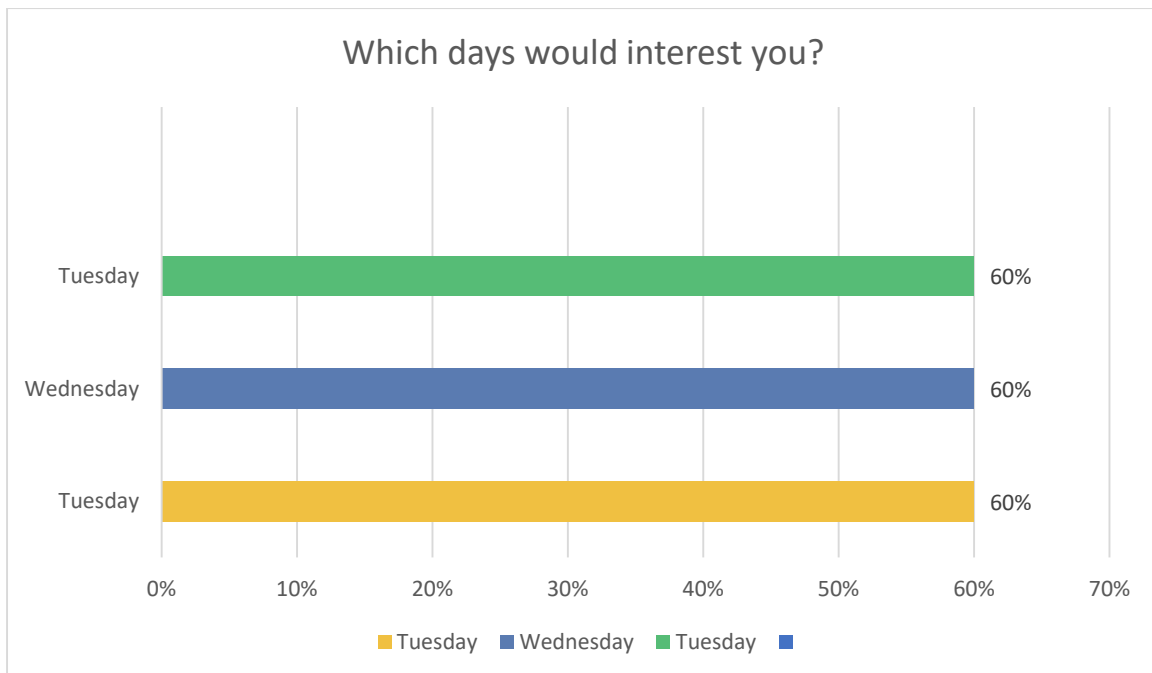
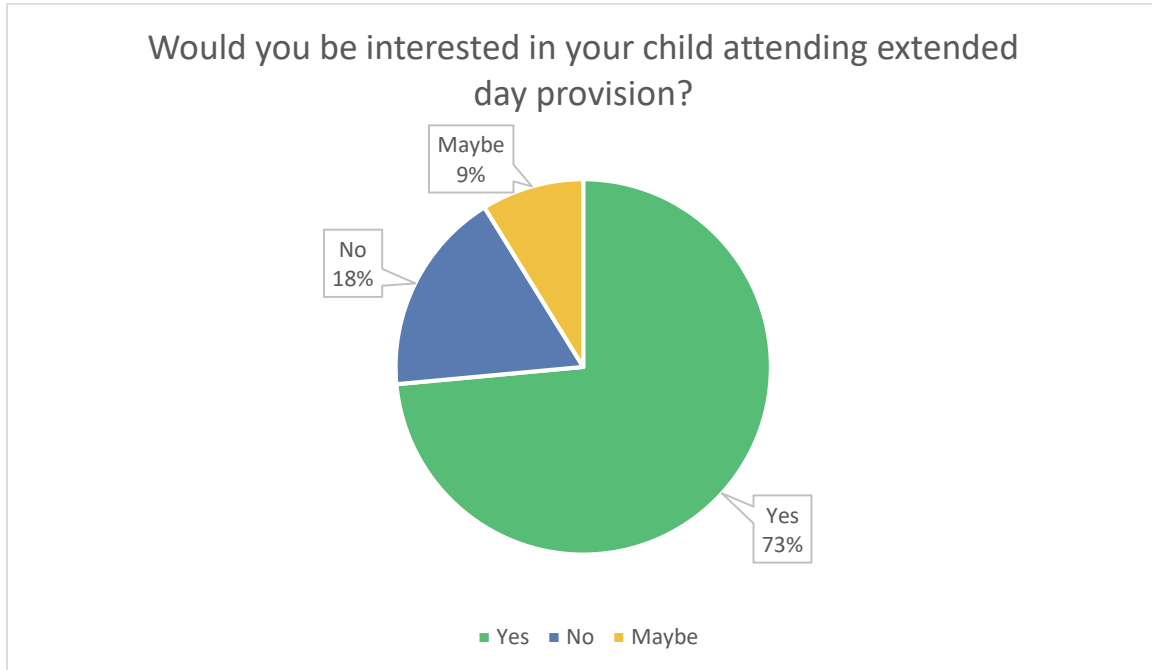
### **Appendices:**

Appendix 1: Downs View and Hill Park results from parent/carer surveys.

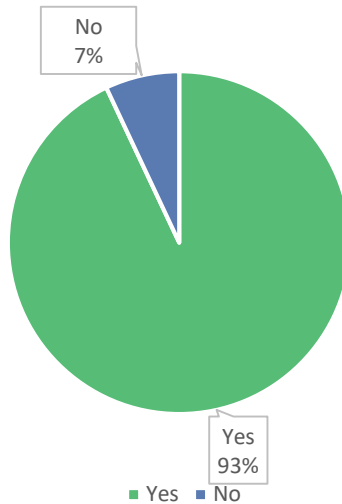
Appendix 2: Equality Impact Assessment

## Appendix 1

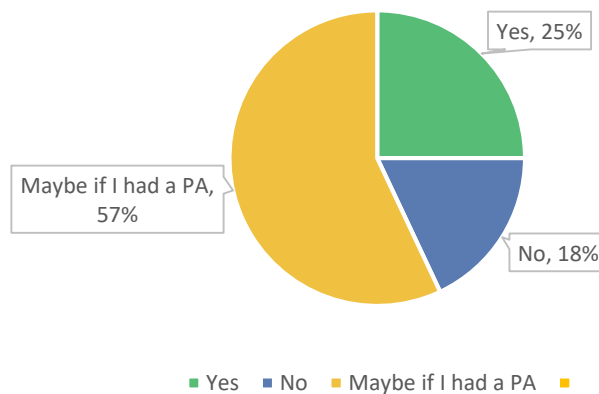
### Downs View: Results of parent/carer Survey Monkey Summary After School Club provision



As a school we will not be able to access the charity grants that Extratime could. Therefore, to cover costs , we will need to charge £14 per session. Are you willing / able to pay £14 per session?

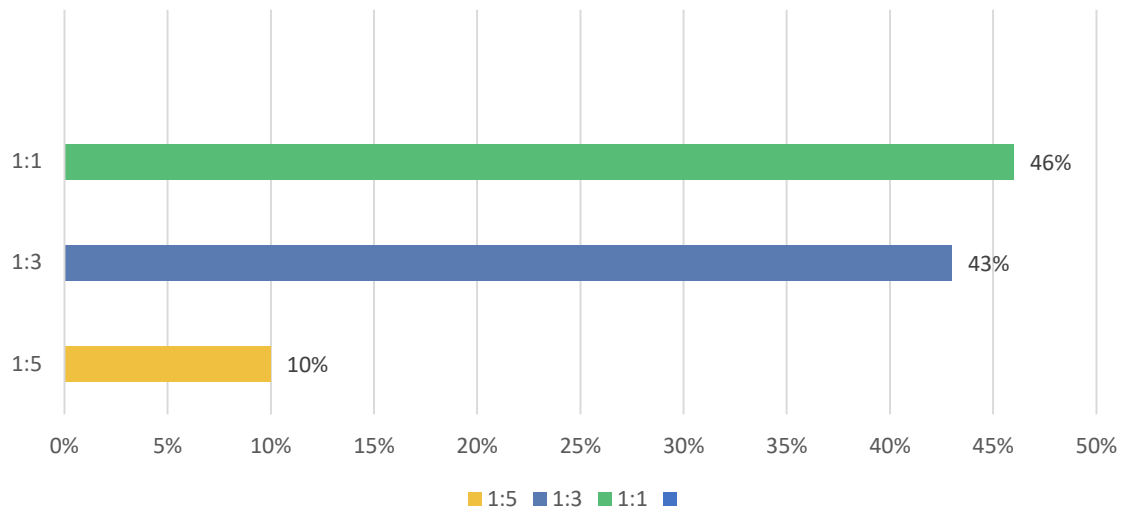


We are looking at the option of children with their own PA's joining the activities with their PA for £8 per session. This would provide a safe space for a PA to look after your child. Is this something you would be interested in?

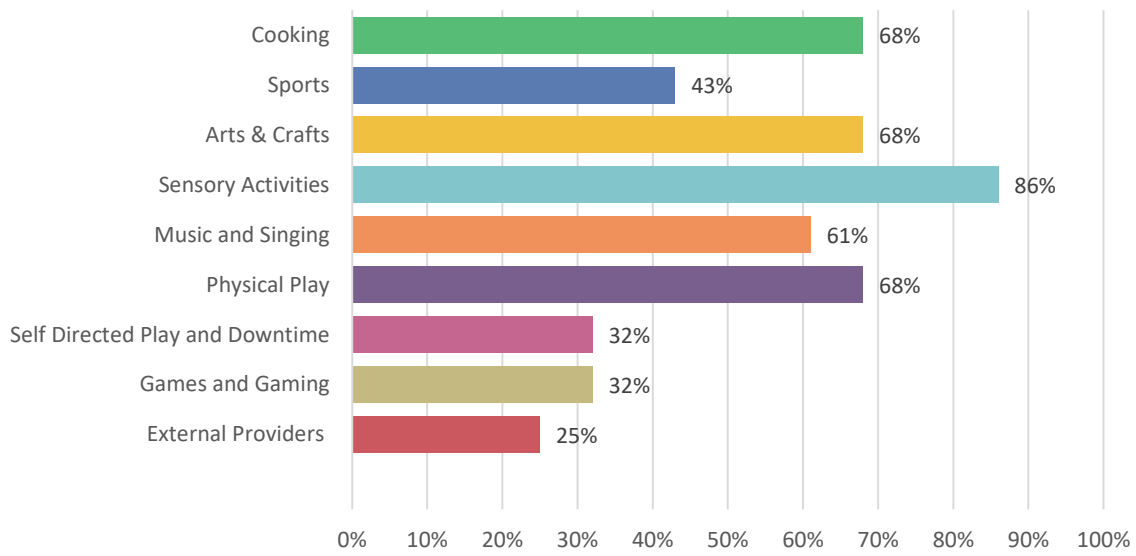




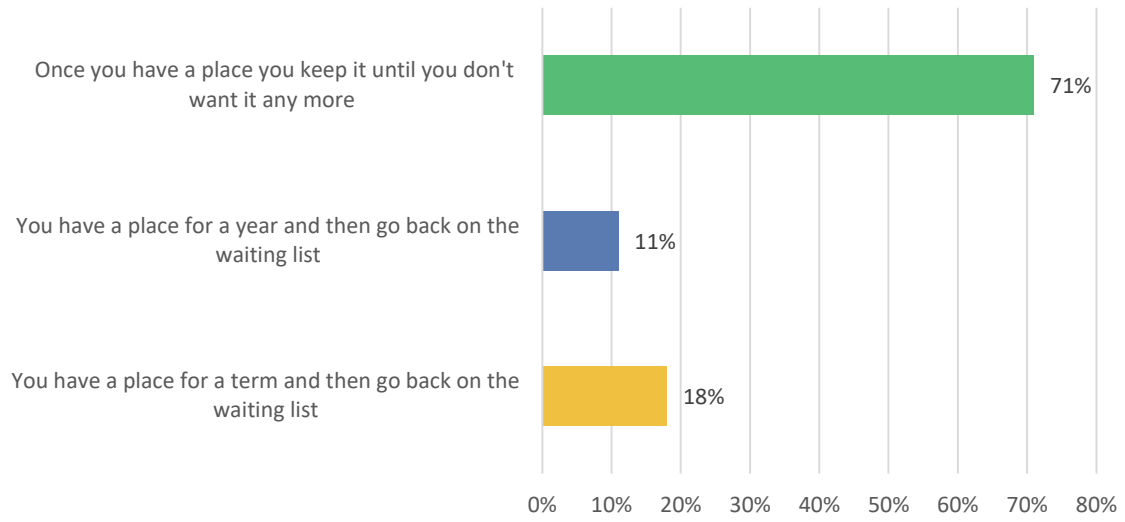
We are looking at three different ratios of staff to child.  
Which would you expect for your child?



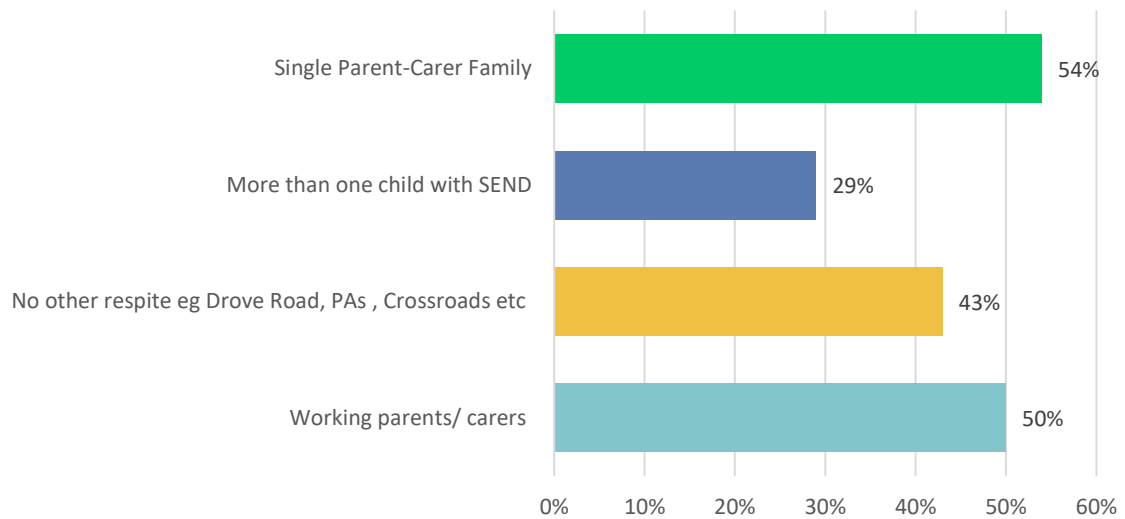
Which sorts of activities do you think your child would enjoy?



### Which do you think is a fair option for coming to the Extended Day provision



### Which of these do you think are fair considerations to prioritise places?

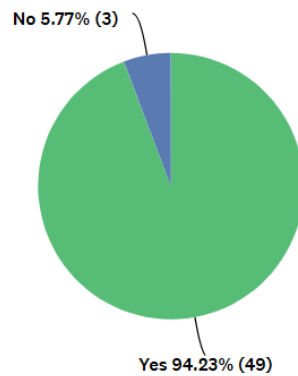


## Appendix 1

### Hill Park: Results of parent/carer Survey Monkey Summary After School Club provision

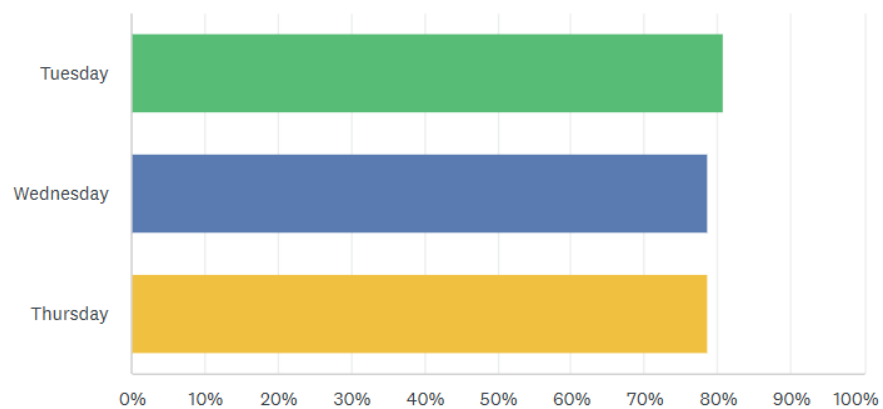
Would you be interested in your child attending extended day provision ?

Answered: 52 Skipped: 0



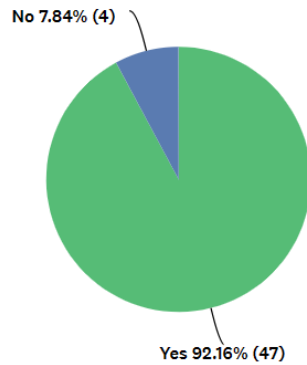
Which day/s would interest you?

Answered: 47 Skipped: 5



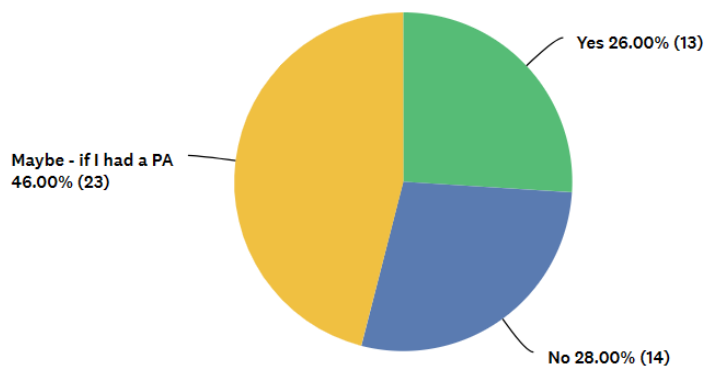
As a school we will not be able to access the charity grants that Extratime could. Therefore, to cover costs , we will need to charge £14 per session.Are you willing / able to pay £14 per session?

Answered: 51 Skipped: 1



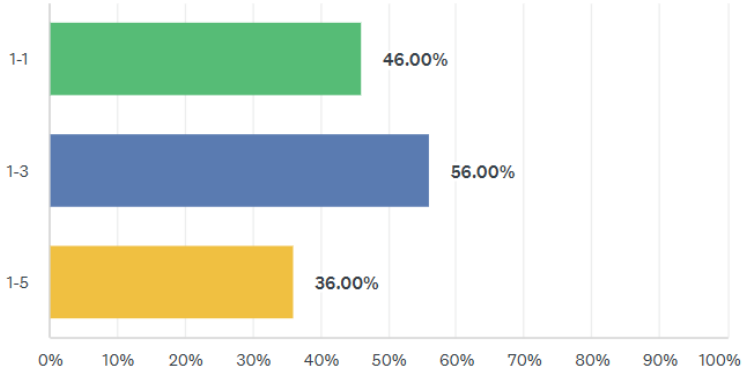
We are looking at the option of children with their own PA's joining the activities with their PA for £8 per session. This would provide a safe space for a PA to look after your child.Is this something you would be interested in?

Answered: 50 Skipped: 2



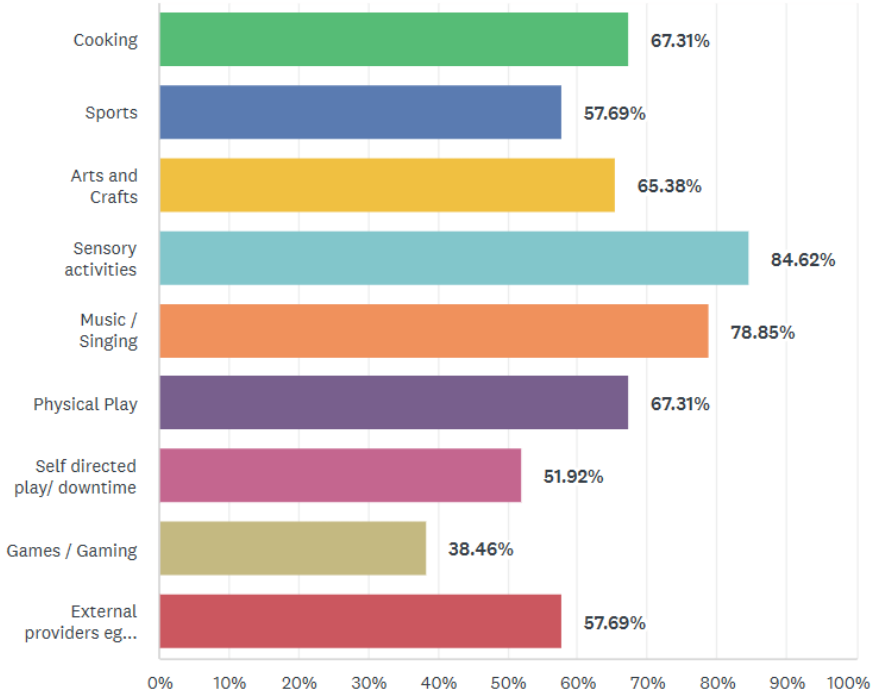
We are looking at three different ratios of staff to child. Which would you expect for your child?

Answered: 50 Skipped: 2



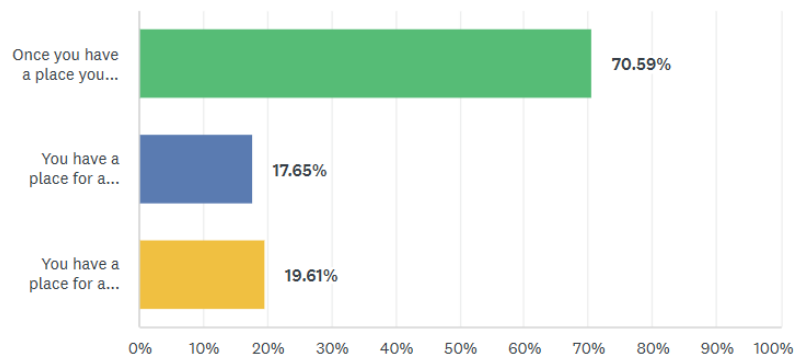
Which sorts of activities do you think your child would enjoy?

Answered: 52 Skipped: 0



## Which do you think is a fair option for coming to the Extended Day provision

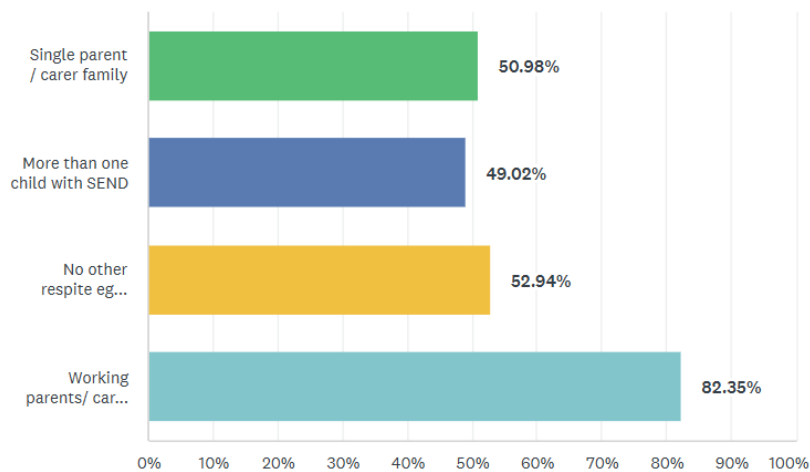
Answered: 51 Skipped: 1



ANSWER CHOICES	RESPONSES	
▼ Once you have a place you keep it until you don't want it any more	70.59%	36
▼ You have a place for a year and then go back on the waiting list	17.65%	9
▼ You have a place for a term and then go back on the waiting list	19.61%	10

## Which of these do you think are fair considerations to prioritise places?

Answered: 51 Skipped: 1



ANSWER CHOICES	RESPONSES	
▼ Single parent / carer family	50.98%	26
▼ More than one child with SEND	49.02%	25
▼ No other respite eg Drove Road, PAs , Crossroads etc	52.94%	27
▼ Working parents/ carers	82.35%	42

## Equality Impact and Outcome Assessment (EIA) Template - 2019

**EIAs make services better for everyone and support value for money by getting services right first time.**

EIAs enable us to consider all the information about a service, policy, or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users<sup>1</sup>. They analyse how all our work as a council might impact differently on different groups<sup>2</sup>. They help us make good decisions and evidence how we have reached these decisions<sup>3</sup>.

See end notes for full guidance. Either hover the mouse over the end note link (eg: Age<sup>13</sup>) or use the hyperlinks ('Ctrl' key and left click).

**For further support or advice please contact:**

- **BHCC: Communities, Equality and Third Sector Service, EDI Team – email: [Equalities@Brighton-Hove.gov.uk](mailto:Equalities@Brighton-Hove.gov.uk)**
- **CCG: Engagement and Equalities team (Jane Lodge/Debbie Ludlam)**

### 1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed<sup>4</sup>.

<b>Title of EIA<sup>5</sup></b>	Proposal for commission new After School Clubs	<b>ID No.<sup>6</sup></b>	FCL28
<b>Team/Department<sup>7</sup></b>	Health, SEN, and Disability: Families, Children and Learning		
<b>Focus of EIA<sup>8</sup></b>	<p>The Council has commissioned Extratime to run the after school clubs for children and young people with a disability. However, Extratime is winding up at their organisation and the after school club element of the contract ceased at the end of the Summer term. The two special schools have offered to run the after school clubs in the future and this EIA is part of the supporting documentation for the new model that is being proposed to the Children, Families and Schools committee on the 15 September 2023.</p> <p>The previous number of places commissioned were 20 per week over five school days during term time. The new model offers 78 places over three days Tuesday, Wednesday, and Thursday during term time.</p> <p>Initially, the clubs will be for the children and young people attending the special schools and the two children attending mainstream schools who already had places with Extratime. Consideration will then be given to offering children with the same profile of need based in local mainstream schools once the clubs are established.</p>		

The impact is that we are increasing the places by 58 per week due to this change. Therefore, more disabled children should be able to access this. All parents and carers who have children attending Hill Park and Downs View special schools have been invited to complete a survey to express their views on the changes. The results of the surveys are appendices to the committee report. The action plan identified mitigating solutions for any data gaps and ensures monitoring and evaluation is in plan for this proposal and post implementation.

## 2. Update on previous EIA and outcomes of previous actions<sup>9</sup>

What actions did you plan last time? (List them from the previous EIA)	What improved as a result? What outcomes have these actions achieved?	What <u>further</u> actions do you need to take? (add these to the Action plan below)
N/A – This is the 1 <sup>st</sup> EIA.	N/A	N/A

## 3. Review of information, equality analysis and potential actions

Groups to assess	What do you know <sup>10</sup> ? Summary of data about your service-users and/or staff	What do people tell you <sup>11</sup> ? Summary of service-user and/or staff feedback	What does this mean <sup>12</sup> ? Impacts identified from data and feedback (actual and potential)	What can you do <sup>13</sup> ? All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Age<sup>14</sup></b>	The after school clubs are for children and young people between the ages of 4 and 16.	Parents/carers through the recent special school surveys have reported that after school clubs are needed for school age children do that families are able to work and thrive.	All children of school age who are attending either Hill Park or Downs View can apply for a place at the respective school's club.  Once the club is established consideration will be extended to those children of school age in mainstream schools.	Monitor and evaluate experience of and impact on both children within this age group and their families due to this change over the course of the service level agreement.
<b>Disability<sup>15</sup></b>	The clubs will be fully accessible to those children and young people with a disability who	Play and leisure opportunities help improve the cognitive, physical, social, and	There will be a positive impact on children and young people's cognitive, physical, social and	Monitor and evaluate experience of and impact on both children and parents due



<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	currently attend either Downs View or Hill Park special schools. Once the after school clubs are established consideration will be given to opening up the clubs to those children with a disability who attend mainstream schools.	emotional well-being of children and young people. Children and young people with SEND can be very isolated and after school club opportunities offer them a chance to learn through social activities. Parents/ carers have fed back that after school clubs were needed for families to be able to work and thrive.	emotional well-being if they have an opportunity to attend an after school club at their special school. There will also be a positive impact on their family as this will provide them with respite from their caring duties to enable them to work or spend time with family, or engage in leisure activities.	to this change over the course of the service level agreement.  Once established consideration will be given to extend the offer to other disabled children and young people who currently attend mainstream schools.
<b>Gender reassignment<sup>16</sup></b>	There are currently no disproportionate impacts identified for this group.	Schools in the city work closely with Allsorts to understand the complex needs of gender diverse young people.	If impacts are identified the schools will refer to policy and the Trans Toolkit. This will need to be adapted to meet the needs of this cohort.	Both schools hold current data for their pupils on the school SIMS system. Once the pupils attending the clubs has been confirmed this data can be provided and used to inform the planning of any activities to ensure that adjustments are made to reflect any protected characteristics. If this arises there will be package of support provided by the schools through Brighton and Hove's Trans Toolkit, which will be adapted to meet the individual needs of the young person.

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Pregnancy and maternity<sup>17</sup></b>	There are no disproportionate impacts identified for this group at this time. All of the children and young people attending these clubs are between the ages of 4 and 16. Therefore we would not expect this to apply.	The impacted group are children aged between 4 to 16 years of age and this is not applicable to them.	The impacted group are children aged between 4 to 16 years of age and this is not applicable to them.	The impacted group are children aged between 4 to 16 years of age and therefore this is not applicable to them.
<b>Race/ethnicity<sup>18</sup></b> Including migrants, refugees, and asylum seekers	<p>The January 2023 School Census statistics state that 30.9% identify as BAME in the city compared to an average of 29.5% across the two special schools.</p> <p>As all children and young people attending the special schools can apply for a place at the after school club, we would expect to see a similar % in those attending the provision.</p> <p>We know the impacts of poverty and the cost-of-living crisis impacts more severely on our diverse and ethnic communities.</p>	<p>The special schools hold current data on race and ethnicity through their SIMS system. They will use this to inform their planning and to ensure there is proportionate representation from those pupils who identify as Black and/or from the Global Majority at the clubs.</p> <p>The schools will also be undertaking termly surveys with parents and carers, race and ethnicity will be recorded as part of these surveys.</p>	<p>We need to ensure that the profile of pupils accessing the after school clubs reflect the proportion of the school (29.5%) population that identifies as being Black and/or part of the Global Majority.</p> <p>The extra contribution requested of parents to support their child may be difficult for certain communities to find from their weekly budget. This is a particular concern for refugee families who work within extremely tight budgets.</p>	<p>Further work needs to be undertaken into the ethnicity of those pupils who will be attending the after school clubs to ensure that there is at least proportionate representation and equity of access of those pupils who identify as Black or Racially Minoritised.</p> <p>If there is not proportionate representation, then an action plan needs to be implemented to ensure that we are supporting children and young people from these communities to attend.</p> <p>The schools have committed to ensure that extra support will be provided to those families who are unable to fund the</p>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
		The schools will work closely with their communities to ensure that the languages, accessibility, and time consideration are included. This is to reflect the different pressures on families from different ethnic backgrounds.		additional contribution so that their child can attend the club.
<b>Religion or belief<sup>19</sup></b>	<p>The schools hold the data on their pupils in terms of their religion or belief. It is likely their will be range of religions and belief systems within the cohort who may attend the clubs.</p> <p>The schools actively engage and celebrate religious and faith celebrated days to affirm children to engage further with the communities.</p>	The clubs are run by the special schools, they will hold this data. The schools will also be undertaking further surveys with parents and carers and ethnicity will be recorded as part of these surveys.	<p>Some religious groups will have specific days which means that they may not be able to facilitate their children or young people attending.</p> <p>Information to be made clear and accessible for all, including translated materials in key languages for the city's migrant populations, and for all front-line services to be aware of support available and signpost accordingly.</p>	<p>We do not currently have confirmation of those pupils who will be attending the clubs. However, these pupils are known to the schools and any adjustments that may be required to ensure observance of their religion or belief system will be sensitively and inclusively incorporated into the activities. This includes dietary, spiritual and/or attire.</p> <p>Ensure information about support is accessible to all groups and that this information is widely distributed through all communities of identity through diverse and inclusive community engagement.</p>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Sex/Gender<sup>20</sup></b>	<p>Additional burdens due to the cost of Living could have disproportionate impact on women due to the nature of their employment types and barriers to employment for those with sole childcare.</p> <p>There is a limited set of current data available on the financial resilience of this characteristic group.</p> <p>Our assessment has mostly been based on face-to-face feedback from residents accessing third sector support and wider reports published since the onset of the pandemic.</p> <p>Other data available:</p> <p>Total Population 290,395 Female 145,778 Male 144,616</p> <p>95% of single parents with an open Housing Benefit claim are women.</p>	<p>Women are more likely to be working part time, or on a fixed income, than men.</p> <p>Women more likely to be single parents.</p>	<p>Additional burdens due to the cost of Living could have disproportionate impact on women due to the nature of their employment types and barriers to employment for those with sole childcare.</p> <p>We need to ensure that the profile of pupils accessing the after school clubs reflect approximately the proportional gender split of the schools.</p>	<p>Additional burdens due to the cost of Living could have disproportionate impact on women due to the nature of their employment types and barriers to employment for those with sole childcare responsibilities.</p> <p>The schools have committed to ensure that extra support will be provided to those families who are unable to fund the additional contribution so that their child can attend the club.</p> <p>If there is not proportionate representation, then further work will be undertaken to understand why that might be the case and if necessary, an action plan will be implemented to support more female children into after school clubs (ensuring intersectional considerations are made).</p>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	<p>(Northgate report 15/10/2020) Low Income Family Tracker (LIFT) data, available pp23 and 24, shows that single parent households (which are more likely to be women) have a higher incidence of being on a low financial resilience category than couples with children. Single parents are therefore more likely to be in need of crisis support than couples with children.</p> <p>The gender split of children and young people attending the special schools is approximately 74.5% male and 25.5% female. We would therefore expect to see a similar proportionate gender split in those children and young people attending the clubs.</p>			
<b>Sexual orientation<sup>21</sup></b>	Same sex parent/carers couples or LGBTQ single	We have a high demographic of LGBTQ people in the city.	Ensure materials aimed at parents/carers reflect the diversity in the city.	Ensure that parents/carers and their children are referred to and treated with respect

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	parents are part of the demographic.  There is likely to be young people attending the clubs who identify as LGBTQ at we have a high demographic in the city.	Schools in the city work closely with Allsorts to understand the needs of those young people identifying as LGBTQ.		reflecting their family situations.  Schools will work with Allsorts to support any young people who identify as LGBTQ and adapt any material to ensure it meets their individual needs.
<b>Marriage and civil partnership<sup>22</sup></b>	All of the children and young people attending these clubs are between the ages of 4 and 16. Therefore we would not expect this to apply.	The impacted group are children aged between 4 to 16 years of age and this is not applicable to them.	The impacted group are children aged between 4 to 16 years of age and this is not applicable to them.	No relevant actions identified in this regard at this time.
<b>Community Cohesion<sup>23</sup></b>	Different wards have different levels of financial resilience and diverse demographics.	Access to after school clubs is dependent on time, parental responsibilities, and financial means.	We want to ensure that all families have fair access to the after school clubs.	The schools have committed to ensure that extra support will be provided to those families who are unable to fund the additional contribution so that their child can attend the club.
<b>Other relevant groups<sup>24</sup></b>	No other impacted groups identified at this time.	No relevant information of any other relevant impacted groups available at this time.	No relevant information in this context available at this time.	No relevant actions identified in this regard at this time.
<b>Cumulative impact<sup>25</sup></b>	Make sure that all diverse communities have access to the after-school clubs.	No relevant information in this context available at this time.	No relevant information in this context available at this time.	Ensure that over time the level of access is maintained.  This will be monitored and if we identify any issues not considered or unidentified affects we will review the EIA and address them directly with

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
				co-produced actions with impacted groups.
<b>Assessment of overall impacts and any further recommendations<sup>26</sup></b>				
Overall, a positive impact is expected for impacted children across communities of identity. Data gaps have been identified and the action plan notes potential mitigating solutions to address these with appropriate monitoring and evaluation in plan.				

#### 4. List detailed data and/or community feedback that informed your EIA

<b>Title</b> (of data, research, or engagement)	<b>Date</b>	<b>Gaps in data</b>	<b>Actions to fill these gaps: who else do you need to engage with?</b> (add these to the Action Plan below, with a timeframe)
Survey of parents/carers undertaken by the special schools on the provision of after school clubs.	Summer Term 2023	Race and ethnicity, Religion and Belief, Sex and Gender, Gender reassignment, Sexual Orientation	Both schools hold current data for their pupils on the school SIMS system. Once the pupils attending the clubs has been confirmed this data can be provided and used to inform the planning of any activities to ensure that adjustments are made to reflect any protected characteristics.  If the proposal is agreed, we will have the relevant data by the end of September and any adjustments necessary will be implemented before the start of the after school clubs.
January 2023 School Census re: BAME	January 2023	Race and ethnicity data was only provided.	See above

#### 5. Prioritised Action Plan<sup>27</sup>

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
All (except marital status/ pregnancy/ maternity), specifically disabled children across impacted age groups (intersectionally)	<p>Monitor and evaluate experience of and impact on both children within this age group and their families due to this change over the course of the service level agreement.</p> <p>Once established consideration will be given to extend the offer to other disabled children and young people who currently attend mainstream schools.</p>	<p>The level of access is maintained over time, equity of access is ensured, and opportunities to extend offer are explored.</p> <p>Monitoring ensured, identified issues not considered addressed and unidentified impacts explored and addressed upon future reviews of the EIA and addressed directly through co-produced actions with impacted groups.</p>	<p>EIA review completed within a year post implementation.</p> <p>Monitoring and evaluation reports, speaking to outcomes, access, impact, and opportunities are produced and progress is communicated appropriately.</p>	Duration of proposal and within 1 year of proposal post implementation.
All (except marital status/ pregnancy/ maternity), specifically disabled LGBTQIA+ and non-binary children across impacted age groups (intersectionally)	<p>Intersectional data-informed, inclusive, and accessible provision provided, with more work carried out to understand and mitigate the impact of marginalisation due to ethnicity, religion, sexual orientation, gender identity. Develop insights of impacted children and families to implement appropriate solutions and any required adjustments.</p>	<p>Both schools hold current data for their pupils on the school SIMS system. Once the pupils attending the clubs has been confirmed this</p> <p>Data held by schools for impacted students provided and used to inform the planning of any activities to ensure that appropriate adjustments are made to reflect any protected characteristics.</p> <p>Appropriate packages of support provided by the</p>	<p>Data gathering improved, and intersectional insights developed.</p> <p>Learning from data implemented through appropriate practice changes.</p> <p>Expected outcomes are successfully met.</p> <p>Culturally sensitive and inclusive provisions in activities and schools engagement and treatment are</p>	Duration of proposal and within year-on-year post implementation.



		<p>schools through Brighton and Hove's Trans Toolkit, which are adapted to meet the individual needs of the young person.</p> <p>Further intersectional data insights work undertaken into the ethnicity of those pupils who will be attending the after-school clubs to ensure that there is at least proportionate representation and equity of access of those pupils who identify as Black or Racially Minoritised.</p> <p>Appropriate action plan developed and implemented to ensure support provided for disproportionately and under-represented children and young people from communities of identity have equal access, information, and opportunity to attend.</p> <p>Additional burdens due to the cost of Living and disproportionate impacts on families with impacted children reviewed, especially for those facing disproportionate barriers to employment for those with sole childcare responsibilities and in LGBTQIA+, disabled,</p>	<p>successfully delivered and evaluated through feedback from families and children.</p> <p>Disproportionately impacted and under-represented children, young people, and families are provided equitable access, information, and opportunity to attend.</p> <p>Cost of living burdens, and disproportionate impacts due to protected characteristics are considered in provision and access.</p> <p>Schools promised commitments successfully met, and where unmet, appropriate actions taken, and issues are addressed.</p> <p>Inclusive adjustments identified and provided appropriately, mechanisms to report issues and raise concerns created and implemented successfully.</p>	
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		<p>and Black and Racially Minoritised families.</p> <p>Schools meet their commitments to ensure that extra support is provided to families who are unable to fund the additional contribution so that their child can attend the club.</p> <p>Required inclusive adjustments are made for disabled and LGBTQIA+ children, including observance of cultural, religious or belief systems are sensitively and inclusively provided and incorporated into activities. This includes dietary, spiritual and/or attire requirements.</p> <p>Information about support is accessible to all groups and is widely distributed through all communities of identity through diverse and inclusive community engagement.</p>	<p>Information widely distributed and communities of identity are widely engaged with demonstrable engagement data and outcomes that are reported on.</p>	
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**EIA sign-off:** (for the EIA to be final an email must be sent from the relevant people agreeing it or this section must be signed)

<b>Staff member completing Equality Impact Assessment Approval:</b>	<b>Name &amp; Job-title of responsible lead officer</b> Georgina Clarke-Green, Assistant Director, Health, SEN & Disability	<b>Date:</b> 31-Aug-2023
<b>Directorate Management Team rep or Head of Service/Commissioning Approval:</b>	<b>Name &amp; Job-title of responsible Director/ Head of Service/ Commissioning:</b> Deb Austin, Executive Director – Families, Children, & Learning	<b>Date:</b> 31-Aug-2023
<b>CCG or BHCC Equality lead Approval:</b>	<b>Name &amp; Job-title of responsible Director/ Head of Service/ Commissioning:</b> Sabah Holmes, Equality, Diversity, and Inclusion Manager  Approved with action plan and on the understanding that identified mitigating actions and gap fulfilment will be monitored through the directorate’s Fair and Inclusive Action Plan and internal performance reporting and auditing process.	<b>Date:</b> 01-Sep-2023

## Guidance end-notes

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<sup>1</sup> The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

### <sup>2</sup> Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people in relation to their 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **advance equality of opportunity.** This means the need to:

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- Remove or minimise disadvantages suffered by people due to their protected characteristics
  - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
  - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
  - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
  - **foster good relations between people who share a protected characteristic and those who do not.** This means:
    - Tackle prejudice
    - Promote understanding

<sup>3</sup> EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The numbers of people affected
- The size of the likely impact
- The vulnerability of the people affected within the context

The greater the impacts, the more thorough and demanding the process required by the Act will be.

<sup>4</sup> **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

**Do you need to complete an EIA? Consider:**

- Is the policy, decision or service likely to be relevant to a specific group or groups (eg: older people)?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

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If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

<sup>5</sup> **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

<sup>6</sup> **ID no:** The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

<sup>7</sup> **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

<sup>8</sup> **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the policy, practice, service or function tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

<sup>9</sup> **Previous actions:** If there is no previous EIA or this assessment is of a new service, then simply write 'not applicable'.

<sup>10</sup> **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?<sup>10</sup>
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?

- 
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#> ) and national ones where they are relevant.

<sup>11</sup> **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
  - (a) consult when proposals are still at a formative stage;
  - (b) explain what is proposed and why, to allow intelligent consideration and response;
  - (c) allow enough time for consultation;
  - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all perspectives can be considered.
- Identify any gaps in who has been consulted and identify ways to address this.

<sup>12</sup> Your EIA must get to grips fully and properly with actual and potential impacts.

- The equality duty does not stop decisions or changes, but means we must conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
  - Are one or more groups affected differently and/or disadvantaged? How, and to what extent?
  - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
  - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
  - If there is negative differential impact, how can you minimise that while taking into account your overall aims
  - Do the effects amount to unlawful discrimination? If so the plan must be modified.
  - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

<sup>13</sup> Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.

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- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
  - An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

<sup>14</sup> **Age:** People of all ages

<sup>15</sup> **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

<sup>16</sup> **Gender Reassignment:** A transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected

<sup>17</sup> **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

<sup>18</sup> **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

<sup>19</sup> **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

<sup>20</sup> **Sex/Gender:** Both men and women are covered under the Act.

<sup>21</sup> **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

<sup>22</sup> **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

<sup>23</sup> **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

<sup>24</sup> **Other relevant groups:** eg: Carers, people experiencing domestic and/or sexual violence, substance misusers, homeless people, looked after children, ex-armed forces personnel, people on the Autistic spectrum etc



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<sup>25</sup> **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

<sup>26</sup> **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

<sup>27</sup> **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.



# Brighton & Hove City Council

## Children, Families & Schools Committee

## Agenda Item 23

**Subject:** Strategic Risk 15 Annual Progress Update

**Date of meeting:** 11<sup>th</sup> September 2023

**Report of:** Executive Director – Families, Children & Learning

**Contact Officer:** Name: Carolyn Bristow  
Tel: 01273 293736  
Email: [carolyn.bristow@brighton-hove.gov.uk](mailto:carolyn.bristow@brighton-hove.gov.uk)

**Ward(s) affected:** All

### For general release

#### 1. Purpose of the report and policy context

- 1.1 This report provides an update on progress on the actions that the Council is taking to mitigate the risk around 'Keeping Children Safe from Harm and Abuse' (Strategic Risk 15).

#### 2. Recommendations

That the Committee agrees to:

- 2.1 Note Appendix 1, which details the strategic risk and current mitigating controls and actions being taken.
- 2.2 Note Appendix 2, which provides a guide to the risk management process and guidance for Members to input in the process.
- 2.3 Make any recommendations for further action(s) to the risk owner, the Executive Director, Families, Children & Learning.

#### 3. Context and background information

- 3.1 The council has a Strategic Risk Register (SRR) to ensure strategic risks for the organisation are proactively captured and appropriate mitigating actions are in place. Audit & Standards Committee approves the Risk Management Framework and the respective policy committees are responsible for having an oversight of Strategic Risks linked to their areas of business. In discussion with Audit & Standards Committee members, it has been agreed that each policy committee will receive an annual update on the progress of their Strategic Risk(s).
- 3.2 The council's Strategic Risks are reviewed quarterly by the Executive Leadership Team (ELT) taking account of comments from quarterly risk reviews carried out by Directorate Management Teams. This process ensures the currency of the city council's SRR.

- 3.3 The Children, Families and Schools Committee has a role in monitoring and scrutinising risks relating to its policy area. It can also provide support by making policy decisions that have an effect on the overall risk likelihood or impact.
- 3.4 The initial risk score takes account of the existing controls in place to mitigate the risk (current score). The revised risk score assumes that all risk actions are successfully delivered (target score). The 'likelihood' (L) score ranges from Almost Impossible (1) to Almost Certain (5) and the 'impact' (I) score ranges from Insignificant (1) to Catastrophic (5). These scores are multiplied to give the risk score. The detail on this for SR15 is given in Appendix 1.
- 3.5 Appendix 2 provides a guide to the risk management process; guidance on how Members might want to ask questions of Risk Owners, or officers connected to the strategic risk actions; and details of opportunities for Members or officers to input on Strategic Risks.

#### **4. Updates to Strategic Risk 15**

- 4.1 When DMT last reviewed SR15, it was agreed to maintain the current risk score as L3 (Moderate) x I4 (Major). The rationale for this is the effectiveness of existing controls that are in place and the focus this area of work continues to have across Families, Children & Learning.
- 4.2 Detail is provided within Appendix 1 on the causes of this risk, the potential consequences and the many existing controls that are in place to manage this risk.
- 4.3 The following actions are listed as further mitigations for SR15
- Providing family coaching to the most vulnerable families
  - Offering a range of family help and support
  - Developing Family Hubs in the city
  - Delivering on a directorate wide performance and quality assurance programme
  - Continuing to deliver high quality social work
  - Working with the Brighton & Hove Safeguarding Children Partnership to ensure safeguarding delivery is well coordinated and scrutinised
- 4.4 The latest progress on implementing these actions is detailed in Appendix 1.

#### **5. Analysis and consideration of alternative options**

- 5.1 Through consultation with ELT, the Risk Management process currently in operation is deemed to be suitable.

#### **6. Community engagement and consultation**

- 6.1 This is an internal risk reporting process and as such no engagement or consultation has taken place.

## **7. Conclusion**

- 7.1 The council has a robust Risk Management Framework and approach to key Strategic Risks, as evidenced by this report. There are a number of well established, existing controls in place to ensure the council is taking actions to safeguard children and young people.

## **8. Financial implications**

- 8.1 There are no financial implications arising from this report.

Name of finance officer consulted: Louise Hoten Date consulted: 15/08/2023

## **9. Legal implications**

- 9.1 The actions described in the report will assist the Council to meet a range of statutory duties to the children and families of the city, including duties relating to child protection under the Children Act 1989 & 2004 and the statutory guidance Working Together.

Name of lawyer consulted: Natasha Watson Date consulted: 17/08/2023

## **10. Equalities implications**

- 10.1 Risk owners are requested to ensure that equalities implications are considered in describing strategic risks, their potential consequences and when developing mitigating actions. This will continue as part of regular ELT & DMT risk review sessions.

## **11. Sustainability implications**

- 11.1 Sustainability implications are considered when describing Strategic Risks, their potential consequences and when developing mitigating actions. This will continue to be part of regular ELT & DMT risk review sessions.

## **12. Other Implications**

### **Public health implications:**



- 12.1 Public health implications are considered in describing Strategic Risks, their potential consequences and when developing mitigating actions. This will continue to be part of regular ELT & DMT risk review sessions.

- 12.2 If the risks in SR15 occur then there are significant implications for the health and wellbeing of the people in the city, so it is critical to have mitigating actions to reduce the likelihood and impact of these risks occurring. Through our fair and inclusive action plan and the day-to-day work of Families, Children & Learning, we aim to reduce inequalities and hence the potential impacts that certain groups of people in the city may face.

## **Supporting Documentation**

### **Appendices**

1. Strategic Risk 15 report
2. A guide on the risk management process

Risk Code	Risk	Responsible Officer	Risk Category	Last Reviewed	Issue Type	Risk Treatment	Initial Rating	Revised Rating	Future Rating	Eff. of Control
SR15	Not keeping children safe from harm and abuse	Executive Director, Families, Children & Learning Service Manager - Directorate Policy & Business Support		13/07/23	Threat	Treat	 L4 x I4 26/06/20	 L3 x I4 26/06/20		Revised: Uncertain

#### Causes

Link to Council Plan 2023-27. Outcome 3: 'A Healthy city where people thrive, and actions linked to 'A better future for children and young people'

Keeping vulnerable children safe from harm and abuse is a legal responsibility of the Council. Legislation requires all local authorities to act in accordance with national guidance (Working Together 2018) to ensure robust safeguarding practice. This includes the responsibility to ensure an effective multi-agency safeguarding response. In Sept. 19 the Brighton & Hove Safeguarding Children Partnership (BHSCP) was established led by the three key statutory partners – Brighton & Hove City Council; Sussex Police & NHS Sussex

#### Potential Consequence(s)

The complexity of circumstances for many children presents a constant state of risk which demands informed and reflective professional judgement, and often urgent and decisive action, by all agencies using agreed thresholds and procedures. Such complexity inevitably presents a high degree of risk. Children subject to abuse, exploitation and/or neglect are unlikely to achieve and maintain a satisfactory level of health or development, or their health and development will be significantly impaired. In some circumstances, abuse and neglect may lead to a child's death.

#### Existing Controls

First Line of Defence: Management Controls

1. Robust quality assurance and performance management framework embedded and reported quarterly to Directorate Performance Board and onto the Corporate Performance Board bi-annually.
2. Single point of access ('Front Door for Families') for support and safeguarding issues relating to children. The Front Door is multi-agency and has responsibility for and oversight of both the Multi-Agency Safeguarding Hub (MASH) and early help referrals to provide robust risk assessments and information sharing between partner agencies

3. Brighton & Hove Safeguarding Children's Partnership (BHSCP) Work Plan established with strong leadership by the Independent Scrutineer with aligned BHSCP sub-group work plans
4. Safeguarding Practice, Local Management and Child Death Reviews identify learning and action for improvement
5. A strong focus on working with CYP at risk of being missing from care, home and education
6. The local Supporting Families (was Troubled Families) programme targets support to the most vulnerable families
7. Continuous professional development (CPD) and training opportunities offered by the council and BHSCP.
8. In line with the Government's Prevent Strategy, on-going work with the Police, Statutory Partners, Third Sector Organisations and Communities to reduce exploitation of young people into extremism.
9. BHSCP Threshold document, agreed by all agencies, reviewed in 2021.
10. Relationship based model of social work practice embedded, with Pods (social work teams) in place to provide stability to service users
11. Performance Management information across children's social work enables a more informed view on current activity and planning for future service changes
12. Adolescent Vulnerability Risk Meetings held weekly to consider individual cases where it is considered there is a higher risk of exploitation (sexual; criminal and radicalisation).

#### Second Line of Defence: Corporate Oversight

1. Development of Family Hubs
2. Multi agency safeguarding quality assurance processes in place, monitored by the BHSCP Monitoring & Evaluation Subcommittee, meets quarterly
3. Corporate Parenting Board meets quarterly with opportunity for cross-party Members, to receive information on children in care and children leaving care. Attended by Heads of Service, Assistant Directors and the ED FCL,
4. Cross directorate Annual Practice Week developed where senior leaders meet with front line staff to discuss individual cases, picking up best practice examples of positive impact plus discussing any barriers faced by both workers and families
5. Council appointed Violence, Vulnerability and Exploitation co-ordinator who reports regularly to the Community Partnership
6. The A&S Committee reviewed this risk in March 2020 and March 2021.

#### Third Line of Defence: Independent Assurance

1. Ofsted inspections of social work practice under the ILACS arrangements. Full inspection July 2018 - overall judgement was 'Good'. An ongoing action plan enabled oversight on completing the recommendations, and progress and completion of these have been reported to CYPS committee meetings.
2. Ofsted Focused visit under ILACS framework February 2020 looking at services to children in need and children with child protection plans. Ofsted noted continued improvement made since 2018 inspection. Next ILACS inspection expected imminently which will provide up to date assurance around our wider safeguarding and care arrangements.



3. Ofsted and the CQC inspection of the Local Area's SEND and Alternative Provision arrangements in March 2023. Provides assurance around our social care arrangements for children with special educational needs and disabilities and confirmation that our existing improvement plans are still correctly focused
4. National Probation Inspectorate statutory inspection of the city's Youth Offending Service April 2021 - Outstanding grading across every domain.
5. Annual Engagement Meeting (AEM) with Ofsted HMI for social care and education. Most recently held in March 2023 and covered social care and education. A separate discussion focussing on Further Education and Skills took place in April 2023 and the discussion focussing on Special Educational Needs is due to take place in Autumn 2023.
5. Local Government Association (LGA) review of Early Help processes January 2020. The recommendations were taken forward and formed a key element of the Family Hubs Transformation Programme which is currently underway
6. The Brighton & Hove Safeguarding Children's Partnership (BHSCP) commissions Independent Scrutiny (IS) for the partnership, whose role and function is to provide external challenge to the business of the partnership, its meetings, subgroups and priorities.
7. Internal audit activity relevant to children's safeguarding :

- \* 2022/23: Home to School Transport (Reasonable Assurance); Children's Data Handling (Reasonable Assurance)
- \* 2021/22: Child Disability Agency Placements (Reasonable Assurance); School Attendance (Reasonable Assurance).
- \* 2020/21: Education, Health and Care Plans (Reasonable Assurance), Care System Replacement Project – Eclipse (Reasonable Assurance)
- \* 2019/20: Care Leavers (Reasonable Assurance), Joint Commissioning (Reasonable Assurance).

Reason for Uncertainty in Effectiveness of Controls: The city council has arrangements in place to manage this potential risk which are regularly reviewed; however, despite efforts there are no guarantees that there will not be incidents.

Risk Action	Responsible Officer	Progress Due %	Due Date	Start Date	End Date
Continue to offer a range of family support to our most vulnerable families and deliver the Family Hub Transformation Programme	Head of Family Hubs	75	31/03/24	01/01/21	31/03/24
<p><b>Comments:</b> A range of family support continues to be delivered across the city and there is focused work with vulnerable families where needed through the new Family Hubs service. The service delivers support to families across all levels of need including intensive whole family support at tier 3. Demand for Family Hubs (Early Help) is still very high but the restructure of the early help services implement new systems and processes seeks to</p>					

address this. The Early Help review was completed and recommended the development of family hubs as the delivery model for Early Help this was agreed at CYPS committee in June 2022. A successful bid for £1m was submitted to the Family Hub Transformation Fund and the transformation delivery plan and governance structure has been developed and agreed at DMT and with the DfE in July 2022. The transformation programme will run until March 2024 and the co-production, consultation and engagement sessions will continue throughout the transformation. Recruitment for the transformation posts has completed with all posts being recruited to. The governance structure is in place for the transformation programme. BHCC Early Help service have been restructured to a new Family Hubs Service which was implemented 1st April 2023

Funding from the Supporting Families programme will continue for the next 1.5 years. The self-assessment for 2023 has been submitted. The priority areas from the self-assessment and targets for families will need to be achieved to maintain earned autonomy. The funding for 23/24 will remain the same with an uplift in 24/25. The supporting families outcomes framework has been updated with implementation from 3rd October 2023; developments in Eclipse are completed and staff have received training on the new framework to ensure we can meet the requirements of the new framework.

Last Updated: 10/08/2023

Deliver on a directorate wide performance and quality assurance framework to ensure that safe and effective services are provided.	Head of Safeguarding & Performance	75	31/03/24	01/01/22	31/03/24
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**Comments: Families,** Children and Learning has an effective QA framework that aims to ensure safe and effective services are delivered.

Within the Directorate Plan there is a target for 85% completion with regular social work audits. This target is currently met and surpassed.

QA Managers support social workers and managers with quality assurance and where they have been unable to physically attend group supervisions, support is provided via video and voice calls. Likewise, support to Pod Managers and Heads of Service on grading and scaling has been provided.

The QA team regularly review the social work audit tool to ensure that it is compliant with social work practice standards, procedures and policy.

Audits regularly also take place in FDFF, FPP, Family Coaching and EHCP.

A QA briefing is presented to each DMT Performance Board.

Thematic Audits are completed twice a year. The themes are identified from current practice issues and other sources such as Safeguarding Practice Reviews, performance data and regular quarterly audits. Themes have included Anti-Racist Practice, Residential Placements, Child in Need work, JTAI preparation and Re-referrals.

The findings are shared with SLTs and DMT as appropriate.

Annual audit reports for ITF&P and Fostering, Placements & Permanence, Children's Disability Service, EHCP and Safeguarding and Review Service are in place.

FCL is a member of the SESLIP Quality Assurance Network which seeks to improve the effectiveness of existing quality assurance activities. The Network meets each quarter and the QA Manager, Performance & Safeguarding attends on behalf of the local authority. The group has developed a Common Components of a Quality Assurance Framework which aims to develop and share 'good quality assurance of practice and improve consistency across the region'.

The council continue to be compliant with all statutory reporting requirements.

The Performance Team provides data support to the Directorate to support its QA function. Providing structured reports for DMT Performance Board and regular reporting for all SLTs.

The Performance Team and the QA Team support the functions of the Brighton & Hove Safeguarding Children's Partnership with the multi-agency Dashboard Reports and regular multi-agency audits twice a year.

The team is ensuring that all statutory performance reporting for the directorate is compliant with requirements and returned in a timely way.

Current support to our Children's recording system, Eclipse, from both the Performance Team and QA Managers is helping to ensure a good QA function continues in the system.

Measures of Success:

- 85% compliance with QA activity
- Compliance with statutory performance reporting requirements
- Findings from QA activity are reported to SLT and FCL Performance Board (within the agreed timeframe).

Last Updated: 09/08/2023

High quality social work is provided to ensure that Children & Young People (CYP) are effectively safeguarded	Service Manager - 75	31/03/24	01/04/19	31/03/24
	AD Children's Safeguarding & Care			

**Comments:** The Eclipse roll out took place at the end of November 21. The system is embedded, and large amount of work has been undertaken to embed this. Work is now being undertaken to ensure that changing practice and developments are captured. Staff are feeling more confident in using the system and management reports are now in place, reviewed by pod managers weekly. This has enabled performance management oversight to be effective.

- Audits were completed in quarter 1, with 100% being completed in safeguarding and care. with 67% Green, 33% Amber for compliance. This reflects the average number of green cases over the last 3 quarters. Compliance in regard to genograms (88%) and chronologies (81%), while this is an increase in chronologies further work needs to be undertaken in regard to quality.
- During quarter 1 the completion of SFA's on time (within 45 days) has increased and 86.5%.
- We continue to work towards delivering on the action plan following the Ofsted visit in Feb 2020. Monitoring is being undertaken and focused work is in place to ensure Return Home Interviews are completed and recorded in a timely way.

- The CIN improvement plan remains a focus, with 65.9% of plans completed in timescale and 82.7% having a plan in place.

**Next Steps:**

To continue to address quality in relation to Genograms and Chronologies- HOS April 24

To address CIN plans in timescale- HOS April 24

Last Updated: 09/08/2023

The Brighton & Hove Safeguarding Children Partnership (BHSCP) will continue to monitor safeguarding delivery across all agencies in the city to ensure effective safeguarding is in place.	Head of Safeguarding & Performance	75	31/03/24	01/04/19	31/03/24
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**Comments:** The Brighton & Hove Safeguarding Children Partnership (formerly the LSCB) launched its safeguarding arrangements on 29/09/19.

A Steering Group comprising of the below meets quarterly.

- The nominated officers for the three lead safeguarding partners
- The independent scrutineer
- The designated professionals for the 3 lead safeguarding partners
- The chairs of the BHSCP subgroups
- A representative from the Community Safety Partnership (CSP)
- A professional to represent schools and early years
- People with expertise (including members of the Youth Reference Group) if required to discuss specific issues.

This group is responsible for the following:

- Analysis of multi-agency statistics, performance measures and outcomes
- Scrutiny of reports
- Section 11 self-assessments and challenge events
- Practitioner and partnership challenge events
- Oversight of Child Safeguarding Practice Reviews (CSPRs)
- Developing & overseeing the overarching strategic aims of the BHSCP

The current Business Plan is published on the partnership website. The priorities were determined via consultation and based on identified local and national areas of safeguarding concern and will be reviewed as needed. They are delivered by the BHSCP's subgroups.

Priority 1 - Partnership Engagement and Accountability Aims: Embed the principles of safeguarding children citywide.

Priority 2 - Safeguarding children from violence and exploitation: Objectives: Ensure there is a clear understanding of the scale of complex and contextual safeguarding within Brighton & Hove and that the needs of children and young people affected by any form of violence, from any source, are identified and assessed effectively resulting in timely and appropriate intervention.

Priority 3 - Reducing Neglect: Aims: The needs of children and young people affected by neglect are identified and assessed effectively resulting in timely and appropriate intervention

Priority 4 - Mental Health and Emotional Health and Wellbeing: Aims: Consistently good service provision for children who need support for emotional and mental health issues.

An annual programme of multi-agency thematic auditing to test the effectiveness of local safeguarding arrangements is in place. Learning from audit activity will continue to feed into the BHSCP learning and development offer and cascaded across the safeguarding partnership. A multi-agency audit programme is developed, agreed with partners and findings shared. This is supported by the council's Quality Assurance Programme Manager.

Last Updated: 09/08/2023



## APPENDIX 2: A guide on the risk management process

including the questions Members might want to ask of risk owners in relation to Strategic Risks

1. Across the council there are a number of risk registers which prioritise risks consistently by assigning risk scores 1-5 to the likelihood (denoted by 'L') of the risk occurring, and the potential impact (denoted by 'I') if it should occur. These L and I scores are multiplied; the higher the result of  $L \times I$ , the greater the risk. e.g. L4xI4 which denotes a Likelihood score of 4 (Likely) x Impact score of 4 (Major), which gives a total risk score of 16.

		IMPACT				
		Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
LIKELIHOOD	Almost Certain (5)	0	0	0	0	0
	Likely (4)	0	0	0	1	0
	Possible (3)	0	0	0	1	1
	Unlikely (2)	0	0	0	0	1
	Almost Impossible (1)	0	0	0	0	0

2. A colour coded system, similar to the traffic light system, is used to distinguish risks that require intervention. Red risks are the highest, followed by Amber risks and then Yellow, and then Green.

3. The Strategic Risk Register (SRR) mostly includes Red and Amber risks. Each strategic risk has a unique identifying number and is prefixed by 'SR' representing that it is a strategic risk.

4. Each risk is scored twice with an Initial 'Current' level of risk and a Revised 'Target' risk score:

- a) The **Current Risk Score** reflects the Existing Controls already in place under the 'Three Lines of Defence' methodology. This represents good practice as it identifies the First Line – Management Controls; Second Line – Corporate Oversight; and Third Line – Independent Assurance and the currency and value of each control in managing the risk. Therefore the Initial Risk Score represents the 'as is/ 'now' position for the risk, taking account of existing controls.
- b) The **Target Risk Score** focuses on the application of time and expenditure to further reduce the likelihood or impact of each risk. It assumes that any future Risk Actions, as detailed in risk registers, will have been delivered to timescale and will have the desired impact.
- c) The risk owners are asked to consider the 4Ts of Risk Treatments – Treat, Tolerate, Terminate, Transfer. Risk actions should reduce the likelihood and/or impact – if neither are true, there will not be any reason to undertake the action.

## **Suggested questions for Members to ask risk owners and officers on Strategic Risks**

The Children, Families and Schools Committee has a role to monitor and form an opinion on the effectiveness of risk management and internal control. As part of discharging this role, the Committee will focus on this strategic risk on an annual basis.

The Committee invite the risk owners of Strategic Risks to attend Committee and answer their questions based on a CAMMS Risk report appended to each report. In the CAMMS Risk report, the risk owner:

1. Describes the risks, the causes and potential consequences and provides an **Current Risk Score** which takes account of the existing controls in place to mitigate the risk.
2. Existing Controls are set out using the Three Lines of Defence model:
  - 1<sup>st</sup> line: management controls
  - 2<sup>nd</sup> line: corporate oversight
  - 3<sup>rd</sup> line: independent assurance

This is provided in order that Members can identify where the assurance comes from, and how frequently it is reviewed and in the case of the 3<sup>rd</sup> line, then whether audits or inspections have happened and if so when that did it happen and what the results were. Risk owners ensure that existing controls continue to operate effectively.

Effectiveness of controls should be reviewed based on the certainty of how the existing controls will mitigate the risk – adequate, uncertain, inadequate

3. (Future) Risk Actions then are detailed and allocated to individuals with progress percentages achieved against target dates, with commentary on the current position. This provides the **Target Risk Score** which assumes that all the risk actions have been successfully delivered.

The risk owners of Strategic Risks will always be an Executive Leadership Team (ELT) officer. They may bring with them to Committee other officers who are more closely connected to the mitigating work.

Three areas of enquiry are suggested to be explored by the Children, Young People and Skills Committee.

1. Is the Risk Description appropriately defined? Does the Committee understand the cause and potential consequences?
2. Is the Committee reassured that each (future) Risk Action either reduces the impact or the likelihood of the risk? Are members reassured that risk actions are actually being delivered?



3. In respect of the Initial 'Current' and Revised 'Target' Risk Scores, does the Committee feel comfortable with risk owner's assessment? This represents the risk level that the organisation is prepared to accept.

### **How Members and officers can input on Strategic Risks (SRs)**

The risk management process benefits from input by Council Members and by staff at all levels. The opportunities to do this are:

Members to ELT leads:

- Any Members can approach an ELT lead with risks that they foresee.
- Any risk suggestion from Members will be reviewed by ELT and any actions taken will be reported back to the relevant Member(s).
- Each SR is discussed between Members and ELT leads at the regular meetings with Committee Chairs and annually at the relevant policy committee.

Officers to Line Manager, Directorate Management Team (DMT) or corporate risk management lead:

- The Behaviour Framework expects all officers to escalate risks and/or suggest mitigations to their line managers. If officers feel they do not have appropriate access to their line managers, they may escalate the risk to the corporate risk management lead
- Risks may get discussed as part of staff meetings, PDPs/121s/ team and service meetings or part of projects or programmes. Any significant risks to be escalated through to their Head of Service/ Assistant Director to raise through the management chain and discuss at quarterly DMT risk reviews.
- The ELT lead within a directorate will discuss escalated risks with the DMT at least on a fortnightly basis and will seek assistance as required. They have access to ELT and determine the way forward in consultation with the Risk Management Lead.

DMT to ELT:

- The quarterly SR review at ELT includes a summary of Directorate Risks reviewed at DMTs
- The ELT lead within a directorate will discuss escalated risks with the ELT and determine the way forward i.e. whether to amend the Strategic Risk Register



# Brighton & Hove City Council

## Children, Families & Schools Committee

## Agenda Item 24

**Subject:** Proposals for the future of Hertford Infant and Hertford Junior Schools

**Date of meeting:** 11 September 2023

**Report of:** Executive Director Families, Children & Learning

**Contact Officer:** Name: Richard Barker, Head of School Organisation  
Tel: 07584217328  
Email: [richard.barker@brighton-hove.gov.uk](mailto:richard.barker@brighton-hove.gov.uk)

**Ward(s) affected:** All

**For general release**

### **1. Purpose of the report and policy context**

1.1 This report provides an update on the outcome of the recent public consultation and seeks approval to proceed to the next stage of the statutory process, which is the publication of Statutory Notices.

### **2. Recommendations**

2.1 That Committee note the responses to the consultation undertaken regarding the proposal to create a one form entry Hertford primary school on one site and for this to be implemented by relocating Hertford Infant School to the junior school site and extending the age range to pupils aged 4-11 years.

2.2 That Committee agree to the publication of the required Statutory Notices to progress this proposal.

2.3 That Committee note that following the statutory notice period the matter is referred back to the meeting of the Children, Families & Schools Committee on 6 November 2023 for a final decision.

### **3. Context and background information**

3.1 During Autumn 2022 the Council undertook a consultation on admission arrangements for September 2023. It was proposed to reduce the PAN of Hertford Infant School to 30 pupils to “help facilitate a move to a single form entry primary school, on one site, in the future”.

3.2 At the meeting of Children, Families and Schools Committee on 12 June 2023 it was agreed for a consultation to start on the proposed amalgamation of the infant and junior schools on 19 June 2023 and close on 31 July 2023. There were three public meetings scheduled to consider the proposals on 26, 27 June and 5 July.

3.3 These were attended by a total of 18 people and the following themes were explored:

- What will happen to the nursery provision on the infant school's site?
- The impact of the loss of the infant school site on the community and the future use of the site.
- Whether any other schools locally have been asked to reduce their PAN
- Whether the junior site was large and suitable enough to accommodate all the pupils currently at the school
- Whether the LA had considered what would happen in the event that pupil numbers start to rise again in the future
- The impact on the proposals for pupils with SEND
- The impact on traffic around the junior site

3.4 A response form was hosted on the council's website <https://consultations.brighton-hove.gov.uk/> and a total of 42 responses were received. In addition, a small number of responses were received on paper.

3.5 The responses ranged in views and the responses received to the direct questions were as follows:

- How much do you agree or disagree that a one form entry 'Hertford' primary school should be created on one site?

	Strongly agree	Tend to agree	Neither agree or disagree	Tend to disagree	Strongly disagree
All responses (47 replies)	30%	13%	2%	4%	51%
Local residents only (20 replies)	25%	10%	0%	0%	65%
Parent/Guardian affected by the proposals (11 replies)	36.5%	36.5%	9%	9%	9%

In total, 55% of responses disagreed with the proposal. However, 73% of those responding who were parents/guardians affected by the proposal agreed with the approach.

- Do you agree or disagree with the proposal to move Hertford Infant School from Hertford Road to the Hertford Junior School site on Lynchet Close?

	Strongly agree	Tend to agree	Neither agree or disagree	Tend to disagree	Strongly disagree
All responses (47 replies)	28%	11%	2%	4%	55%
Local residents only (20 replies)	20%	10%	0%	0%	70%
Parent/Guardian affected by the proposals (11 replies)	37%	27%	9%	9%	18%

In total, 59% of responses disagreed with the proposal. However, 64% of those responding who were parents/guardians affected by the proposal agreed with the approach.

- In order to achieve an all through primary school the infant and junior school will need to merge. The legal process requires one school to expand (Hertford Infant) and the other to close (Hertford Junior). Do you agree or disagree with this?

	Strongly agree	Tend to agree	Neither agree or disagree	Tend to disagree	Strongly disagree
All responses (47 replies)	19%	17%	4%	7%	53%
Local residents only (20 replies)	10%	20%	0%	0%	70%
Parent/Guardian affected by the proposals (11 replies)	27.5%	27%	9%	27.5%	9%

In total, 60% of responses disagreed with the proposal. However, 54.5% of those responding who were parents/guardians affected by the proposal agreed with the approach.

- 3.6 Respondents were also offered the opportunity to submit any comments on the proposals for the future of Hertford Infant and Hertford Junior schools. Those supporting the proposals referenced the need for financial viability, the protection of a school provision in the community with the potential to expand and saw it as a logical response to the problems being encountered.
- 3.7 Those objecting to the proposals questioned the appropriateness of making a decision based on short term data, the risk that the move to one school could lead to future academisation and a loss of a community resource of historical and environmental importance. There was also concern about the

potential selling off of a council asset, a concern that other schools are too big, the implication on traffic leading to and on Lynchet Close, as well as a sense of incomplete data at the time of the consultation, especially on the school's budgets, to fully inform a response. It was felt that a potential change in national government could improve the fortunes of both schools with greater funding being allocated to schools in the future.

3.8 In order to legally effect the proposed changes the Local Authority is required to comply with a statutory process set out in the Education and Inspections Act 2006. This has five stages:

- Stage 1 Consultation – when proposals are launched
- Stage 2 Publication of statutory notices
- Stage 3 Representation period of 4 weeks for further submission of comments on the proposals
- Stage 4 Decision - the Council must decide on a proposal within 2 months of the end of the representation period
- Stage 5 Implementation – there is no prescribed timescale within which closure/agreed alterations must happen, although there must be good justification if it is longer than 3 years.

3.9 It is recommended that, under stage 3 of the process, it is agreed that statutory notices are published.

3.10 Following publication of the notices there will be a period of 4 weeks during which any person or organisation can submit comments on the proposal to the Council. At the end of the representation period a further report will be presented to the Children, Families & Schools Committee on 6 November 2023 so that a decision can be made. It is intended that if agreed the amalgamation of the schools will take effect from September 2024.

3.11 As outlined previously, the council has no plans for any surplus accommodation that may become available as a result of the proposals under consideration. The council would require the prior consent of the Secretary of State for Education to dispose of, or change the use of, any school land and buildings that was deemed surplus to requirements.

3.12 The process for disposing of or changing the use of a building previously used as a school is set out in the non statutory guidance 'Involving the Secretary of State in land transactions Non-statutory guidance on how and when to involve the Secretary of State in transactions involving land held for the purpose of a school' published in September 2021.

#### **4. Analysis and consideration of alternative options**

4.1 The alternative option would be for the two schools, under the federated governing body to continue to operate as separate infant and junior schools. It has been identified that this will place both schools under further financial pressure and, as a result, could lead to a deterioration in the quality of education provided at the schools. The Council's policy is based on sound

educational and organisational reasons and the rationale for the amalgamation has been strongly supported through the consultation.

## **5. Community engagement and consultation**

- 5.1 The consultation was launched on 19 June 2023. It was also published on the weekly schools bulletin circulated to all maintained schools in the city and Chairs of Governors. As part of the public consultation process three public meetings were held. The meetings were noted and a summary is available to Members on request.
- 5.2 The responses to the consultation exercise has been collated and analysed and are outlined above. In summary 47 responses were received of which 43% were in favour of the proposal to create a one form entry 'Hertford' primary school on one site and 55% were against the proposal.
- 5.3 Those in support of the proposal commented upon the need to take steps to address the issues both schools are facing on the understanding that the school could potentially grow to 2 forms of entry in the future, if required.
- 5.4 The responses opposed to the proposal raised concerns about the loss of a community resource, the short-term nature of the decision, the suitability of the junior school site and the impact on the community being as a direct result of other schools in the vicinity being too large or previously expanded to the detriment of the Hertford schools.

## **6. Conclusion**

- 6.1 The consultation was launched on 19 June 2023. The response received showed the majority of responders disagreed with the proposals. Yet, the responses of parents/carers who are affected by the proposals and those who are either governors or staff at each school agree with the proposals.
- 6.2 It is recommended that Statutory Notices are published on 15 September 2023 and that the Children, Families & Schools Committee receive a further report on 6 November 2023 for a final decision.

## **7. Financial implications**

- 7.1 In proposing to amalgamate Hertford Infant School and Hertford Junior School to one site as an all through primary school there are certain arrangements regarding the calculation of the future years' budgets, particularly the lump sum element of funding that need to be considered.
- 7.2 In terms of the forward calculation of a merged school budget (assuming a full amalgamation) after 1st April in any given year, the new school will receive funding equivalent to the formula funding of the closing 2 schools for the appropriate portion of the year (i.e. 7/12ths if an amalgamation takes effect from September). This means the new school will receive the full combined lump sum allocation for the 2 predecessor schools for the remainder of that financial year. From the start of the next financial year the

new school will receive 85% of the total of the predecessor schools' lump sums for one financial year. This would then reduce to one lump sum allocation the year after.

- 7.3 The LA is working closely with the schools to ensure future potential budget allocations are accurately modelled.
- 7.4 At the point of an amalgamation there will be a residual revenue balance held by the closing school. Based on the school budget plan for 2023-24 this is likely to be a deficit balance. Discussion will be required between the school and the local authority regarding how this will be managed.

Name of finance officer consulted: Steve Williams      Date consulted:  
26.07.23

## **8. Legal implications**

- 8.1 In order to achieve the proposed amalgamation it will be necessary to close Hertford Infant School and extend the age range of Hertford Junior School to admit pupils aged from 4 to 11. Statutory notices will need to be published in accordance with the Education and Inspections Act 2006, as amended, and associated Regulations. Following publication of the notices there will be a period of 4 weeks during which any person or organisation can submit comments on the proposal to the Council. At the end of the representation period a decision must be made on the proposal within 2 months.
- 8.2 It is intended that if the two schools amalgamate this should take effect in September 2024. The deadline for expressing preferences for an infant/primary school place is 15 January 2024. In order to provide parents with the fullest possible information regarding the possible change and to avoid a potential breach of the School Admissions Code it is important that the final decision on the proposal is published in good time before the deadline for applications. The recommendation does not allow for a decision to be made in time to be included in the admissions booklet for 2024/25, due for publication in August 2023. However, the admissions booklet can alert parents to the prospect of a decision being made at the Children, Families and Schools Committee meeting in November 2023.

Name of lawyer consulted: Serena Kynaston      Date consulted: 26.07.2023

## **9. Equalities implications**

- 9.1 An Equality Impact Assessment has not been completed, it is forecast that the proposal to create a one form entry primary school will ensure that there are sufficient school places in the area to meet the needs of parents who wish for their children and for the school to be able to operate in a financially efficient way that ensures the school can maintain a quality education experience for pupils.
- 9.2 The consultation responses did not indicate any significant negative impacts on people because of their protected characteristics.



- 9.3 There are provisions in place to meet the needs of children with Special Educational Needs and disabilities including those who may not reasonably be expected to walk to that school because of their special educational needs, disability or mobility problem, even if they were accompanied by their parent.
- 9.4 A financially viable school is essential to be able to meet the needs of all those pupils who attend the school and to be able to meet the needs of the community and the inequalities they may experience.

## **10. Sustainability implications**

- 10.1 Bringing the school into one building is expected to minimize energy and water usage whilst also ensuring greater use of the biodiverse areas at the junior school site.
- 10.2 Consideration will need to be given to the use of the vacant school site should the proposals be agreed so that the negative impacts on the current habitat are minimized and the future use of the accommodation and the site reflect sustainability principles.

