

**BRIGHTON & HOVE CITY COUNCIL**  
**CHILDREN & YOUNG PEOPLE COMMITTEE**

**4.00pm 16 JULY 2013**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor Shanks (Chair) Councillor Wealls (Opposition Spokesperson), Pissaridou (Group Spokesperson), Brown, Davey, Gilbey, A Kitcat, Lepper, Randall and Simson

**Non Voting Co-optees:** Eleanor Davies , Parent Forum, Rachel Travers, Amaze/Voluntary Sector Forum, Geraldine Hoban, Clinical and Commissioning Group; Sue Sjuve, Sussex Health Partnership; Paul Belluscio, Youth Council and Sam Walters Youth Council

**PART ONE**

**13. PROCEDURAL BUSINESS**

**13(a) Declaration of Substitutes**

13.1 Councillor Davey was present as substitute for Councillor Buckley and Councillor MacCafferty was present as substitute for Councillor Powell.

**13(b) Declarations of interest**

13.2 There were none.

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

13.2 In accordance with section 100A of the Local Government Act 1972 ("the Act"), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100(I) of the Act).

13.4 **RESOLVED-** That the press and public be not excluded from the meeting during consideration of any item on the agenda.

**14. CHAIR'S COMMUNICATONS**

- 14.1 Chair explained that although Members may have been expecting to consider a report that afternoon detailing proposals in relation to a move of Patcham House School to the Downs Park School Site, such a report was not going to be considered. The Chair read out the statement set out below in order to explain the background to that decision and to provide an update on the current position.

“The Committee will be aware that a consultation exercise has been undertaken on a proposal to relocate Key Stage 3 (KS3) students from Patcham House School to accommodation at Downs Park School. This proposal was part of a wider set of actions intended to achieve several objectives, including the creation of much needed new infant school places in Hove and developments at the Cedar Centre, Downs Park and Patcham House Federation to support the SEN Strategy.

The consultation commenced on 16 May 2013 and ended on 5 July 2013. Two consultation meetings were held, at Downs Park on 12 June 2013 and at Patcham House on 19 June 2013, and these meetings were attended by parents, staff and local residents. Officers also attended a joint meeting of staff of Downs Park and Patcham House, and have continued to discuss the proposal with senior staff and colleagues in Adult Social Care.

The proposal is rooted in a commitment to achieving the best possible opportunities and outcomes for children with SEN. However, we have listened carefully to all the responses we have received and it is clear that more work would be needed to develop the proposal to a point where it could secure the confidence of students, parents, carers, staff and governors of the two schools, and of local residents and others associated with the schools. This further work would clearly impact upon the timescales for developing new infant places and for managing the impact of change for the adults with high levels of need who attend the Connaught Day Care Centre.

In the light of all these factors, further consideration has been given to possible alternative locations for the adult day care centre, and officers from Children’s Services, Adult Social Care and Property & Design are developing a set of proposals which will provide good quality accommodation for adult day centre functions and at the same time allow the additional infant places at Connaught to be provided in time for September 2014. While these alternative proposals still need to be worked up in detail and will themselves be subject of further consultation with adult day centre clients, there is a significant degree of confidence that they can be implemented.

In view of this it has been decided that the proposal to relocate Patcham House KS3 students should not be pursued further, and that officers from Children’s Services, Adult Social Care and Property & Design should be requested to develop and as necessary consult upon proposals to relocate the Connaught Adult Day Care Centre to alternative provision, so as facilitate the planned provision of additional infant school places at Connaught, reporting further to the appropriate Committees at their next scheduled meetings.

- 14.2 **RESOLVED** – That the position be noted.

## 15. PUBLIC INVOLVEMENT

The Chair stated that she had received prior notification of a paper petition an e petition and a series of written questions in relation to Patcham House. It had been agreed with those who had submitted the petitions and questions that they would be brought forward should a report on in relations to Patcham House come to a future meeting of the Committee.

**15a Petitions**

15.1 There were none.

**15b Written Questions**

15.2 There were none.

**15c Deputations**

15.3 There were none.

**16. MEMBER INVOLVEMENT****16a Petitions**

16.1 There were none.

**16b Written Questions**

16.2 There were none.

**16c Letters**

16.3 There were none.

**16d Notices of Motion**

16.4 There were none.

**17. FUNDING FOR PUPILS AT SELF MANAGED LEARNING COLLEGE (SMLC)**

17.1 Before proceeding to consideration of the item the Chair explained that she had been notified of a proposed amendment to the report recommendations by Councillor Wealls. She had also been approached by a parent and a current pupil of the Self Managed Learning College (SMLC) requesting that they be permitted to address the Committee. She had agreed at her discretion as Chair to allow public speaking on this occasion. Following submissions by the public speakers and the officer's presentation, the Committee would have the opportunity to consider the proposed amendment.

17.2 Mrs Turner spoke as the parent of a pupil currently receiving tutoring via the college. She stated that the majority of those attending the SMLC had been in education in other schools across Brighton & Hove but had left for various reasons, for example, following

severe bullying and had received support which had been beneficial to them and was and had been tailored to their needs. The numbers attending were small and would remain so. Those attending were not seeking any special treatment but for their children to have parity with their peers and to be on an equal footing with children attending other Brighton and Hove Schools.

- 17.3 Faye Warby a student attending the facility spoke stating that she hoped that the local authority would not close her school down. She had been attending the college since she had left a main stream school as a result of bullying that she had been subjected to there. She had been able to regain her confidence at SMLC and had been part of a positive learning experience. Those attending had found it an inspiring way to learn and because of the small number of attendees had also obtained support for each other.
- 17.4 The Committee considered a report of the Executive Director, Children's Services which provided information regarding the funding of pupils at the Self Managed Learning College (SMLC) in Brighton who had been home educated at parental request. A consultation was underway which would conclude on 9 September 2013. The Dedicated Schools Grant was calculated by totalling the number of pupils on various annual census forms and multiplying them by a guaranteed unit of funding. To date Home Educated pupils for whom the local authority was providing significant financial support in respect of special needs could be entered on the Alternative Provision Census and therefore the LA could claim back the funding from the DfE. It was for this reason that there was an initial decision in 2012 to fund a small number of home educated pupils at the SMLC. In the past the LEA had been able to act as a conduit for these pupils and to recoup the cost.
- 17.5 The Behaviour/Attendance Manager, Ms Mulvihill explained that the consultation on future funding placements at the college had arisen as a direct result of the funding changes being introduced by the DfE. From 20213/14 there would no longer be any provision whereby the authority would be able to recoup the cost. With effect from September 2013 FE and sixth form colleges could admit pupils aged 14 or 15 and receive funding for them direct from the Education Funding Agency. This included not only specific provision for groups of pupils but also individual admissions of pupils who would otherwise be home educated, and who might be educated with young people aged 16-18. Therefore LAs are not expected to pay fees to the colleges for these pupils;
- 17.6 The report also provided information on current and future funding arrangements for these children following advice received from the Department for Education (DfE) and provided information for Members in respect of the current consultation on whether to fund placements at SMLC.
- 17.7 The Chair stated that she considered it was important to clarify that the LEA were not seeking to close this facility. The funding system whereby as a result of changes to Government guidelines the local authority was no longer able to access funding through the Alternative Provision Census and that the facilities such as the SMLC would need to apply directly to the DfE for funding rather than using the local authority as a conduit as had previously been the case. The Chair stated that the current arrangements would be in place until December. It was also important for members to be aware that at this stage it would not be appropriate to discuss the matter in depth in advance of the further report for consideration at the next scheduled meeting of the Committee in October. No

budget had been allocated for such provision from the Dedicated Schools Grant and if a decision was made for the LEA to fund 16 places there would be a significant cost implication for the authority, a minimum of £62,000.

- 17.8 The Legal Adviser to the Committee, Ms Watson explained that the SMLC was not recognised as a school and that the exact numbers of children who were being home educated in Brighton and Hove was likely to be far higher than the 169 of whom the LEA were aware. 16 pupils were currently funded at SMLC. It was very important to note that the college was not a DfE registered school and thus was not subject to Ofsted inspections. As outlined in the report there would be an issue of equitability for other home educated pupils and also possible additional financial risk to the LEA as identified in the report.
- 17.9 Councillor Wealls referred to his proposed amendment which had been circulated to the Committee, he considered that it was important to try and offer assistance to this group if at all possible and to consider the information that should be included in the further report being brought forward to the next cycle of the Committee.
- 17.10 Councillor Gilbey stated that she could not understand why funding had been provided in this way in the past if there was in any event a degree of risk to the authority and activities of the SMLC could not be fully endorsed.
- 17.11 Councillor Pissaridou stated that she was concerned that situation had arisen whereby the authority might be exposed to risk enquiring whether the earlier decision to facilitate funding of these students had been taken by Members. In her view by entering into the previous arrangement the LEA had given tacit approval to the provision given by the SMLC It was explained that the decision had been taken by the then Strategic Director under his delegated powers on the basis that the authority had been acting as a conduit. This issue was coming back before the Committee in view of the fact that the changes impacted on the arrangements that had operated to date and as and it was appropriate for the Committee to make any decision.
- 17.12 Sam Walters, Youth Council stated that the information being given appeared to be contradictory as on the one hand the local authority had been providing assistance for SMLC to be funded as a school, on the other hand it was now being stated that it was not a school and a sudden decision to make changes had been taken. The Legal Adviser to the Committee reiterated that the SMLC was not a school and according to the information provided on its website did not consider itself to be a school.
- 17.13 The Chair, Councillor Shanks stated that the LEA had taken no decision in this matter. The reason previous arrangements needed to be revisited was as a direct consequence of the changes made to the guidance given by the DfE.
- 17.14 Councillor A Kitcat stated that she was of the view that some confusion had arisen around the current funding arrangements. The further report to Committee needed to make it clear that the LEA had simply acted as a “middle man”.
- 17.15 Councillor Wealls stated that he hoped it would be possible to have dialogue with and provide advice to the SMLC. Councillor Gilbey enquired whether it would be possible for the SMLC to apply direct for funding. It was confirmed that they could but that as they

were not currently a school they would need to meet certain criteria, including the necessity to be Ofsted Inspected in order to do so and that would be a decision for SMLC.

- 17.16 Rachel Travers, Amaze enquired whether the consultation period was considered to be sufficient bearing in mind that the school summer holidays were about to commence. It was explained that meetings had already taken place with students and their parents, these would form an integral part of the consultation process and would be on going.
- 17.17 The Legal Adviser to the Committee explained that if a decision was taken to provide funding in future from its own resources on a discretionary basis, the LEA would need to be satisfied that the use of its available limited resources met its own fiduciary duties and that such funding was clear and transparent to home educating parents across the city. Importantly, in law the responsibility for a child's education rested with their parents. Where parents elected to educate their children otherwise than at school they were entitled to some support from the local authority, the level of that support was determined by the authority, but they were not entitled to funding for an alternative private education.
- 17.18 The Legal Adviser to the Committee reiterated that there was no requirement on the local authority to continue to fund the current provision. In providing current or future funding the local authority was not endorsing the suitability of the education provided by the institution receiving funding. The "College" was not a school and was not inspected as a school.
- 17.19 A vote was taken and Members agreed to Councillor Wealls proposed amendment which is incorporated in the Committees' recommendations as set out below:
- 17.20 **RESOLVED** - That:
- (i) The committee notes the issues raised and the consultation with the affected parents, and
  - (ii) The Committee requests that officers produce a report for the Children & Young People Committee on 14 October 2013 with firm suggestions and proposals which:
    - address the legal and equalities concerns expressed in the report of 16 July
    - sets out proposals to ensure that provision complies with all legal, child protection and regulatory obligations; and
    - supports the SMLC to pursue routes to enable it to continue on a firm financial footing to supply current levels of provision

## 18. **CONSULTATION ON PERMANENT EXPANSION OF WEST HOVE JUNIOR SCHOOL**

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (items not considered unless the agenda is open to inspection at least five

days in advance of the meeting) are that the consultation period did not end until 10 July 2013.

- 18.1 The Committee considered a report of the Executive Director, Children's Services in respect of the proposal that West Hove Junior School expand to include the additional junior age school provision to be provided at the former police station site in Holland Road, Hove.
- 18.2 The Post 16 Development Manager, Mr Nix explained that the purpose of the report was to report on the outcome of consultation on this proposal and to seek approval to proceed to the next stage of the statutory process, the publication of Statutory Notices. It was noted that only one response had been received objecting to the proposal indicating that their preference would have been for a self-managed free school. Following the statutory notice period the matter would be referred back to the next scheduled meeting of the Committee for final decision.
- 18.3 The Chair Councillor Shanks stated that the proposals were welcome given the that the current and projected pupil numbers for the city as a whole showed that there was an immediate and ongoing need for additional places in the city as a whole. As it had been identified that need was most acute in the west of the city these proposals would help to address that problem.
- 18.4 **RESOLVED** – (1) That the Committee notes the responses received regarding the proposal that West Hove Junior School expand to include the additional junior age school provision to be provided on the former police station site in Holland Road, Hove as set out in Paragraph 1.1 of the report ;
- (2) Agrees to the publication of the required Statutory Notices to progress this proposal; and
- (3) That following the statutory notice period the matter is referred back to the meeting of the Children and Young People Committee on 14 October 2013 for final decision

## 19. ITEMS REFERRED FOR COUNCIL

- 19.1 There were none.

The meeting concluded at 5.30pm

Signed

Chair

