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## CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY PANEL 8 NOVEMBER 2017

(7.16 pm - 9.15 pm)

PRESENT: Councillors Dennis Pearce (in the Chair), Linda Taylor OBE, Agatha Mary Akyigyina OBE, Mike Brunt, Pauline Cowper, Charlie Chirico, Edward Foley, James Holmes, John Dehaney and Sally Kenny

Co-opted Member Helen Forbes

ALSO PRESENT: Councillor Peter Southgate, Caroline Cooper-Marbiah (Cabinet Member for Education), Katy Neep (Cabinet Member for Children's Services), Caroline Holland (Director of Corporate Services), Jane McSherry (Assistant Director of Education), Tom Procter (Head of Contracts & School Organisation), Yvette Stanley (Director, Children, Schools & Families Department) and Annette Wiles (Scrutiny Officer)

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Cllrs Henry and Neil with Cllrs Dehaney and Kenny respectively substituting.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

With the addition of Cllr Taylor's comment regarding the Wimbledon Park nodal point for Harris Wimbledon School, the minutes of the previous meeting were accepted as a true and accurate record.

### **Matters Arising**

- It has been agreed with the Children, Schools and Families Department that its response and action plan on the care leaver accommodation reference to Cabinet will come to Panel at the January meeting; and
- The announcement of the planned departure of the Director for Children, Schools and Families Department was acknowledged.

### 4 BUDGET/BUSINESS PLANNING (ROUND 1) (Agenda Item 4)

Caroline Holland, Director Corporate Services, provided an introduction to the item on budget/business planning (round 1). It was noted that this is the first round of budget scrutiny with a further round happening in the New Year before the Cabinet meeting at which the budget is finalised for approval at Council. The objective of this

first round is to provide an update on the Medium Term Financial Strategy and look at the savings and capital programme.

Highlighted there have been changes to the financial gap; whilst there is no additional funding needed in 18/19, from 19/20 onwards a significant increase is needed. There is a predicted gap of £5.7m in 19/20 which rises to £21.7m cumulatively in 21/22.

The budget forecast has been put together inclusive of a number of assumptions. For example, that there will be an increase in staff salaries based on press reports. This won't be clarified until the budget on 22 November 2017. Until this time, a 2% increase over 2 years has been allowed.

It has been determined that it makes no sense to give additional funding to the Children, Schools and Families and Community and Housing budgets in one year only to expect to take this back as savings in the next year. For this reason, it has been agreed that the Environment and Regeneration and Corporate Services Departments will make the necessary savings in the short term. Also, funding of capital expenditure has been considered.

Further information is currently awaited on the budget. For example, any change to the council tax base. It was also noted that the capital programme allocation for Children, Schools and Families is focused on the development of the new Harris Wimbledon Secondary School.

In response to member questions, Caroline Holland and Yvette Stanley, Director, Children, Schools and Families (CSF), clarified as follows:

- Caroline Holland: the anticipated costs of the new Harris Wimbledon Secondary School are as set out in the capital programme detailed in the agenda pack in addition to costs already incurred during 2016/2017. It was noted that further information on the costs of the school, and how these might be impacted by various factors, are detailed in the officer report also contained in the agenda pack;
- Caroline Holland: there is an ongoing process for maintaining knowledge of each Department's current financial position through monitoring reports and meetings;
- Yvette Stanley: budget items for which there are significant demand pressures are carefully scrutinised (such as SEN transport, care packages, no recourse to public funds and unaccompanied asylum seeker children). Noted her gratitude for the pause in any savings requirement falling on the CSF Department due to the significant pressures which are being partially offset by planned growth over 3 years. There will be a need for some replacement savings for 2018/19. Proposals will come forward in January 2018 for the Panel's consideration;
- Caroline Holland: unallocated SEN funding needs are being addressed by the development of Merton's own provision through the further expansion of SEN schools such as Cricket Green. This curtails the costs of placements in the independent sector. The expansion of Merton's SEN provision is costed and included in the capital programme; and

- Caroline Holland: there is no anticipated change to the way schools are funded in 19/20 despite the government currently working on changes to the schools funding model.

**RESOLVED:** for the Panel to receive more frequent financial information through the Department update report. This would allow the Panel to understand earlier any significant financial items that are forthcoming based on the on-going budget monitoring.

## 5 CABINET MEMBER PRIORITIES (Agenda Item 5)

Cllr Caroline Cooper-Marbiah, Cabinet Member for Education, provided members with an update, highlighting the following:

1. Exam results: Merton came joint first in England for Progress 8 results (along with Brent local authority) for pupils taking their GCSEs in 2017. Progress 8 measures the progress that is made between Key Stages 2 and 4 and reflects the hard work of schools and young people themselves. The Cabinet Member congratulated all those involved in this success;
2. Ofsted school inspections: recently Park Community (Primary) School has been judged good and the Harris Primary Academy outstanding by Ofsted. A number of additional judgements are awaited. Currently, 89% of all schools in Merton are good or outstanding compared to 79% nationally. Work continues with other schools that have not been judged as highly by Ofsted; and
3. Harris Wimbledon: an open evening has been held at which there was a strong display of parental interest in the new school. Highlighted that based on current application levels, there will be at least 120 students needing additional school places demonstrating the need to have the Whatley Avenue site open.

In response to member questions, the Cabinet Member and Yvette Stanley, Director for Children, Schools and Families clarified:

- Yvette Stanley: the success demonstrated by Merton's Progress 8 scores isn't down to just one factor and is the product of the quality of leadership and teaching, improved attendance and tremendous hard work by school staff supported by the Department;
- Cllr Cooper-Marbiah: highlighted good leadership, management and the engagement of students and parents as the key elements in Merton's success. The Council is working to raise awareness of the success of Merton's schools for example through Primary schools at the point in the year where parents and pupils are selecting their secondary place preferences. This is a good opportunity to highlight the success of our schools; and
- Yvette Stanley: noted that in terms of building the popularity of Merton's schools with students and parents, reputation always takes some time to establish. However, at the current time, all but two of Merton's schools are full and oversubscribed which is indicative of their popularity. Use of out of borough schools is also higher because there is not a good geographical spread of provision across Merton. This is historic. Additionally, some good schools on Merton's boundaries have expanded in advance of local population increases. However, now that this population increase is happening, Merton children will find

it harder to go out of borough. Noted that it is important to consider the types of school places available and that at the present time, the borough isn't able to offer a co-educational school at its centre. Again, highlighted the large number of secondary applications that have been received in comparison to previous years.

Cllr Katy Neep, Cabinet Member for Children's Services, provided members with an update, highlighting the following:

1. Child death: noted that tragically there had been a child death in the borough in the previous week and that the Council is working with the police and other partners to review the case and understand any implications for any agencies;
2. New directive: a new Government directive has been issued detailing the duty on the Council in the case of children returning from Syria who are likely to be accommodated as looked after children. This puts the onus on the Council to work with such children, their family and appropriate agencies to support them in resettling. The Council is working to understand trauma and planning to fulfil the duty with partners;
3. Foster carers: recently attended a celebration of black history month with foster carers. This provided a great opportunity to talk with them and understand more about the challenges and positives of their roles; and
4. Other meetings and actions: has held meetings with the Borough Commander who is a key partner in delivering the *Think Family* objective which involves issues such as domestic violence, drug and alcohol abuse. Highlighted that the Council is just about to launch a new campaign entitled *16 days against domestic violence*.

In response to member questions, the Cabinet Member and Yvette Stanley, Director for Children, Schools and Families clarified:

- Cllr Neep: the Council is working to understand the guidance on children returning from Syria and how this fits with Merton's existing robust safeguarding practice. The inclusion of the family, partners and community groups in fulfilling the new duty was highlighted. Also, that the response provided for each child will depend on need. This builds on how the Council has worked in partnership on the *Prevent* duty; and
- Yvette Stanley: there have been referrals under *Prevent* from Merton of both adults and children. The police (SO15) then decide an appropriate course of action which has resulted in the trial of adults providing funding to Syria and a young person accused of attempting to travel to Syria. This is a low level of activity compared to other areas. What route a child returning from Syria takes will depend on whether or not they have been involved in fighting – they will go into care with therapeutic support if not and progress through the criminal justice system if they have. It will be for the point of entry back into the UK to determine an appropriate route.

## 6 UPDATE: HARRIS WIMBLEDON (Agenda Item 6)

Yvette Stanley, Director, Children, Schools and Families (CSF), introduced the item explaining the purpose was to provide the Panel with an update on its reference on the new school from July 2016 and to clarify demand for places as well as outlining

the challenges and the risks. Noted that the CSF Department is leading on making the case for the school. It is also working with the Education Funding Agency (EFA) which is the major funder and Harris as the provider. The Environment and Regeneration Department has an important role in securing the site of the new school. Highlighted that there have been various legal challenges to the development which may mean CSF officers are unable to answer member questions in detail.

Noted the concerns expressed by the local community regarding the development. Highlighted that the Council is listening and responding. For example, by altering the plans for the development of Merton Hall. Acknowledged the concerns expressed by the LGBTQ community and that whilst she is personally unable to speak on behalf of the Elim Church, the church is subject to equality legislation and couldn't discriminate through its lettings of the building.

Tom Procter, Head of Contracts & School Organisation, noted the case for the new school was about providing needed additional school places but also about increasing choice and decreasing student travel. Stated that the consultation on the new school had generated positive excitement – over 300 people attended the consultation meetings, 400 plus consultation questionnaires were returned with 95% of respondents in agreement with the proposal to open the school. Highlighted the additional 260 secondary applications from Merton residents for September 2018 compared to 2017 and that six out of the eight Merton secondaries are already full.

Panel members, whilst acknowledging the need for the new school, expressed the need to address the issues that have been raised by the local community about the transfer of the freehold of Merton Hall to Elim Church. There is unhappiness that a community asset is being given over to the use of the church and that there will be architectural changes to Merton Hall. Also, there is concern that lettings might be made in an unfair way and to the disadvantage of elements of the community.

In response to member questions, Yvette Stanley, Tom Procter and Jane McSherry, (Assistant Director, Education) provided the following clarification:

- Tom Procter: the Council used a Compulsory Purchase Order approach to negotiate for the Elim Church land. However, the current occupants still had to be relocated with the Council needing to provide alternative accommodation for the church within the SW19 postcode. There were very few options available with Merton Hall the most viable;
- Tom Procter: the current design for the redevelopment of Merton Hall gained the highest rating from the independent Design Review Panel before being approved by the council's Planning Committee. The local listing of Merton Hall is focused on the frontage which will be renovated through the redevelopment. An application has been made by a member of the public to Historic England for the building to receive National Heritage listing. This will go to the Secretary of State for decision in January 2018;
- Tom Procter: the Elim Church will be given the freehold of Merton Hall with capital works undertaken and the council will receive the freehold of their site;

- Yvette Stanley: not for officers to speak on behalf of any third party organisation but noted the Elim Church is signed-up to the Evangelical Alliance code of conduct which opposes all attitudes and actions which victimise or diminish people whose affections are directed towards people of the same sex;
- Yvette Stanley: noted the Council's support for the LBGTQ community and the need for co-educational school places to support students who are transgender or gender fluid;
- Tom Procter: Merton Hall is closed with all 12 community groups that had used the hall regularly now relocated. This includes using the new All Saints Primary School and Pincott Road community venue provision;
- Tom Procter: there is an overage in place making provision for the Council to gain a share of any profit should the Elim Church sell the Merton Hall building in the future;
- Tom Procter: following consultation Harris Wimbledon changed their admissions policy to remove the Wimbledon Park station nodal point but replaced it with Haydons Road station which should still provide some priority to children residing near Wimbledon Park;
- Tom Procter: when the need for a new secondary school was identified five or more years ago officers considered a more central location may be desirable but changed their advice on the location of the new school because it became clear none of the existing Wimbledon schools were willing to expand to accommodate growing populations. Additionally, more of the child population growth is in the Wimbledon area. At this point it became clear that the new school needed to be located in Wimbledon;
- Yvette Stanley: all the alternative sites had huge challenges whilst the High Path site does have challenges but these aren't as considerable. It was all detailed in the July 2016 Cabinet report;
- Yvette Stanley: an all-through school could have been possible. Educationalists have different views on these. However, it would have meant building on the green space of an existing primary school, which would have been an issue. Also, the foot print would have necessitated a high and narrow building near existing houses;
- Jane McSherry: the Department is continuing to work with Merton Abbey Primary to make sure it is happy with shared use of the site. It is losing less of its playground than original thought likely and this area will be a games space that they can use at set times; and
- Yvette Stanley: If the Historic England application delays the development there will be cost implications but these will depend on the solution used in mitigation. The Director is working with those from Environment and Regeneration and Corporate Services to plan accordingly and look at a range of solutions.

Cllr Cooper-Marbiah responded to a member's question to clarify that the administration was not acting according to the instructions of Harris. Rather the location of the new school had been determined by need.

**RESOLVED:** Panel members resolved to submit the following reference to Cabinet at its meeting on 11 December 2017: The members of the Children and Young People Overview and Scrutiny Committee request Cabinet seek formal written reassurance

from the Elim Church that under its management Merton Hall lettings will enable the venue to remain for the use of all the community and that these lettings will be fully compliant with equality legislation.

## 7 DEPARTMENT UPDATE REPORT (Agenda Item 7)

In response to member questions, Yvette Stanley, Director, Children, Schools and Families and Jane McSherry, Assistant Director, Education, provided the following clarification:

- Jane McSherry: the Department is working hard to maximise take-up of the 30 hours of funded childcare. This is complex to administer as the criteria for the two year old offer is different from the three and four year old offer. Historically, take-up hasn't been good for the free two year olds offer where this is targeted at parents who aren't working. Work is therefore ongoing to promote this opportunity. Noted that the funded childcare offer provides an opportunity for Merton's primary schools; it is hoped children taking up pre-school places will then apply for school places;
- Jane McSherry: the increase in children with Special Educational Needs and Disabilities (SEND) reflects the general increase in the population as opposed to a disproportionate increase in children with SEND, ie: the rate of children with SEND has not changed greatly. However, this is still leading to significant increases in the number of children with an Education, Health and Care Plan. The expansion of Merton's SEN provision aims to decrease use of the independent sector for suitable provision given this is costly. The expansion works are funded through the capital programme. However, placement costs are funded through the Higher Needs Block of the Dedicated Schools Grant which isn't increasing and isn't sufficient to cover the costs. This is an issue across London; and
- Yvette Stanley: increasing Merton's own provision of suitable SEN placements is better and more cost effective, reducing any overspend. Noted that London Councils are overspending on SEN transport provision on average at around £1m per annum. Highlighted that the Department is working through London Councils to lobby Government on spending for which there is no recourse to public funds.

## 8 WORK PROGRAMME (Agenda Item 8)

It was noted that the focus of the next meeting (17 January 2018) will be on health and wellbeing strategies for children and families. Slides from the public health briefing that took place before the meeting will be distributed to all members to support them in participating in the January meeting.

Members were reminded that there will be a budget scrutiny training opportunity at 7pm on 9 January 2018 (in the committee rooms). All members are recommended to attend even if they have done so previously because this will give an overview of the latest financial position.