

## **LEARNING AND CULTURE SCRUTINY COMMITTEE**

Minutes of a meeting held on 15<sup>th</sup> January, 2019.

Present: Councillor L. Burnett (Chairman); Councillor N.P. Hodges (Vice-Chairman);  
Councillors: Ms. R.M. Birch, B.T. Gray, S.J. Griffiths, M.G.J. Morgan,  
Mrs. R. Nugent-Finn and Mrs. S.D. Perkes.

Co-Opted Members: Dr. C. Brown (Parent Governor – Secondary Sector),  
Mrs. J. Lynch-Wilson (Parent Governor –Primary Sector) and Dr. M. Price (Roman  
Catholic Church).

### 659 APOLOGIES FOR ABSENCE –

These were received from Councillor Mrs. J.M. Norman and Mr. I. Cramb (Vale Youth Forum).

### 660 MINUTES –

RECOMMENDED – T H A T the minutes of the meeting held on 11<sup>th</sup> December, 2018 be approved as a correct record.

### 661 ANNOUNCEMENT –

The Chairman took the opportunity to welcome Dr. Martin Price, the Roman Catholic Faith School Co-opted Member Representative to his first meeting of the Scrutiny Committee.

### 662 DECLARATIONS OF INTEREST –

Councillor Mrs. Perkes and Dr. M. Price declared an interest in Agenda Item No. 5 – 21<sup>st</sup> Century Schools Programme – Band B Update and Current Position – Councillor Mrs. Perkes was a Local Authority appointed Governor and Dr. Price a Governor of a Faith School, both advised that as there was no specific reference to their particular school in the report they would remain in the meeting.

### 663 CORPORATE SAFEGUARDING MID-YEAR REPORT (REF) –

A copy of the reference from Cabinet of 7<sup>th</sup> January, 2019 was tabled at the meeting for the Committee's consideration. The report, which had been circulated within the agenda, advised that it was a mid-year highlight report which provided a summary of activity by the Corporate Safeguarding Group. Committee was informed that the year end report, due April 2019, would be accompanied by appendix reports from all Directorates outlining their contribution to Corporate Safeguarding and the wider safeguarding agenda.

The Head of Achievement for All in presenting the report advised that the Corporate Safeguarding Group was well attended by all the Directorates and met on a quarterly basis with standing agenda items including Safer Recruitment, Regional Safeguarding Board and a Work Plan. The Corporate Safeguarding Group had developed a new action plan that focused on the key areas that had been identified as features of Corporate Safeguarding arrangements. Membership of the Group had been agreed; Terms of Reference were in place; Areas of Safeguarding activity across the Local Authority were being identified and appropriate persons being invited to represent their divisions / Directorates. The Group had also contributed to the development of a Corporate Safeguarding page on StaffNet to further strengthen the visibility and raise awareness of the remit of Corporate Safeguarding.

Following a query from the Chairman, the Head of Achievement for All agreed to provide a briefing note for Members detailing the contact details for officers for issues during working hours and outside of working hours. The Chairman also raised the issue of DBS checks for Elected Members in their role. It was noted that some time previously Enhanced Checks had been undertaken for Members, however, legislation had advised that such checks were only required in specific circumstances. It was suggested that as a result of the enquiry further current advice in relation to this be obtained and forwarded to Members for information.

It was also noted that with regard to issues of safer recruitment, the Council was currently looking to implement changes around safer recruitment processes and that these would be reported to Committee in due course. It was subsequently

**RECOMMENDED – T H A T** the Corporate Safeguarding Mid-Year Report be noted having regard to the comments made above.

Reason for recommendation

To ensure corporate wide scrutiny of Corporate Safeguarding arrangements.

664 21<sup>ST</sup> CENTURY SCHOOLS PROGRAMME – BAND B UPDATE AND CURRENT POSITION (REF) –

Cabinet had referred the report on 7<sup>th</sup> January, 2019 for the Committee's consideration. The Chairman thanked the Cabinet Member for agreeing to her request for the report to be referred to the Scrutiny Committee and also took the opportunity to congratulate Jane O'Leary on returning to the Council in the position of Operational Manager for 21<sup>st</sup> Century Schools.

The report outlined that Cabinet approval had been sought to amend the proposed Band B phase of the 21<sup>st</sup> Century Schools Programme following the recently announced changes affecting Welsh Government's intervention rate for funding.

The report highlighted that on 21<sup>st</sup> November, 2018, Welsh Government and the WLGA had issued a joint statement announcing a change to the Welsh Government intervention rate for the 21<sup>st</sup> Century Schools Programme. Welsh Government

funding for non-Faith school schemes would increase from 50% to 65%. A new intervention rate was introduced for facilities for those pupils with Additional Learning Needs (ALN) and those in Pupil Referral Units (PRU) at 75% Welsh Government funding.

The Council had also issued an e-mail to Welsh Government for further clarification on the changes with the responses received as follows:

The intervention rates were confirmed at:

- 65/35 (Mainstream)
- 75/25 (ALN and PRU provision)
- Faith schemes remained at 85/15
- Mutual Investment Model (MIM) schemes remained at 75/25 for non-Faith schools and 85/15 for Faith schools.

All existing projects in the Schools Organisation Programme would receive the new intervention rate, however there was no additional funding. Welsh Government had confirmed the ability to mix and match intervention rates between projects, as long as they all fell within the existing envelope. The Council was able to request an increase to the funding envelope although approval would be subject to Welsh Government's availability of capital funding.

The impact of the changes was outlined in paragraph 11 to the report, with Committee being informed that as a result of the intervention rate change Welsh Government funding would increase from £84.567m to £101.074m whilst the Council's funding would reduce from £59.337m to £42.830m. This would release £16.507m within the Band B Capital Programme.

The report noted that there was currently a new build for Whitmore High School planned and amending the programme to include a new build for Pencoedtre High School would have the following benefits:

- equality across the two English-medium community schools serving Barry;
- reduced ongoing revenue costs for Pencoedtre High School;
- reduced reliance on the Council's capital asset renewal programme;
- BREEAM excellent achieved at Pencoedtre High School;
- less disruption to teaching and learning during the build process as the full refurbishment would be in a live school environment. The new build would be completed separate to the existing school building;
- 21<sup>st</sup> Century Learning environments throughout Pencoedtre High School;
- all areas of the new building would be compliant with Building Bulletin;
- improved facilities available for community use.

There was also additional investment and relocation for a new Centre of Learning and Wellbeing. The Centre for Behavioural Excellence had been originally included as part of the Whitmore High School scheme and would be built adjacent to the new school. The Centre for Behavioural Excellence was intended to replace the Pupil Referral Unit based at Amelia Trust Farm.

Discussions had been ongoing regarding the provision and of the need to ensure that it was able to provide a therapeutic approach. The Whitmore High School site was no longer deemed suitable for this form of therapeutic provision due to the limited outside space. A number of options were currently being explored and the name had been changed to the Centre for Learning and Wellbeing. It was proposed that additional funding be also allocated to the Centre for Learning and Wellbeing scheme to ensure sufficient funding was available to meet the proposed provision. The Council would conduct a programme of engagement with all stakeholders regarding the development of this provision, should this investment be agreed.

The revised Programme which reflected the proposed changes was outlined in paragraph 25 of the report.

In considering the report, all Members accepted that it now made sense for parity to the schools i.e. Pencoedtre and Whitmore High, with the changes in the intervention rate affording the Council more opportunities.

Following a query as to whether the department had figures of demographic pupil need for the two schools, Members were advised that these figures were available and that it had been evident that although pupils had a choice more and more pupils were staying in the school in their area. In referring to the increase in places at Ysgol y Deri, Members enquired whether all places were taken up by Vale residents. The Head of Achievement for All advised that currently there were still a number of pupils from out of county assessing placements but these were reducing and, in the main, the Head of Service advised that the growth was from the Vale of Glamorgan itself and the rise in children and young people who could not be catered for in mainstream schools. Although of note was also the fact that there had been a provision in the original contract of an agreement with Cardiff Council to provide a set number of places. It was noted that the criteria for admitting to Ysgol y Deri had changed over the years and was more stringent than it had previously been. The rise in numbers was due to the increase in complexity of need. It was also agreed that in future reports the decimal point not be included in the figures.

In commenting on the funding profile, the Chairman advised that a recent press release had quoted figures of £59.3m (Local Authority funding) and £84.5m (Welsh Government) as opposed to £47,950m for Local Authority and £95,841m for Welsh Government as outlined in paragraph 25 of the report. The Cabinet Member for Learning and Culture agreed to look into the query with the Communications Team and report back to Members accordingly. The Committee were also mindful of the Council's contribution to the programme reducing by £11.37m with the Chairman suggesting that this be utilised for older primary school refurbishment.

In querying where the site for the Centre for Behavioural Excellence was likely to be, Members were informed that this was currently being considered and that the officer was unable to provide any detailed information at this stage.

Having considered the report, it was subsequently

## RECOMMENDED –

- (1) T H A T the contents of the report be noted.
- (2) T H A T the Committee urges the Cabinet to consider that the £11.387m being the reduction in the Council's contribution for the 21<sup>st</sup> Century schools be utilised for older primary schools that required attention and / or refurbishment.

Reasons for recommendations

- (1) Having regard to the contents and terms in the report.
- (2) In order that other primary schools within the Vale of Glamorgan that needed attention could receive funding for refurbishment and that the money be ring fenced for such works.

665 REVENUE AND CAPITAL MONITORING FOR THE PERIOD 1<sup>ST</sup> APRIL TO 30<sup>TH</sup> NOVEMBER 2018 (DLS) –

The forecast was showing an overspend of £142k after an anticipated use of reserves, however the Committee was informed that the Director had been requested to look at ways of mitigating this position to deliver an outturn within budget at the year end.

The Schools delegated budget was expected to balance as any under / over spend would be carried forward by schools. The Strategy, Culture, Community Learning and Resources budget was also expected to outturn with a favourable variance of £42k as was the Directors Office budget anticipated to outturn with a favourable variance of £27k, however this had been due to a post being held vacant to partly mitigate the overspend elsewhere in the Directorate. However, under Achievement for All, it was anticipated that this service area would overspend by £363k at the year end before a transfer of £107k from reserves to fund overspends. The Head of Service stated that the complex needs of Out of County placements, independent placements and Looked After Children residential placements budgets would overspend in total by £319k. There was an overspend of £135k relating to the resource bases and outreach teams and there was an overspend of £82k on the provision for pupils not educated at schools (EOTAS) and £25k in the Youth Service due to one off restructuring costs, however both these overspends were to be funded from the Youth Service reserve. For School Improvement it was anticipated that the budget would outturn with a favourable variance of £45k due to a senior post being held vacant to partly mitigate the overspend elsewhere in the Directorate.

The Finance Officer advised that with regard to the 2018/19 savings targets, it was anticipated that the savings targets set for the Committee would be met during the year.

For the Capital Programme, Appendix 2 to the report detailed the financial progress on the Capital Programme as at 30<sup>th</sup> November, 2018 and with specific reference to

Holton Road Primary School, Committee was informed that additional funding had been made available by Welsh Government as part of the Period Poverty Initiative for Schools. This grant would be used to improve the toilet facilities in Holton Road Primary School to ensure dignity and privacy for pupils and it had been requested that the Capital Programme be increased by £31k in 2018/19 as a result.

Having considered the report, it was subsequently

RECOMMENDED – T H A T the report be noted.

Reason for recommendation

Having regard to the contents contained therein.

666 3<sup>RD</sup> QUARTER SCRUTINY DECISION TRACKING OF RECOMMENDATIONS AND UPDATED WORK PROGRAMME SCHEDULE 2018/19 (MD) –

Committee was informed of the progress to date in relation to the Scrutiny Committee's recommendations, with the Principal Democratic and Scrutiny Services Officer referring to the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Quarters at Appendices A, B and C.

In referring to the Initial Revenue Budget Proposals and Initial Capital Programme Proposals that had been considered by the Scrutiny Committees in December the Corporate Performance and Resources Scrutiny Committee had referred the recommendations to Cabinet on 21<sup>st</sup> January, 2019 and that the resolutions of Cabinet would be reported to the Committee in due course.

In considering the forward work programme at Appendix D to the report, the Principal Democratic and Scrutiny Services Officer advised that this would be amended to include the reports to be referred from Cabinet as outlined in its Work Programme that was to be considered on 21<sup>st</sup> January 2019. The revised programme would also include the dates of forthcoming Committee meetings from the Council's calendar that had been they had been agreed by Cabinet on 7<sup>th</sup> January, 2019.

Referring to the reconfiguration of the Western Vale (1<sup>st</sup> October 2018, Minute No. 367), the Chairman took the opportunity to state that at the Cabinet meeting that had taken place on the subject, there had been no discussion in relation to the consultation engagement that had taken place and the views of the Scrutiny Committee, and questioned why the Scrutiny Committee had not been given due deference, in particular to reflect the four hour discussion that had taken place by the Scrutiny Committee. The Cabinet Member in response advised that the recommendations of the Committee had been discussed by Cabinet, but Cabinet had considered that there had been nothing new in their view that had been put forward as a result of the scrutiny process. A further report would however he advised be presented to Cabinet in relation to the statutory notice and further objections received in due course. The Head of Strategy, Community Learning and Resources also confirmed that there was reference in the consultation to the discussions held with the Scrutiny Committee and all this would be fed through and reported in the final report. The Chairman requested that in future it would be

appreciated if Cabinet would be able to respond specifically to the recommendations made and provide the reasons for decisions they were making.

In further considering the work programme, a Member suggested that the work programme be split into sections identifying reports that were due to be received on an annual basis, six monthly, etc. and those that were to be submitted as and when.

The Committee also noted that it would be opportune for the work programme to include a report on mental health issues and the impact on young people. It was agreed that the Head of Service in conjunction with the Chairman and Councillor Ms. R. Birch (in view of her Education background) prepare a potential scope for consideration.

Having fully considered the report, it was subsequently

**RECOMMENDED –**

- (1) T H A T the report be noted.
- (2) T H A T the amendments to the work programme as outlined above be undertaken and the updated work programme uploaded to the Council's website as appropriate.
- (3) T H A T the recommendations listed below be deemed completed:

<b>1 October 2018</b>	
<p><b>Min. No. 367 – Proposed Reconfiguration of Primary Provision in the Western Vale (REF) – Recommended</b></p> <p>That Cabinet further engage with the community to explore other options that consider the future of primary provision in Llancarfan and the rest of the Western Vale.</p>	<p>Cabinet, on 15<sup>th</sup> October, 2018 resolved:</p> <p>[1] That the proposals be progressed further, and the publication of the proposal for the regulated alterations in the form of the publication of a statutory notice be approved, Cabinet having considered the report, the Cabinet Report of the 17<sup>th</sup> September, 2018, the consultation report and other appendices, the reference received from the Learning and Culture Scrutiny Committee and all the issues raised at the Extraordinary Scrutiny Meeting.</p> <p>[2] That it be noted that major investment towards a new school building set out in the proposal be subject to the necessary funding being approved by Welsh Government. (Min. No. C442 refers)</p> <p><b>Completed</b></p>

<b>16 October 2018</b>	
<p><b>Min. No. 429 – Reshaping Services – Catering Project Update (REF) –</b> Recommended that the update on the Reshaping Services Catering Project be noted, and staff congratulated on their hard work so far, and the Committee receive an update report in six months' time.</p>	<p>Added to the work programme schedule. <b>Completed</b></p>
<p><b>Min. No. 431 – Youth Engagement and Progression (DLS) –</b> Recommended (2) That a further progress update report be received in 12 months.</p>	<p>Added to the work programme schedule. <b>Completed</b></p>
<p><b>Min. No. 433 – 2<sup>nd</sup> Quarter Scrutiny Decision Tracking of Recommendations and Updated Work Programme Schedule 2018/19 (MD) –</b> Recommended (2) That the work programme attached at Appendix C to the report be amended to indicate that the Welsh Public Library Standards Performance 2017/18 report would be presented to the January meeting and thereafter uploaded to the Council's website.</p>	<p>Work programme schedule updated and uploaded to the Council's website. <b>Completed</b></p>
<p><b>13 November 2018</b> <b>Min. No. 481 – Presentation - Additional Learning Needs Regional Implementation Plan –</b> Recommended that the Additional Learning Needs Regional Implementation Plan be noted and a update be presented at a future meeting once the Implementation Plan had progressed.</p>	<p>Added to the work programme schedule. <b>Completed</b></p>
<p><b>Min. No. 483 – Provision of Sanitary Products in Schools in the Vale of Glamorgan (DLS) –</b> Recommended that the following be urgently recommended to Cabinet: (1) That the remaining £209.05 from Unison be augmented with £490.95 from the Welsh Government 2018/19 revenue grant to purchase and donate a selection of sanitary products to the value of £100 for each Vale foodbank in the Vale of Glamorgan and the foodbank operated by the Tabernacle Baptist Church in</p>	<p>Cabinet, on 19<sup>th</sup> November, 2018, resolved – [1] That the remaining £209.05 from Unison be augmented with £490.95 from the Welsh Government 2018/19 revenue grant to purchase and donate a selection of sanitary products to the value of £100 for each Vale Foodbank in the Vale of Glamorgan and the foodbank operated by the Tabernacle Baptist Church in Penarth. [2] That the remaining £8,175.05 revenue grant from Welsh Government</p>



<p>Penarth.</p> <p>(2) That the remaining £8,175.05 revenue grant from Welsh Government for the 2018/19 financial year be distributed to schools through the allocations detailed in Appendix A, as part of a ring-fenced fund, the terms and conditions of which are:</p> <ul style="list-style-type: none"> <li>• That resources, including sanitary products and emergency clothing, are made freely available to all students;</li> <li>• That a selection of resources are made available based on the needs of the students;</li> <li>• That access to free sanitary resources is widely advertised and all students are aware of how these can be accessed;</li> <li>• That a named individual has lead responsibility in ensuring a good selection of stocks are maintained;</li> <li>• The students can access enough items to support more than their immediate needs;</li> <li>• That resources are easily accessible at identified / highlighted venues.</li> <li>• That at the end of the financial year, any unspent funding is returned to the Learning and Skills Directorate Finance Manager for reallocation in line with the above terms and conditions.</li> </ul> <p>(3) That delegated authority be granted to the Commercial and Consultancy Manager, in consultation with the Director of Learning and Skills, to utilise the capital funding of £31,512 from Welsh Government to improve the toilet facilities in Holton Road Primary school to ensure dignity and privacy for pupils.</p> <p>(4) That the use of article 14.14 of the Council's Constitution (urgent decision procedure) be authorised in respect of recommendation 3 above, to effectively use the capital funding from Welsh Government before the end of the financial year.</p> <p>(5) That the Wellbeing Lead at St. Cyres Secondary School be invited to address the Wellbeing Group to share</p>	<p>for the 2018/19 financial year be distributed to schools through the allocations detailed in Appendix A, as part of a ring-fenced fund, the terms and conditions of which are:</p> <ul style="list-style-type: none"> <li>• That resources, including sanitary products and emergency clothing, are made freely available to all students; aware of how these can be accessed;</li> <li>• That a named individual has lead responsibility in ensuring a good selection of stocks are maintained;</li> <li>• The students can access enough items to support more than their immediate needs;</li> <li>• That resources are easily accessible at identified / highlighted venues.</li> <li>• That at the end of the financial year, any unspent funding is returned to the Learning and Skills Directorate Finance Manager for reallocation in line with the above terms and conditions.</li> </ul> <p>[3] That delegated authority be granted to the Commercial and Consultancy Manager, in consultation with the Director of Learning and Skills, to utilise the capital funding of £31,512 from Welsh Government to improve the toilet facilities in Holton Road Primary school to ensure dignity and privacy for pupils.</p> <p>[4] That the use of article 14.14 of the Council's Constitution (urgent decision procedure) be authorised in respect of resolution 3 above, to effectively use the capital funding from Welsh Government before the end of the financial year.</p> <p>[5] That the Wellbeing Lead at St. Cyres Secondary School be invited to address the Wellbeing Group to share the best practice found at that school.</p> <p>[6] That the £8,666 revenue grant from Welsh Government for the 2019/20 financial year be distributed to schools using the same allocation method detailed in Appendix A, updated with the next academic year numbers on roll, as part of a ring-fenced fund, the terms of conditions of which as are resolution 2 above.</p>
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<p>the best practice found at that school.  (6) That the £8,666 revenue grant from Welsh Government for the 2019/20 financial year be distributed to schools using the same allocation method detailed in appendix A, updated with the next academic year numbers on roll, as part of a ring-fenced fund, the terms of conditions of which as are recommendation 2 above.</p>	<p>(Minute No. C492 refers)  <b>Completed</b></p>
<p><b>11 December 2018</b></p>	
<p><b>Min. No. 579 – Quarter 2 (2018-19) Performance Report: An Aspirational and Culturally Vibrant Vale (DLS) – Recommended</b>  (2) That the Committee consider a future report in respect of issues in relation to e-FSM and FSM having particular regard to Key Stage 4 where the gap had widened, the impact and use of the Pupil Deprivation Grant and that this be added to the Committee’s work programme.</p>	<p>Added to the work programme schedule.  <b>Completed</b></p>
<p><b>18 September 2018</b></p>	
<p><b>Min. No. 295 – Vale of Glamorgan Annual Report (Improvement Plan Part 2) 2017/18 (DLS) – Recommended</b> that the Vale of Glamorgan Annual Report (Improvement Plan Part 2) 2017/18 be endorsed and the comments of the Learning and Culture Scrutiny Committee be referred to Full Council for their consideration.</p>	<p>Referred to Full Council on 26<sup>th</sup> September 2018 in conjunction with the reference from Cabinet of 17<sup>th</sup> September 2018 where the proposals were approved.  (Min No 351 refers)  <b>Completed</b></p>
<p><b>Min. No. 296 – Summary of School Inspection Reports for Summer Term 2018 (DLS) – Recommended</b>  (2) That a site visit to Cadoxton Primary school be organised for members of the Committee.</p>	<p>Added to the work programme schedule.  <b>Completed</b></p>
<p><b>Min. No. 298 – Scrutiny Committees’ Draft Annual Report May 2017 to April 2018 (MD) – Recommended</b> that the contents of the Scrutiny Committees’ draft Annual Report for the period May 2017 to April 2018, subject to the minor amendments discussed at the meeting, be approved and the report be submitted to Full Council.</p>	<p>Presented to Full Council on 26<sup>th</sup> September 2018.  (Min No 342 refers)  <b>Completed</b></p>

<b>23 April 2018</b>	
<p><b>Min. No. 875 – The Provision of Free Sanitary Products in Schools in the Vale of Glamorgan (Request for Consideration of Matter: Councillor Mrs. J.M. Norman) – Recommended</b></p> <p>(1) That a small working group (namely a delivery group) be established consisting of Members of the Committee with the terms of reference to include:</p> <ul style="list-style-type: none"> <li>• To investigate further the current approach to promoting and providing and disposing of sanitary products in primary and secondary schools throughout the Vale of Glamorgan;</li> <li>• To gather evidence from students, staff and health professionals on the current provision;</li> <li>• To identify areas of good practice with the intention of providing education for all pupils and an understanding of the provision.</li> </ul> <p>(4) That the report of the working group referred to in recommendation 1, above, be referred to the Learning and Culture Scrutiny Committee and to Cabinet for consideration.</p>	<p>Final report on provision of free sanitary products presented to Cabinet on 19<sup>th</sup> November, 2018. (Minute No. C492 refers)</p> <p><b>Completed</b></p>
<p><b>Min. No. 882 – Future Use of Tŷ Deri (REF) – Recommended</b></p> <p>(2) That arrangements be made in due course for Members of the Scrutiny Committee to undertake a visit to the premises.</p>	<p>A visit to the premises to be arranged in the new term once works to the site had been completed. Added to work programme schedule.</p> <p><b>Completed</b></p>

#### Reasons for recommendations

- (1) To maintain effective tracking of the Committee's recommendations.
- (2) In order that the work programme can be updated and uploaded to the Council's website.
- (3) For the Committee's consideration.