

No.

## LEARNING AND CULTURE SCRUTINY COMMITTEE

Minutes of a Remote Meeting held on 9<sup>th</sup> February, 2023.

The Committee agenda is available [here](#).

The recording of the meeting is available [here](#).

Present: Councillor R.R. Thomas (Chair); Councillor H.M. Payne (Vice-Chair); Councillors A. Asbrey, W. Gilligan, R.E. Godfrey, E.J. Goodjohn, W.A. Hennessy, N.P. Hodges, J. Lynch-Wilson, N.B. Marshallsea, J.M. Norman, and E. Penn.

Co-Opted Members: L. Barrowclough (Parent Governor – Primary Sector), Dr. M. Price (Roman Catholic Church) and R. Goodjohn (Vale Youth Forum).

Also present: Councillors L. Burnett (Executive Leader and Cabinet Member for Performance and Resources), R.M. Birch (Deputy Leader and Cabinet Member for Sustainable Places), G.D.D. Carroll, C.P. Franks, E. Goodjohn, J. Protheroe, S. Sivagnanam (Cabinet Member for Community Engagement, Equalities and Regulatory Services) and E. Williams (Cabinet Member for Social Care and Health).

### 701 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chair read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing.”

### 702 APOLOGY FOR ABSENCE –

This was received from R. Morteo (Church in Wales).

### 703 MINUTES –

RECOMMENDED – T H A T the minutes of the meeting held on 8<sup>th</sup> December, 2022 be approved as a correct record.

### 704 DECLARATIONS OF INTEREST –

No declarations of interest were received.

No.

## 705 CHILDREN AND YOUNG PEOPLE SERVICES ANNUAL PLACEMENT REVIEW (REF) –

The reference from the Healthy Living and Social Care Scrutiny Committee of 6<sup>th</sup> December, 2022 as contained within the agenda was presented by the Operational Manager for Children Looked After.

Following the presentation the Head of Additional Learning Needs and Wellbeing, Head of Standards and Provision and Operational Manager for Children Looked After provided the following information in response to Committee's queries and comments:

- Children Looked After (CLA) had a wide range of needs and were supported in education through a variety of means including a virtual school, quarterly meetings to monitor attendance and concerns and methods for providing feedback and praise to children;
- There was a high degree of collaboration between the Social Services and Learning and Skills Directorates to achieve the variety of support;
- Growth in the Looked After population was mirrored by growth in Complex Educational Needs and mental health issues among children;
- The "When I Am Ready" scheme allowed CLA to remain within their placement up to the age of 25 and be better prepared to live independently. This, however, impacted upon availability of placements for younger children and therefore there was a need to continually increase the pool of Foster Carers;
- There had never been a greater number of CLA and this trend was continuing. However, Children's' Services were working to try to avoid a dramatic increase;
- Kinship Care was the preferred option, regardless of availability of foster placements, as it produced better outcomes for the child.

Having fully considered the matter, Committee subsequently

**RECOMMENDED – T H A T** both the reference and appended covering report including the Vale of Glamorgan Council Children and Young People Services Annual Placement Review (Appendix 1) be noted.

### Reason for recommendation

Having regard to the contents of both the reference and appended covering report to exercise oversight of the key statutory function and matters related to the Committee's portfolio areas.

## 706 DRAFT TRANSGENDER INCLUSION TOOLKIT AND GUIDANCE DOCUMENT FOR SCHOOLS AND OTHER SETTINGS (REF) –

The reference from Cabinet of 19<sup>th</sup> January, 2023 as contained within the agenda was presented by the Safeguarding Officer, who also advised that, following a delay

No.

to the publication of the consultation information, the consultation period had been extended by a week.

The Chair drew the Committee's attention to the written submission which had been received for this agenda item.

Following the presentation the Chair then invited Ms. Jess Day, a member of the public, to make her verbal representations to Committee which could be summarised as below:

- Ms. Day contributed on behalf of a group of parents who welcomed aspects of the draft Toolkit such as offering guidance to schools and protecting children who identified as transgender, accurate reflection of equality law, challenging gender stereotypes and a recognition of the need to respect the rights of other children.
- The group were concerned, however, that access to facilities or activities assigned to the opposite sex could occur on a case-by-case basis, as a result of the Toolkit's contents.
- Rules around sex segregation in schools protected children's safety, dignity and privacy, and nobody should be exempt from rules around safeguarding.
- Risk-assessing children to allow for case-by-case decisions was unfair both to school staff and to the children subject to the assessments.
- Bad outcomes because of mixed-sex provision such as reluctance to participate, sporting injuries, and teenage pregnancy were not difficult to foresee, and would be the responsibility of the Council.
- Scrutiny Committee were asked by the group to recommend that all suggestions of access to opposite sex facilities on a case-by-case basis were removed from the Toolkit, as a matter of child safeguarding and significant legal risk to both schools and the Council.

Following Ms. Day's representations, Members of the Committee made comments which could be summarised as follows:

- The Chair expressed disappointment regarding the delay of publication of the consultation and hoped that all future consultations would appear online promptly;
- The Vice-Chair and other Members welcomed the Toolkit as an aid for educators to support all children, especially those identifying as transgender, who were often a very vulnerable and marginalised section of society;
- Members of the Committee highlighted how widespread issues of transgender identification were, and how young people were tackling the issue with some success.

The Head of Additional Learning Needs and Wellbeing and the Safeguarding Officer subsequently provided the following information in response to Committee Members' questions:

- A greater emphasis on mental health as a disability could be incorporated into the Equality Impact Assessment of the Toolkit;

No.

- The delay to publication of the consultation was an administrative error. A formal structure was in place to ensure schools and parents were consulted with, approximately 150 responses had been received to date, and further responses were being sought from professionals in particular.

Councillor Godfrey subsequently expressed concern around the Toolkit, and advised that their preference would be for such issues to be broached once children were of an older age, due to existing pressures on both children and schools. Conversely, Councillor Marshallsea expressed the view that such intervention and support was needed at an early stage, in order to help prevent harm to children before their adulthood.

The Cabinet Member for Education, Arts and the Welsh Language, with permission to speak, highlighted the Toolkit being provided in response to requests for guidance and support from schools and young people.

Subsequently, the Head of Additional Learning Needs and Wellbeing and the Safeguarding Officer provided the following information in response to Members' comments and queries:

- The Toolkit's focus on taking an individual's needs on a case-by-case basis was reflective of the range of needs within the transgender community, and the complexity of the issue. School staff responsible for decision-making were equipped and supported to do so;
- The Toolkit was a guidance document as opposed to a mandatory set of rules that schools must abide by;
- Although parents were included in the process, decisions around a child's chosen pronouns would ultimately be the child's, as was their right, providing they were competent to understand such a decision and its potential consequences.

Councillor Carroll, with permission to speak, subsequently encouraged Committee not to endorse the Toolkit and expressed the following concerns with the document, which could be summarised as:

- Access to single sex toilets by members of the opposite sex;
- Access to single sex changing rooms by members of the opposite sex – they suggested that separate facilities should be created to accommodate children who identified as transgender;
- Further detail, clarity and drafting was needed, for example in sections related to swimwear and safeguarding issues, to avoid problems for schools and pupils.

Councillor Wood, with permission to speak, raised the following concerns, which could be summarised as:

- The ambiguity they saw in the content of the Toolkit;
- The high levels of pressure already on school staff;

No.

- The impact issues of gender identity had on the whole school community and the need to safeguard all such pupils involved.

Councillor Protheroe, with permission to speak, highlighted a lack of understanding around transgender issues in society, and welcomed the Toolkit in helping to support and fully include children affected.

The Cabinet Member for Education, Arts and the Welsh Language subsequently reiterated that the report sought endorsement of consulting on the Toolkit, and advised that a more prescriptive approach was more likely to lead to difficulties.

Councillor Hodges confirmed that schools had requested the Toolkit as guidance and advised that schools were equipped to deal with the issues involved currently, and as the Toolkit's messages evolved in future.

The Chair asked whether officers were content with the legal status of the Toolkit, to which the Safeguarding Officer advised that the draft Toolkit had been subject to two legal reviews with a number of issues identified, which were subject to legal privilege.

Having fully considered the matter, a vote was called on whether to endorse the draft Toolkit, which was carried by 10 votes to 3 with 1 abstention, and Committee subsequently

RECOMMENDED –

(1) T H A T both the Cabinet reference and appended Cabinet report in relation to the Draft Transgender Inclusion Toolkit and Guidance Document for Schools and Other Settings be noted.

(2) T H A T the Draft Transgender Inclusion Schools Toolkit, as presented to the Committee at Appendix A, be endorsed.

#### Reason for recommendations

(1&2) Having regard to the contents of both the reference and appended covering report to ensure that Committee is consulted on the proposal as part of the formal consultation exercise.

#### 707 BUDGET 2023/24 FOR CONSULTATION AND FURTHER MEDIUM TERM FINANCIAL PLAN (MTFP) UPDATE (REF) –

The reference from Cabinet of 19<sup>th</sup> January, 2023 as contained within the agenda was presented by the Finance Support Manager. Following the officer's presentation, the Head of Additional Learning Needs and Wellbeing advised in response to a query from the Chair, that it was possible that the cost of provision at Ysgol Y Deri could increase with demographic changes. The Head of Finance added that the Financial Strategy and Medium Term Financial Plan (MTFP) aimed to take account of such potential for future change.

No.

In response to a query from the Co-opted Representative of the Roman Catholic Church, the Head of Finance advised that, in order to help meet the gap in funding not covered by the improved Welsh Government settlement, schools were expected to find a combined total of £2m in efficiency savings based on the draft Budget out for consultation currently, and this would mean that schools would receive a targeted amount less in funding from the Council.

Councillor Penn welcomed the build-up and proposed use of reserves, which would now help schools to deal with significant rises in costs such as energy.

The Vice-Chair asked if there were implications of the proposed budget on the 21<sup>st</sup> Century Schools project, to which the Head of Strategy, Community Learning and Resources advised that the next stage of this project was currently being designed, and the scale and scope being considered, with an initial action being to prioritise the condition and suitability of the Council's schools.

Having fully considered the matter, Committee subsequently

**RECOMMENDED – T H A T** both the Cabinet reference and appended Cabinet report in relation to the 2023/24 Budget for Consultation and Further Medium Term Financial Plan Update be noted.

Reason for recommendation

Having regard to the contents of both the Cabinet reference and report to ensure that funding and savings assumptions are validated and that savings proposals are realistic and deliverable and do not have any unintended impacts.

**708 DRAFT CAPITAL PROGRAMME PROPOSALS 2023/24 TO 2027/28 (REF) –**

The reference from Cabinet of 19<sup>th</sup> January, 2023 as contained within the agenda was presented by the Finance Support Manager. Following the officer's presentation the Head of Finance clarified that the consultation period for the proposals had been extended by a day, in line with dates provided in online information.

Having fully considered the matter, Committee subsequently

**RECOMMENDED – T H A T** both the Cabinet reference and appended Cabinet report in relation to the Draft Capital Programme Proposals 2023/24 to 2027/28 be noted.

Reason for recommendation

Having regard to the contents of both the Cabinet reference and report to consider the draft proposals in respect of the final capital budget for the financial year 2023/24 to 2027/28.

No.

709 VALE OF GLAMORGAN COUNCIL – PROPOSED FEES AND CHARGES FOR 2023/2024 (REF) –

The reference from Cabinet of 19<sup>th</sup> January, 2023 as contained within the agenda was presented by the Finance Support Manager.

Having fully considered the matter, Committee subsequently:

RECOMMENDED – T H A T both the Cabinet reference and appended Cabinet report in relation to Vale of Glamorgan Proposed Fees and Charges for 2023/2024 be noted.

Reason for recommendation

Having regard to the contents of both the Cabinet reference and report on the proposed changes in service charges for functions managed by the Council for the financial year 2023/24.

710 CAPITAL MONITORING FOR THE PERIOD 1<sup>ST</sup> APRIL TO 30<sup>TH</sup> NOVEMBER 2022 (DLS) –

The report, which provided an update on the progress of the Capital Programme for the period 1<sup>st</sup> April to 30<sup>th</sup> November, 2022, was presented by the Finance Support Manager. Details by scheme were shown in Appendix 1.

Appendix 2 provided a summary of the position of the Capital Programme by Directorate from approval at Council on 7<sup>th</sup> March to 30<sup>th</sup> November, 2022, including any changes requested within the report.

The report set out any requested changes to the 2022/23 and future years' Capital Programme.

Capital schemes were facing challenges due to significant cost increases, which could necessitate scheme re-engineering or re-tendering, resulting in delays to projects. Project officers were also reporting long lead times on the delivery of materials and a shortage of skills in some areas.

The report noted the current approved Programme of £90.413m but it was important to note that this was unlikely to be delivered and slippage was requested of £2.369m. Schemes would continue to be monitored closely as part of the regular monitoring arrangements with project managers and sponsors. Further slippage would be reported in future reports.

Having fully considered the matter, Committee subsequently:

RECOMMENDED –

- (1) T H A T the progress made on delivering the 2022/23 Capital Programme, within the remit of the Committee, be noted.
- (2) T H A T the use of Delegated Authority within the remit of the Committee, as set out in the report, be noted.
- (3) T H A T the use of Emergency Powers within the remit of the Committee, as detailed in Appendix 1 to the report, be noted.
- (4) T H A T the changes to the 2022/23 and future Years' Capital Programme within the remit of the Committee, as set out in the report, be noted.

Reasons for recommendations

- (1) Having regard to the content of the report to advise Committee of the progress on the Capital Programme.
- (2) To advise Committee of the use of Delegated Authority.
- (3) To advise Committee of the use of Emergency Powers.
- (4) To advise Committee of changes to the Capital Programme.

711 REVENUE MONITORING FOR THE PERIOD 1<sup>ST</sup> APRIL TO 30<sup>TH</sup> NOVEMBER 2022 (DLS) –

The report was presented by the Finance Support Manager who advised that the revenue position for 2022/23 would continue to be challenging for the Council both operationally and financially, due to the ongoing implications of the COVID-19 pandemic and Cost of Living Crisis.

Emerging pressures during 2022/23 related to energy standing charges, the recent pay award settlement, general inflation particularly in areas such as school transport and cost of living and staffing pressures. Inflationary and demand pressures were being experienced across services and would need to be carefully monitored during the financial year.

Currently, there was a balanced overall position with additional pay pressures being met from an underspend in the Policy Budget and some drawdown of service reserves, however the pressure in respect of school transport would need to be mitigated as year-end approached.

An efficiency target of £500k had been set for the year and services were currently working towards achieving their targets. There were some issues remaining relating to unachieved savings targets from previous years.



No.

Adverse variances were being projected for some services this year and the use of reserves would be required to resolve these issues in the short term.

Current projections indicated that the Learning and Skills Directorate would outturn with an adverse variance of £229k after transferring £1,090k in from reserves for planned additional expenditure.

An additional £601k relates to School Transport and if this could not be mitigated by the service would be met by the projected Policy underspend.

Schools – It was anticipated that the schools would outturn in line with the revenue budget as any variances would either be met or carried forward through school reserves. It was noted that the cost of the 2022/23 pay awards would have a significant impact on school balances as these costs were likely to be much higher than allowed for in the budget setting process.

Following the officer's presentation, in response to a query from the Vice-Chair, the Head of Finance advised that the 'go-live' date for the Oracle Fusion invoicing system had most recently been pushed back to 1<sup>st</sup> April, 2023, and a further Cabinet report would be brought as an update shortly.

In response to a query from the Chair, the Head of Strategy, Community Learning and Resources advised that cost pressures around school transport were largely due to increases in prices for fuel and drivers, and that collaboration and procurement efficiency opportunities were being explored.

Having fully considered the matter, Committee subsequently:

#### RECOMMENDED –

- (1) T H A T the position with regard to the Authority's 2022/23 Revenue Budget be noted.
- (2) T H A T the arrangements to offset the projected overspends in 2022/23, as set out in the report, be noted.
- (3) T H A T the amended Revenue Budget for 2022/23, as set out in Appendix 1 of the report, be approved.

#### Reasons for recommendations

- (1) Having regard to the content of the report to inform Committee of the projected revenue outturn for 2022/23.
- (2) To respond to emerging pay and price inflationary pressures in 2022/23.
- (3) To adjust the amended Revenue Budget for 2022/23 for movements between Directorates.

No.

712 3<sup>RD</sup> QUARTER SCRUTINY RECOMMENDATION TRACKING 2022/23 AND  
UPDATED COMMITTEE FORWARD WORK PROGRAMME SCHEDULE 2022/23  
(CX) –

The report was presented to Committee by the Chair. The report advised Members of progress in relation to the Scrutiny Committee's historical recommendations and the updated Forward Work Programme Schedule for 2022/23.

- Recommendation Tracking 3<sup>rd</sup> Quarter October to December 2022 (Appendix A);
- Updated Forward Work Programme Schedule for 2022/23 (Appendix B).

Having fully considered the matter, Committee subsequently:

RECOMMENDED –

- (1) T H A T the status of the actions listed in Appendix A to the report be agreed.
- (2) T H A T the updated Forward Work Programme Schedule for 2022/23, attached at Appendix B, be approved, and uploaded to the Council's website.

Reasons for recommendations

- (1) To maintain effective tracking of the Committee's recommendations.
- (2) For public information.