

SCRUTINY BOARD (CHILDREN AND FAMILIES)

MONDAY, 8TH APRIL, 2019

PRESENT: Councillor A Lamb in the Chair

Councillors H Bithell, K Brooks, D Cohen,
P Drinkwater, J Illingworth, P Latty,
J McKenna, D Ragan and K Renshaw

CO-OPTED MEMBERS (VOTING)

Mr E A Britten – Church Representative (Catholic)

Ms J Ward – Parent Governor Representative (Secondary)

CO-OPTED MEMBERS (NON-VOTING)

Ms D Reilly – Looked After Children and Care Leavers

79 Appeals Against Refusal of Inspection of Documents

There were no appeals.

80 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

81 Late Items

There were no formal late items, however copies of the School Organisation Advisory Board (SOAB) Terms of Reference were circulated to Members during the meeting.

82 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

However, Co-opted Member Jackie Ward wished it to be noted that she was a Member of the School Organisation Advisory Board (SOAB). Councillor Ragan informed Members for their awareness that the item to be discussed was within her ward boundaries. The Chair also informed Members for their awareness that he took part in the Executive Board meeting on 20th March 2019 as a non-voting substitute Member.

83 Apologies for Absence and Notification of Substitutes

Apologies for absence were received from Councillors Gruen, Bruce, Lennox and Stephenson. Notification was received that Councillors Brooks, Ragan,

McKenna and P Latty would be in attendance as substitutes. Co-opted Members Kate Blacker, Andrew Graham, Celia Foote, Helen Bellamy, Anne Kearsley and Claire Hopkins also sent their apologies.

84 Call In Briefing Paper

The Head of Governance and Scrutiny Support submitted a report in relation to the procedural aspects of the call in process.

Members were advised that the options available to the Scrutiny Board in respect of this particular called in decision were as follows:

Option 1- Release the decision for implementation

Having reviewed this decision, the Scrutiny Board may decide to release it for implementation. If the Scrutiny Board chooses this option, the decision will be immediately released for implementation and the decision may not be Called In again.

Option 2 - Recommend that the decision be reconsidered

The Scrutiny Board may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board chooses this option a report will be submitted to the decision maker.

In the case of an Executive Board decision, the report of the Scrutiny Board will be prepared within three working days of the Scrutiny Board meeting and submitted to the Executive Board. Any report of the Scrutiny Board will be referred to the next Executive Board meeting for consideration.

In reconsidering the decision and associated Scrutiny Board report, the Executive Board may vary the decision or confirm its original decision. In either case, this will form the basis of the final decision and will not be subject to any further call-in.

Failure to agree one of the above options

If the Scrutiny Board, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to Call In.

RESOLVED – That the report outlining the Call In procedures be noted.

85 Learning Places Programme Update and Secondary School Place Requirements for East Leeds.

The Head of Governance and Scrutiny Support submitted a report that presented background papers to an Executive Board decision which had been called in in accordance with the Council's Constitution.

The decision had been called in for review by Councillors Dan Cohen, Colin Campbell, Thomas Leadley, David Blackburn and Mark Dobson.

The Scrutiny Board considered the following written information:

- Call In request received 28th March 2019
- 'Learning Places Programme Update and Secondary School Place Requirements for East Leeds' Executive Board report and appendices, 20th March 2019
- Minute 177, Executive Board, 20th March 2019

The following were in attendance:

- Councillor Jonathan Pryor, Executive Member for Learning, Skills and Employment
- Steve Walker, Director of Children and Families
- Tim Pouncey, Chief Officer, Resources and Strategy
- Viv Buckland, Head of Service Learning Systems, Children and Families

As the Nominated Lead Signatory to the Call In, Councillor Cohen addressed the Board and highlighted a number of issues to be considered. Councillor Cohen clarified that the Call In was only in relation to the dissolution of the School Organisation Advisory Board (SOAB), rather than the other elements of the decision. Councillor Cohen also noted that the Call In request had been signed by representatives of all opposition parties, and felt that this was due to the shared value of independent review and opportunities for residents to have their voices heard. Members were provided with some of the historical context to the SOAB, including the rationale behind the introduction of the Board in 2007 following the conclusion of the School Organisation Committee (SOC). Councillor Cohen informed Members that he felt that the reasons for dissolution as set out in the Executive Board report (20th March 2019) were based on procedural matters, such as low Member turnout and limited resource, which should have been given more attention before the decision was taken to abolish SOAB. Concerns were raised regarding the lack of clarity around whether a new mechanism would be introduced to fulfil the function of SOAB, or if there was an expectation for the Call In function to be used as the sole form of oversight for school closures, openings or expansions. Councillor Cohen also commented on the timing of the decision to dissolve SOAB, following its criticism of the recent proposal to expand Moor Allerton Hall Primary School.

Following the introduction by Councillor Cohen, the Board agreed to release all other elements to the decision other than the following:

- d) That approval be given to the dissolution of the School Organisation Advisory Board (SOAB), as a non-statutory function with immediate effect.

Members were given the opportunity to ask questions / provide comment to Councillor Cohen at this stage. Discussions included:

- Members queried whether recommendations made with an average turnout of 3 Members were representative of the body, and were informed that the quorum for SOAB was a minimum of two Members. However, Councillor Cohen recognised that there may be scope for a refresh of the model, including the quorum arrangements.
- There were some concerns raised by Members about the extent to which Members of SOAB are independent, and in response, the Board were informed that the SOAB Terms of Reference set out the criteria for membership, and that Members are given the opportunity to declare interests.

Councillor Jonathan Pryor, the Executive Member for Learning, Skills and Employment, addressed the Board and thanked Members for the release of all other aspects of the decision that were not associated with the dissolution of SOAB. Councillor Pryor informed Members that the Moor Allerton Hall Primary School expansion process had highlighted a significant timeline issue, which had not previously been recognised, as this was the first case of Call In alongside an objection resulting in a SOAB referral. Members were informed that the time limit for implementation of a decision following the end of the statutory notice period is two months, and that if this deadline is not met, the Executive Board would lose their decision-making power and the local authority would be obliged to refer the decision to the Schools Adjudicator. Councillor Pryor expressed concern that this would then result in the decision being unavailable for Call In.

The Director of Children and Families also addressed the Board, noting the change in educational landscape since the introduction of SOAB in 2007, in particular the move from Education Leeds to Children's Services, along with the reduction of maintained schools and increase of academies and academy trusts. The Director advised Members that the consultation process for changes to schools had been transformed since 2007, and now includes a variety of engagement with a range of stakeholders. New regulations were also introduced in 2013 (The School Organisation, Prescribed Alterations to Maintained Schools England Regulations) which set out timescales within which decisions must be made or referred to the Schools Adjudicator. Additionally, Members were informed that Leeds was currently the only local authority within the Yorkshire region to maintain a SOAB. The Director noted his confidence in the Scrutiny function to fulfil the role in the future.

Members were given the opportunity to ask questions / provide comment to Councillor Pryor and the officers present at this stage. Discussions included:

- Members queried the lack of consultation of SOAB prior to the proposal to dissolve, and were informed that the issues as noted with membership and convening meetings made it difficult to consult the SOAB. The Chair commented that it would have been courteous for the

Scrutiny Board to have been consulted about the prospect of a new role as a result of the dissolution of SOAB.

- There was some discussion around the development of a new mechanism for objections to school closure, opening or expansion proposals if the decision were to be released. Members felt that if the role was to be inherited by the Scrutiny Board, then this may mean pre-decision Scrutiny involvement rather than reliance on the Call In process following approval of a decision by Executive Board.

RESOLVED – That the contents of the report and the information presented during the meeting be noted.

86 Outcome of Call In

The Scrutiny Board considered whether or not to release the decision for implementation. A vote was subsequently held and the Scrutiny Board agreed (by majority decision) that the decision be released.

RESOLVED –

- a) That the decision be released for implementation.
- b) That the Director of Children and Families provides a report to the Scrutiny Board at its first meeting of the new municipal year clarifying the existing process and other potential alternative options for objections to be considered following the publication of a statutory notice of a proposal to close, open or make prescribed changes to a school

87 Date and Time of Next Meeting

Wednesday, 24th April 2019 at 10.00 am (pre-meeting for all Board Members at 9.45 am)