

SCRUTINY BOARD (CHILDREN AND FAMILIES)

WEDNESDAY, 7TH AUGUST, 2013

PRESENT: Councillor J Chapman in the Chair

Councillors J Akhtar, J Elliott, M Harland,
J Illingworth, A Lamb, P Latty, J Lewis,
K Mitchell, M Rafique and K Renshaw

CO-OPTED MEMBERS (VOTING):

Mr E Britten – Church Representative (Catholic)

Ms J Ward – Parent Governor Representative (Secondary)

CO-OPTED MEMBERS (NON-VOTING):

Mrs S Hutchinson – Early Years Representative

Ms J Morris-Boam – Young Lives Leeds

22 Exempt Information - Possible Exclusion of the Press and Public

Members were advised that legal advice may be sought which warranted the exclusion of the press and public under Access to Information Procedure Rule 10.4 (5), 'Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings'. (Minute No. 27 refers)

RESOLVED – That the press and public be excluded from the meeting during the consideration of legal advice in accordance with Access to Information Procedure Rule 10.4 (5) 'Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings'.

23 Late Items

In accordance with her powers under Section 100B(4)(b) of the Local Government Act 1972, the Chair agreed to accept the following supplementary information:

- Home to School Travel and Transport Guidance – Department of Education 2007 (Minute No. 27 refers)
- Report of the Director of Children's Services to Executive Board dated 15th February 2013 – Permission to consult on proposals to redevelop the Children's Services Transport Policy and Strategy. (Minute No. 27 refers)

The above documents were not available at the time of agenda despatch, but were subsequently made available on the Council's website.

24 Declaration of Disclosable Pecuniary and Other Interests

In relation to agenda item 7 entitled, 'Outcome of the transport consultation and proposed changes to the Children's Services transport policy',

Mr E Britten drew the Board's attention to his role as a representative of the Roman Catholic Diocese and also in his capacity as a Governor at a school in Leeds. (Minute No. 27 refers)

Also in relation to agenda item 7 entitled, 'Outcome of the transport consultation and proposed changes to the Children's Services transport policy', Ms J Ward drew the Board's attention to her role as Governor at Corpus Christi School and a parent of children who attended a faith school. (Minute No. 27 refers)

A further declaration was made at a later point in the meeting. (Minute No. 27 refers)

25 Apologies for Absence and Notification of Substitutes

Apologies for absence were submitted by Councillors C Gruen, A Sobel and B Urry and Co-opted Members, Ms A Craven, Mr A Graham and Ms T Kayani.

Notification had been received that Councillor M Harland was to substitute for Councillor C Gruen, Councillor J Illingworth for Councillor A Sobel and Councillor J Lewis for Councillor B Urry.

26 Call-In Briefing Paper

The Head of Scrutiny and Member Development 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:

Option 1 – Release the decision for implementation – Having reviewed the decision, the Scrutiny Board (Children's and Families) 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.

RESOLVED – That the report outlining the call in procedures be noted.

27 Outcome of the transport consultation and proposed changes to the Children's Services transport policy

The Head of Scrutiny and Member Development submitted a report, together with relevant background papers, in relation to an Executive Board decision dated 17th July 2013 in relation to 'Outcome of the transport consultation and proposed changes to the children's services transport policy'.

The decision had been called in for review by Councillors A Lamb, B Anderson, D Cohen, P Wadsworth and G Latty on the following grounds:

'We feel that the decision will limit the choices available to parents in relation to the education of their children. This decision will impact upon low to middle income parents who do not qualify for benefits and will struggle to pay full economic rate for services. This is most relevant to families that have already made these choices who will face a cliff edge cut in two years' time. This decision could cause parents to struggle and fall into debt or cause parents to make the decision to disrupt the child's education. There appears to be a discrepancy in the new transport policy relating to children who attend a single sex school on the basis of their parent's religion or belief who will continue to be funded past the date when all other faith funding has been removed.

We also believe that the decision was not taken in an open and clear way because the decision was taken to remove funding for discretionary home to school transportation before the consultation took place. The rationale for the decision is related to financial pressures to the authority, insufficient work has been done to identify what cost implications the decision will have on other areas of the budget. Officers have not been able to provide assurances that the savings the decision is meant to make will be realised. The consultation was misleading to the public as great detail was provided about the discretionary elements, very little detail was provided about statutory elements and the options available relating to them.

The consultation feedback to the Executive Board did not fully address the concerns and impacts raised during the consultation period. The responses / mitigations were unclear as to which concerns they specifically related to and some specifically not addressed.

We are aware of the public request for scrutiny but given that this decision has already been taken by Executive Board and the fundamental flaws and concerns we have with that process we think this call-in is also a valuable part of the democratic process. We believe that this call-in could have been avoided by the Executive Board by allowing scrutiny to undertake an inquiry and inform the decision thereby ensuring that we are making the best decision for the people of the city. We believe that the Executive Board decision should be reversed to enable scrutiny to fully inform the decision – not inform a decision that has already been made.'

The Scrutiny Board considered the following written evidence:

- Copy of completed Call-in request form
- Report of the Director of Children's Services to Executive Board dated 17th July 2013 entitled 'Outcome of the transport consultation and proposed changes to the Children's Services transport policy'
- Draft minutes of the Executive Board meeting held on 17th July 2013.

The following supplementary information was submitted to the Scrutiny Board:

- Home to School Travel and Transport Guidance – Department of Education 2007
- Report of the Director of Children's Services to Executive Board dated 15th February 2013 – Permission to consult on proposals to redevelop the Children's Services Transport Policy & Strategy.

The following Members and officers attended the meeting:

- Councillor Lamb, Signatory to the Call-in and Scrutiny Board Member (Children and Families)
- Councillor Anderson, Signatory to the Call-in
- Councillor Blake, Executive Member (Children's Services)
- Sarah Sinclair, Chief Officer (Strategy, Commissioning and Performance), Children's Services
- Allan Hudson, Senior Contract Manager, Children's Services
- Neil Warren, Head of Finance, Children's Services
- Lelir Yeung, Head of Equality, Customer Access and Performance
- Mary O'Shea, Section Head (Education and Employment), Legal Services
- Matthew Lund, Senior Policy and Performance Officer, Strategy and Resources.

Councillor Lamb presented the reasons for calling in the decision. These included:

- Concern that the decision had already been taken prior to call-in.
- The importance of pre-decision scrutiny.
- Reference to other non-statutory areas where savings could have been made, particularly redevelopment of the Council's website and replacement of the Electronic Social Care Records system (ESCR).
- Concern about unintended consequences of the changes and whether anticipated savings would be realised.
- Concern that the decision raised issues about fairness and potential legal challenge in future.
- Concern that the consultation process had not been undertaken in a fair, open and transparent way.
- Concern that the consultation predominantly focused on the discretionary element of school transport.
- Concern about the movement of children to alternative nearer schools and the capacity of schools to accommodate this.

Councillor Anderson added the following points:

- Concern about whether the mitigation identified in the equality impact assessment was sufficient.
- Concern that the policy discriminated against faith and disability.

- The decision did not require immediate implementation but required further consideration, particularly the impact on low income working families which would be hit the hardest financially.

In response to the concerns raised, Sarah Sinclair, Chief Officer (Strategy, Commissioning and Performance), made the following key points:

- There were significant financial challenges facing the local authority. The Department's main priority was investment towards the most vulnerable children and young people.
- There had been no changes to the admissions policy and parents were still able to submit preferences.
- Discretionary funding was available to those on qualifying benefits.
- Work had been undertaken with local transport providers to ensure that public transport charges were fair and reasonable.
- There was no national evidence to suggest exodus of children from faith schools due to changes in the transport policy of other authorities.
- Implementation of some aspects of the policy was to be phased in over 2 years.
- Clarification that the consultation document related to both statutory and discretionary aspects of the children's services transport policy.
- Clarification that consultation was sought from all parents not just those due to be affected by the revised policy.
- No change in policy was not an option.

Councillor Blake, Executive Member (Children and Families), made the following comments:

- Children's Services welcomed Scrutiny's involvement, particularly in this complex area of policy.
- Emphasis of the significant financial challenges faced by the local authority, particularly that another £20m needed to be cut from the budget in addition to that originally anticipated.
- The current spend on school transport was £16m.
- Through phased implementation and joint working with transport providers there was an opportunity to improve outcomes for young people.
- Work was already progressing with Leeds City College to provide a bursary scheme.

At this juncture, legal advice was sought which warranted the exclusion of the press and public under Access to Information Procedure Rule 10.4 (5) 'Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings'.

The meeting then resumed in open session and the following key areas were discussed:

- Concern about the impact of the decision on the local transport infrastructure and traffic outside local schools. Members were reminded about the Council's commitment to working with local transport providers, on-going support through the concessionary fares scheme and provision of half fare travel.
- Concern about the future viability of faith education if parents could not afford to transport their children.
- Concerns about the consultation process. Members were advised that the Council had consulted major partners, Elected Members and local MP's. The consultation had been accessible on the Council's website. Details had been emailed to schools and governing bodies. Public meetings about the proposals had also taken place.
- Clarification was sought about the outcome of the consultation responses involving young people. Members were advised that a summary of the responses was contained as an appendix to the report. The main theme arising from the consultation was about ensuring fairness. The Youth Parliament had also been consulted on the proposals.
- Clarification whether all parents had been contacted about the proposals. Members were advised that schools had been requested to cascade this information.
- Concern that not all parents had been advised of the consultation due to the methods employed.
- Concern about the impact of the changes on NEET figures. Members were advised that reducing NEET continued to be an obsession and work would be done to mitigate any impact.
- Concern that changes to other local authority transport policies were coming into effect as pupils started school not mid primary or secondary education.

Officers were then invited to summarise their response and the following key points were made:

- The Council's priority was to support vulnerable young people.
- Work had been undertaken with local transport providers to improve services.

Councillor Lamb was invited to summarise the reasons for calling in the decision. The main reasons were as follows:

- Potential legal challenge and cost implications of the decision.
- Uncertainty whether projected savings could be realised.
- Concerns about how the consultation process had been undertaken.
- The need for more pre-decision scrutiny.

RESOLVED – That the report and information provided be noted.

(Councillor Akhtar drew the Board's attention to his employment as a taxi driver which could be affected by changes to the Children's Services transport policy)

28 Outcome of Call-In

The outcome of the vote by voting Members present was as follows:

Option 1 – 7 in favour
Option 2 – 6 in favour.

RESOLVED – Option 1 - To release the decision for implementation.

(The meeting concluded at 12.23pm.)