

**OVERVIEW AND SCRUTINY BOARD**

A meeting of the Overview and Scrutiny Board was held on 5 March 2013.

**PRESENT:** Councillors Brunton (Chair), Arundale, Dryden, Harvey, C Hobson, Kerr, Mawston, McIntyre, Sanderson, J Sharrocks, J A Walker and Williams.

**PRESENT BY INVITATION:** Councillor Thompson, Executive Member for Children's Services.

**OFFICERS:** J Bennington, C Breheny, S Brown, P Clark, A Crawford and J Ord.

**APOLOGIES FOR ABSENCE** There were no apologies for absence.

**DECLARATIONS OF INTERESTS**

<b>Name of Member</b>	<b>Type of Interest</b>	<b>Item/Nature of Interest</b>
Councillor Brunton	Non Pecuniary	Agenda Item 6: Future Local Authority Involvement in Academies-Complementary Education Management Board, School Governor

**MINUTES -OVERVIEW AND SCRUTINY BOARD 5, 7 AND 13 FEBRUARY 2013**

The minutes of the meetings of the Overview and Scrutiny Board held on 5, 7 and 13 February 2013 were submitted and approved as a correct record.

**ATTENDANCE OF EXECUTIVE MEMBERS - EXECUTIVE MEMBER FOR CHILDREN'S SERVICES**

In a report of the Senior Scrutiny Officer the Board was reminded of arrangements for individual Members of the Executive to attend meetings of the Overview and Scrutiny Board to provide updates on their respective work in terms of their aims, aspirations, objectives, priorities and any emerging issues or pressures. The process was part of the scrutiny arrangements of holding the Executive to account and also provided the opportunity for the Board to identify or highlight any issues of concern or difficulty.

The Chair welcomed Councillor Thompson, the Executive Member for Children's Services.

The Executive Member initially focussed on matters relating to public health and sport in relation to the period within the current Municipal Year as Executive Member for Public Health and Sport.

Most of the year had been focussed on the transfer of certain public health responsibilities to the Local Authority and the setting up of a Shadow Health and Wellbeing Board. The composition of the Board including representatives from a number of key organisations was seen as a positive step which hopefully would assist in addressing one of the issues highlighted in terms of the need for further sharing of information between such groups. Although Members expressed some reservations about the Authority having less direct powers than under previous local authority arrangements in tackling specific local problems the Executive Member indicated that it was considered that they were now in a better position to influence such matters.

An indication was given of some of the challenges facing the Council including future public health funding which was currently ring-fenced. The benefits of Middlesbrough receiving Healthy Town funding were acknowledged. Much emphasis had been placed on the preventable strategy and reference was made to innovative projects working with ethnic minority groups, exercise classes, cessation of smoking and working in partnership with organisations such as Teesside University and Middlesbrough College.

In terms of sporting activities the 2012 Olympics had provided a good impetus to work being undertaken by the Council and in partnership with specific reference being made to the successful Park runs, involvement of young people and the proposed Prissick Sports Village. Whilst much had been achieved the Executive Member indicated that she wished that there had been a greater take-up in the 5k and 10k fun runs. In response to Members' questions the Executive Member confirmed the action being taken to maintain and increase involvement in sport activities.

In view of reduced budgets the need to review how services were delivered in the future using innovative and less traditional ways was acknowledged.

In terms of Children's Services the Executive Member commented on major changes which had occurred since four years ago when she had previously held the portfolio and gave an indication of future challenges facing the Council.

Specific reference was made to the recently established Forum for Looked After Children which was considered to be working well. Member's attention was also drawn to recent promotions and positive responses received to recruit foster carers in particular from a successful television campaign.

The Executive Member referred to the important work around early intervention commenting on Families First which was a family focused crisis intervention service working with families where there was serious child protection concerns directly related to parental substance misuse.

An indication was given of the different stages reached in respect of schools receiving academy status. Further clarification was awaited from the Government especially taken into account that the Authority would still be responsible for achievement.

**ORDERED** that the Executive Member for Children's Services be thanked for the information provided.

#### **EXECUTIVE FEEDBACK -GRESHAM REGENERATION - INTEGRATED OCCUPATIONAL THERAPY SERVICES**

As part of the scrutiny process and in a report of the Executive Office Manager it was reported that the Executive had considered the following Final Reports:-

Gresham Regeneration - Final Report of the Economic Regeneration and Transport Scrutiny Panel

Integrated Occupational Therapy Services - Final Report of the Social Care and Adult Services Scrutiny Panel.

The Executive and the Corporate Management Team had considered and supported the Service Responses.

#### **NOTED**

#### **FUTURE LOCAL AUTHORITY INVOLVEMENT IN ACADEMIES - FINAL REPORT OF THE CHILDREN AND LEARNING SCRUTINY PANEL**

The Chair of the Children and Learning Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following a scrutiny investigation of future local authority involvement in academies.

The Board considered the following recommendations of the Panel based on the evidence submitted:-

(i) The Middlesbrough Council engages prospective and existing academies in early dialogue and close liaison to:-

- (a) Ensure that they are aware of the local authority's statutory responsibilities (to provide sufficiency of places, education of vulnerable children and promote high standards/address under performance) and how these can be best fulfilled.
- (b) Ensure that, as far as possible, all academies and stakeholder work together - and not in isolation - to ensure a continued, collective commitment to providing first class education in Middlesbrough for the benefit of all children and young people. This should include measures to ensure that current low numbers of exclusions are maintained and that adequate educational provision continues to be made for all vulnerable learners.
- (c) Agree, if possible, a borough-wide policy on admissions and exclusions.
- (ii) That the Government's Department for Education is urged to provide clarification as soon as possible on the definitive position regarding local authorities' responsibility for achievement/attainment in academies. Irrespective of any statutory role, a mechanism should be developed by Middlesbrough Council to collectively engage academies in discussions regarding any areas of future concern, including performance. The Children and Learning Scrutiny Panel should be involved in this process.
- (iii) That the Council determines which of its support services should be made available to schools and academies on a trading basis and ensures that systems and processes are established to ensure that these services:
- (a) Are commercially orientated, flexible and able to respond and adapt to any necessary future change and challenge.
- (b) Are actively marketed to schools and academies to ensure that they are aware of all available services and their benefits.
- (iv) That following any increase in academy numbers in Middlesbrough, and in order to assist Middlesbrough Council in its duty of ensuring sufficiency of school places, close monitoring of pupil numbers and places is undertaken. Action should then be taken in conjunction/consultation with all education providers, to ensure that the Authority's duty is fulfilled, as well as ensuring that any maintained schools continue to be viable. This should also ensure that measures are in place to deal with any future increases in pupil numbers.
- (v) That the position is clarified regarding ownership of some of the Oakfields Academy site by the Hustler Trust. In particular, clarification should be sought on the Trust's position concerning possible future disposal of land used for playing fields.
- (vi) That in order to ensure continuing democratically accountable representation, academies are actively encouraged to appoint local Councillors to governing bodies.

The Board acknowledged the ever changing circumstances and clarification required from the Government's Department for Education with particular regard to local authorities' responsibility for achievement and attainment in schools.

Members concurred with the concerns expressed by the Panel and the need for assurances to be gained regarding the future arrangements in relation to excluded pupils including the position in respect of the current Exclusions Trial and Pupil Referral Units in general.

In commenting on future funding arrangements specifically the potential impact of the number of factors taken into account when developing funding formula reducing from 37 to 12 it was pointed out that the aim of the funding reforms was to simplify procedures and reference was also made to the Pupil Premium which provided additional funding for schools to support disadvantaged pupils.

(N.B. At this point of the proceedings the Chair left the meeting and the Vice-Chair took the Chair.)

Given Members' concerns relating to future funding arrangements with particular regard to vulnerable children it was suggested that the situation should continue to be monitored and the Panel be kept updated on the matter.

Reference was made to one of the Panel's recommendations regarding clarification to be sought in relation to the ownership of some of the Oakfields Academy site by Hustler Trust. In response to a Members' query it was confirmed that further information would be provided as to the ownership of an all weather pitch as identified.

**ORDERED** as follows:-

1. That the findings and recommendations of the Children and Learning Scrutiny Panel be endorsed and referred to the Executive.
2. That the Children and Learning Scrutiny Panel receive an update in due course.

### **DEPARTMENT OF HEALTH PUBLICATION - CHANGES TO HEALTH SCRUTINY POWERS**

In a report of the Scrutiny Support Officer the Board was appraised of recent national policy developments relating to Health Scrutiny powers.

Members were reminded of a response from the Health Scrutiny Panel as outlined in Appendix A to the report submitted following the publication by the Department of Health of a consultation document relating to Health Scrutiny powers. The Department of Health, on 14 December 2012 subsequently published a document that outlined the responses it received to the consultation, its consideration of such responses and the next steps, a full copy of which was given at Appendix 2 to the report. The Board's attention was drawn to the key points of the document as outlined in the report submitted.

In considering the matter further the Health Scrutiny Panel at its meeting held on 7 February 2013 welcomed the reaffirmation of the importance of Health Scrutiny and was pleased to see that it would continue to play an important part in the planning and provision of local health services. In addition, the extension of the powers of Health Scrutiny to seek attendance and information from any organisation providing NHS funded services, not simply NHS organisations, was hugely welcomed.

Given that in general terms Health Scrutiny had been found across the country to be a successful addition to local health and social care economies the Panel remained unconvinced that the argument had been sufficiently made that Health Scrutiny needed to change.

The Panel expressed concerns that it would be the Full Council that would be responsible for referring something to the Secretary of State for Health. Nonetheless it was noted that Health Scrutiny powers would be within the gift of the local authority per se, as opposed to being specifically designated to Overview and Scrutiny.

The Panel took the view that Full Council should resolve to keep the existing Health Scrutiny structure in place and formally delegate the associated powers to the Health Scrutiny Panel, post 2013. To ensure that Full Council remained satisfied with the quality of the work emanating from Health Scrutiny carried out on its behalf, it could request periodic updates on its work.

**ORDERED** as follows:-

1. That the information provided be noted.
2. That the view of the Health Scrutiny Panel that the existing Health Scrutiny arrangements in Middlesbrough should continue and be reaffirmed by Full Council be endorsed following the enactment of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 on 1 April 2013.

**SCRUTINY REVIEW REQUESTS**

It was noted that no scrutiny requests had been received since the meeting of the Board held on 13 February 2013.

**NOTED**

**SCRUTINY PANELS - PROGRESS REPORTS**

A report of the Chair of each Scrutiny Panel was submitted which outlined progress on current activities.

**NOTED**

**CALL IN**

It was confirmed that no requests had been received to call-in a decision.

**NOTED**