

Children's Services Committee

**Minutes of the Meeting Held on Tuesday 17 March 2015
2:00pm Edwards Room, County Hall, Norwich**

Present:

Mr J Joyce - Chairman

Mr R Bearman (Vice-Chair)
Mr D Collis
Ms E Corlett
Mr D Crawford
Mrs M Dewsbury
Mr T FitzPatrick
Mr C Foulger
Mr P Gilmour

Mr M Kiddle-Morris
Mrs J Leggett
Mr S Morpew
Mr J Perkins
Mr E Seward
Mr R Smith
Miss J Virgo

Other Members Present:

Mr G Nobbs

Non-voting Parent Governor Representatives

Mrs K Byrne
Mrs S Vertigan

Non-Voting Schools Forum Representative

Mrs A Best-White

Non-Voting Co-opted Advisors

Mr C Collis	Special Needs Education
Mrs B Carrington	Primary Education
Ms C Smith	Secondary Education
Mr J Mason	Post16 Education Adviser.

1 Apologies and substitutions

- 1.1 Apologies were received from Mrs J Chamberlin (Mr T FitzPatrick substituted), Mr T Garrod; Ms D Gihawi (Mr S Morpew substituted), Mr A Robinson (Norfolk Governors Network), Mr A Mash and Mrs H Bates (Church Representatives), Ms T Humber (Mr C Collis substituted) and Ms V Aldous (Mrs B Carrington substituted).

2 Declarations of Interest

- 2.1 The following declarations of interest were noted:

- Ms E Corlett declared an Other Interest in item 4 (Hewett School) as she was a Governor of Bignold School which was in the Hewett Cluster, and which her daughter attended. Ms Corlett had been asked to be the County Council representative on the proposed IEB if it was approved by the Secretary of State.

3 Items of Urgent Business

- 3.1 The Interim Executive Director of Children's Services updated the Committee on the forthcoming Foster Care Review which had been convened following historic concerns which had been expressed by foster carers. The review would commence on 24 March 2015 and would be led by a former County Council Chief Executive and included members from Partner Organisations.

4 Local Member Issues/Member Questions

- 4.1 No Local Member questions were received.

5 Potential Legal Challenge to Section 4 Academy Order for the Hewett School

- 5.1 The Assistant Director Education gave the Committee some background information about the Hewett School, during which the following points were noted:
- The Hewett School had been open for many years and received a great deal of support from the local community. The school was a foundation school with its own trust, the Central Norwich Foundation Trust. The entire school site was owned by this Trust.
 - The Local Authority had become increasingly concerned about the Hewett School during the last few years, particularly around the financial situation, the achievements of pupils and the fall in the number of pupils attending the school.
 - Ofsted had inspected the school in October 2014 and had judged the school "inadequate". The County Council's intervention measures were stepped up accordingly.
 - The Local Authority had considered all available options very carefully and had proposed putting in its own Interim Executive Board (IEB) at the school. The proposed IEB consisted of five members, including a representative from the Central Norwich Foundation Trust and a County Councillor (Ms E Corlett).
 - The IEB proposal had been forwarded to the Department for Education on 19 December 2014.
 - An outline proposal had also been made about the possibility of developing a learning village at the site and discussions with Councillors and other educational providers had taken place. The scheme could function regardless of the kind of school at its centre. The concept had received widespread local support, with members of the local community expressing

their wish for a community maintained school rather than an academy school to be provided.

- All of the previous applications made by Norfolk County Council to introduce its own IEBs at schools which had been deemed 'inadequate' had been successful.
- In February 2015, the County Council received notification that its request to appoint its own IEB had not been accepted by the Department for Education. The DfE had notified Norfolk County Council they were considering installing their own IEB, this had made no provision to include a councillor representative. Members were informed that this decision had been unexpected as several discussions had been held with the DfE about the IEB, including talks about substituting members to provide more direct experience of school improvement.
- The Secretary of State subsequently notified the County Council that they would be proceeding to appoint their own IEB and at the same time started consultation on their intention to issue an Academy Order, on 2 March 2015.
- After receiving the decision from the DfE on 2 March, Norfolk County Council issued, on 9 March, a pre-action letter to the Secretary of State indicating that it was issuing a notice of intent to go to Judicial Review.
- The IEB had taken up office on 4 March 2015 and at that time the previous governing body had ceased to exist.
- It was understood the Secretary of State would make a decision with regard to the ownership of the land following completion of the consultation with the Central Norwich Foundation Trust and prior to the signing of an Academy funding agreement.
- On 12 March 2015 a response to the pre-action note to the Secretary of State had been received. The response had included a clear rebuttal of the application made by Norfolk County Council.
- Discussions about the provision of a learning village on the site would continue.

6 The following points were noted in response to questions from the Committee:

- 6.1** The Department for Education (DfE) had considered the IEB proposed by Norfolk County Council was insufficiently focused on school improvement and that four out of the five members did not have sufficient experience of leadership at secondary school level. This decision had been received by Norfolk County Council on 2 March 2015.
- 6.2** Although the IEB proposed by the County Council had been amassed quickly, discussions had been held with the DfE and reassurance given that the right people had been appointed. This made the shock of receiving notification from the DfE that the IEB was not acceptable even more unexpected.

- 6.3 The IEB was working with the Norfolk County Council Education team to focus on the children at the school at the present time and those who would be taking exams in the near future. The outgoing Governing Body continued to work with the Local Authority to achieve this.
- 6.4 In regard to the land, there were several options available which would depend on the final decision of the Secretary of State.
- 6.5 If the school became an academy, any negative budget balances would need to be borne by the remaining maintained schools.
- 6.6 The consultation undertaken by the Secretary of State which was due to end on 16 March was with the Foundation Trust only, who are the current landowners of the school site.
- 6.7 Norfolk County Council had a good track record of assembling IEBs to fast-track improvement and the Interim Executive Director of Children's Services was confident that the IEB that had been proposed was the best that could be put in place to drive improvement.
- 6.8 The projected number of pupils who could be expected to enter into high school education over the next four years required a school in the area in whatever form was provided.
- 6.9 The new IEB was working with the interim headteacher at the school and was providing strong governance to the school.
- 6.10 The role of the IEB was to put the school on a sound financial footing for the future.
- 6.11 Any staff redundancy costs or severance pay resulting from any future staff restructuring would need to be met from the maintained schools budget, which would reduce the funds available for all the other LA maintained schools in Norfolk.
- 6.12 It was recognised that some of the buildings on the site were in a poor condition.
- 6.13 There had been sufficient merit in the concept of a learning village to show there was potential for future development as it was in an excellent location and had good access. A number of different organisations were already using the site.
- 6.14 Consideration had been given to mothballing the site pending redevelopment, although the difficulties in bussing pupils to other schools in the area would be disruptive and this option had not been progressed further.
- 6.15 Although not individually reported to the Children's Services Committee, the progress of the Hewett School had been included within the performance report for all Norfolk Schools in terms of finances and standards.

- 6.16 The application made by the previous Governing Body for capital money to repair existing buildings had been unsuccessful due to it not being possible to demonstrate the required increase in pupil numbers to fulfil the requirements of the bid.
- 6.17 The Local Authority did not earn any money from letting the site to other users. Any money from letting facilities would be earned by the Central Norwich Foundation Trust.

7 Exclusion of the Public

- 7.1 The Committee considered excluding the public for consideration of the report and presented the following public interest test, as required by the 2006 Access to Information Regulations for consideration by the committee:

“The Committee may consider the matter without the public being present as paragraph 5 of Schedule 12a applies – the report discloses information in respect of which a claim of professional privilege could be maintained in legal proceedings and the required public interest may be regarded as being met for the following reasons:

- There is a general duty to conduct council business transparently and openly, so that residents understand the reasons for decisions made. This duty has to be balanced with the wider public interest. In particular, in situations where the Council is contemplating legal action, disclosure of an analysis of the strengths and weaknesses of the case would compromise the ability of the Council to take such action, before the committee has taken a decision as to whether such action should proceed. Furthermore, members are advised to consider that disclosure of this report could have the following two additional effects. First, it may compromise the ability of the Council to take future legal action in any similar context, by revealing an analysis of when such action may be taken in relation to the strengths of the case. Secondly, it may act as a partial waiver of privilege of the legal advice underlying this report. This essentially means that if we disclose part of the legal advice we have relied on, we may have to disclose the remainder

- 7.2 On being put to the vote, with 9 votes in favour and 7 votes against, the Committee **RESOLVED** that the public be excluded whilst the report was considered.

8 Discussion of issues related to the Hewett School

8.1 Potential legal challenge to section 4 Academy Order for the Hewett School.

- 8.2 The Committee received and considered the exempt report by the Interim Executive Director of Children’s Services and the Practice Director npLaw.

9 Return to Public Session

The Committee agreed to include the public and press to hear the decision of the Committee.

10 Potential legal challenge to Section 4 Academy Order for the Hewett School

10.1 Mrs J Leggett proposed, seconded by Mr T FitzPatrick, the following amendment to the recommendations set out in the report:

- Reserve the Council's position on legal action at this stage as to whether there would be full and effective consultation with the local community prior to a final decision on conversion being made;
- Request the Interim Executive Director of Children's Services to make a further report to the Children's Services committee once the actions and intentions of the Secretary of State become clearer; **and**
- **All Members of the Children's Services Committee to be kept fully informed of all events concerning the Hewett School at this crucial time.**

10.2 The Committee **agreed** the amendment.

10.3 On being put to the vote, the Committee unanimously **RESOLVED** to:

- Reserve the Council's position on legal action at this stage as to whether there would be full and effective consultation with the local community prior to a final decision on conversion being made;
- Request the Interim Executive Director of Children's Services to make a further report to the Children's Services committee once the actions and intentions of the Secretary of State become clearer; and
- That all Members of the Children's Services Committee to be kept fully informed of all events concerning the Hewett School at this crucial time.

The meeting closed at 4.25pm

Chairman



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