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Simon Hobbs

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PUBLIC

To: Members of Cabinet Member meeting - Young People

Friday, 27 November 2020

Dear Councillor,

Please attend a meeting of the **Cabinet Member meeting - Young People** to be held at <u>11.00 am</u> on <u>Tuesday, 8 December 2020</u>

This meeting will be held virtually. As a member of the public you can view the virtual meeting via the County Council's website. The website will provide details of how to access the meeting, the agenda for which is set out below.

Yours faithfully,

Simon Hobbs Director of Legal and Democratic Services

<u>A G E N D A</u>

PART I - NON-EXEMPT ITEMS

1. Declarations of Interest

To receive declarations of interest (if any)

2. Minutes (Pages 1 - 4)

To confirm the non-exempt minutes of the meeting of the Cabinet Member -Young People held on 10 November 2020 To consider the non-exempt reports of the Executive Director for Children's Services on:

- 3 (a) Confirmation of Nominations of School Governors (Pages 5 6)
- 3 (b) Suspension of Derbyshire Schools Swimming Programme (Pages 7 16)

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MINUTES of a meeting of the **CABINET MEMBER – YOUNG PEOPLE** held on 10 November 2020.

PRESENT

Cabinet Member - Councillor A Dale

Also in attendance – Councillors J Patten and J Coyle

44/20 <u>MINUTES</u> **RESOLVED** that the minutes of the meetings of the Cabinet Member for Young People held on 6 October 2020 be confirmed as a correct record.

45/20 CONFIRMATION OF NOMINATIONS OF SCHOOL GOVERNORS The Cabinet Member was asked to confirm the nominations of persons to serve as local authority school governors. Appointments made by governing boards would be subject to the completion of a Declaration of Eligibility form, a proof of identity check and an enhanced DBS check.

RESOLVED that the Cabinet Member confirms the nominations for persons to serve as local authority governors as follows:-

W Bates	-	Mugginton Primary School
C Emmas-Williams	_	Codnor Primary School
S Marshall-Clarke	_	Woodbridge Junior School
		The Curzon Primary School
R Wiggins	-	5
W Greensmith	-	Glebe Junior School
A Knyhynyckyj	-	Hunloke Park Primary School
D Ward	-	Hasland Junior School
A Colmar	-	Tansley Primary School
R Costello	-	Bradwell Junior School
C Nettell	-	Grindleford Primary School
C Thomas	-	Baslow St Anne's Primary School
K Wigley	-	Parwich Primary School
T Cameron Faulkner	-	Furness Vale Primary School
K Holtam	-	Hadfield Infant School
J Harvey	-	Dronfield Junior School
M Whitehead	-	Melbourne Junior School

46/20 <u>CHILDREN'S SERVICES CAPITAL PROGRAMME 2020-21-</u> ALLOCATION OF SECTION 106 CAPITAL The Ecclesbourne School has over the last 5 years, undertaken a programme of expansion to increase its capacity. The academy funded the projects ahead of receipt of the associated Section 106 developer funds. The County Council has received £380,627.40 (Radbourne Lane Phase 1 AVA/2009/0359) and this was available to allocate to the English Block project and would meet the requirements of the Section 106 legal agreement.

RESOLVED to approve the allocation of £380,627.40 to The Ecclesbourne School in respect of the English Block project.

47/20 PERFORMANCE AND BUDGET MONITORING/FORECAST OUTTURN 2020/2021 AS AT QUARTER 2 The Cabinet Member received an update of the Council Plan performance position and the revenue budget position of the Young People portfolio for 2020-21 up to the end of September 2020 (Quarter 2) including budget savings, growth and one-off funding, risks and earmarked reserves. The request being made to Cabinet for the creation of an earmarked reserve to cover the expected costs of temporary additional staff within the Quality Assurance team that would fall into financial year 2021-22 was also detailed.

Progress was "good" for 2 out of the 5 Council Plan deliverables led by portfolio, however the deliverables to ensure that all Council run children's homes were 'Good' or 'Outstanding' and to increase the percentage of children in schools which were 'Good' or 'Outstanding' have been flagged as "requiring review". The key area for consideration was reviewing the Council's care and support offer for children with special educational needs and disabilities and adults.

The net controllable budget for the Young People portfolio is £119.205m and the Revenue Budget Monitoring Statement prepared at quarter 2 indicated that there was a projected year-end overspend of £14.737m. The overspend would be supported by the use of £8.276m of Covid-19 funding allocated to the Council to support the costs incurred by the pandemic. After the use of this funding the forecast position was an overspend of £6.461m. In addition to any use of earmarked reserves, the forecast outturn position includes one-off income of £1.390m, which related to Dedicated Schools Grant income transferred to contribute to costs incurred within Children's Services supporting Early Help services and children with additional needs.

The key variances included Placements for Children in Care/Unable to remain at home (overspend £12.713m), Support for children with disabilities (overspend £0.386m), Children's Safeguarding services (underspend £0.597m), Early Help and Preventative services (underspend £0.810m), Home to School Transport (overspend £0.954m), Education Support services (overspend £3.720m), Pensions payable to former teachers and other staff (overspend £0.372m), and Unallocated budget (underspend £2.294m).

The value of the savings initiatives originally identified for implementation in the current year was £2.350m and it was forecast that £1.126m of savings will have been achieved by the year-end.

The portfolio received additional budget allocations in 2019-20 for Social Worker recruitment (£1.300m ongoing, £1.300m one-off), Placement demand

pressures (£11.000m ongoing), Home to School Transport SEN (£1.000m ongoing, $\pm 0.971m$ one-off), SEND assessment and planning ($\pm 0.600m$ ongoing), Increase in Special Guardianship placements ($\pm 0.336m$ ongoing), Foster Carers ($\pm 0.100m$ ongoing), Care Leavers ($\pm 0.498m$ one-off), Child Protection ($\pm 0.500m$ ongoing), Children in Care Legal Proceedings ($\pm 1.100m$ one-off), Support to Achieving Great Futures ($\pm 0.108m$ one-off), Preventative Support to Families ($\pm 1.000m$ one-off), Elective Home Education ($\pm 0.207m$ one-off), Service Transformation ($\pm 0.438m$ one-off), and Quality Assurance SEND and Fostering ($\pm 0.214m$ one-off)

The service has commenced recruitment of the additional assessors required and these staff would be employed on a one year contract spanning across the 2020-21 and 2021-22 financial years. Approval was therefore requested to create an earmarked reserve up to £122,000 to hold the resources required to fund the costs of the newly recruited staff where their contracts extended into 2021-22.

The report also detailed the services that could negatively impact on the portfolio's forecast outturn position reported in the Forecast Summary, the earmarked reserves totalling £6.471m that were currently held to support future expenditure and the profile of the debt position.

Councillor Coyle expressed concern at the rising numbers of children in care and consequent overspend of the Placements for Children in Care/Unable to remain at home budget compared to the underspend in the Early Help and Preventative services budget. It was noted that the Early Help and Preventative services had a number of unfilled vacancies that needed to be recruited to. Councillor Dale requested that this matter be investigated with a view to preparing a report on recruitment to theses unfilled posts.

RESOLVED to note (1) the report and the actions undertaken to improve the budget position and performance; and

(2) the request to be made to Cabinet to approve the creation of an earmarked reserve to cover the employment costs of additional Quality Assurance staff which are expected to be partially incurred in 2021-22.

48/20 <u>DEDICATED SCHOOLS GRANT MONITORING 2020-21 –</u> <u>QUARTER 2 (as at 30 September 2020)</u> The Cabinet Member was provided with an update of the Revenue Budget position of the Dedicated Schools Grant (DSG) (Young People portfolio) for 2020-21 up to the end of September 2020 (Quarter 2).

The expected Dedicated Schools Grant and 6th form grant income due to the Authority was £370.954m. The expected underspend compared to income was £0.616m however this included an underspend of £0.318m which was ring-fenced to schools, the underspend falling to the Authority was therefore £0.298m. The underspend included the benefit of £1.325m which the Schools Forum agreed could remain uncommitted to assist with the pressures within the DSG, therefore the underlying overspend against in-year grant was £1.027m.

The net total DSG reserves as at the end of 2019-20 were £0.188m surplus, within which the uncommitted DSG reserve stood at a deficit of £3.140m.

The Department for Education have included provisions in the School and Early Years Finance (England) Regulations 2020 that that a DSG deficit must be carried forward to be dealt with from future DSG income, unless the Secretary of State authorised the Authority not to do this.

The significant areas of expenditure were detailed in the report and the key variances were Central School Services Block (underspend £1.552m), Re-pooled school funding (underspend £0.318m) and High Needs Block (overspend £1.212m).

There was a risk that the High needs block placements and top-ups could negatively impact on the portfolio's forecast outturn position reported in the Forecast Summary.

RESOLVED to note the report.

Agenda Item No. 3(a)

DERBYSHIRE COUNTY COUNCIL

CABINET MEMBER FOR YOUNG PEOPLE

8 December 2020

Report of Executive Director for Children's Services

CONFIRMATION OF NOMINATIONS OF SCHOOL GOVERNORS

1. Purpose of report

To ask the Cabinet member to confirm the nominations of persons to serve as local authority school governors.

2. Information and Analysis

Nominations to school governing boards are proposed as set out below.

The Cabinet member is asked to confirm the nominations of persons to serve on the governing boards of these schools.

Any appointments made by governing boards will be subject to the completion of a Declaration of Eligibility form, a proof of identity check and an enhanced DBS check.

3. Other considerations

In preparing this report the relevance of the following factors has been considered:prevention of crime and disorder, equality of opportunity and health, legal, financial, personnel and property considerations.

4. Background Papers

Registration forms of applicants.

5. Key Decision?

No

6. Officer's Recommendation

That the nominations for persons to serve as local authority governors are confirmed.

Jane Parfrement Executive Director for Children's Services

The Cabinet member is asked to confirm the **nominations** of the following persons to serve as local authority governors.

Name	School	Nominating Appointmen Councillor	
Amber Valley B Slade N Hopwood	Fritchley Primary School Ripley Junior School	T Ainsworth T Ainsworth	New Appointment New Appointment
Bolsover Z Farrow	Town End Junior School	C Moseby	New Appointment
North East J Adlington G Carter	Unstone Schools Federation Marsh Lane Primary School	A Dale D Charles	Re-appointment New Appointment

PUBLIC

Author: Ian Price (01629 534561)

DERBYSHIRE COUNTY COUNCIL

CABINET MEMBER FOR YOUNG PEOPLE

8 December 2020

Report of the Executive Director for Children's Services

Suspension of Derbyshire Schools Swimming Programme

1. <u>Purpose of the Report</u>

To report to the Cabinet Member on the current situation and factors effecting the Schools Swimming Programme and to recommend to the council an extension of the current suspension until new COVID measures are confirmed with all stakeholders to ensure a robust and sustainable swimming programme.

2. Information and Analysis

Derbyshire County Council (DCC) currently coordinates school swimming for 270 primary schools in 21 locally operated swimming pools across the county. Whilst schools have a statutory duty to deliver swimming as part of the curriculum at key stage one or two, the co-ordinated county wide programme is a non-statutory service which is fully traded.

Swimming pools were closed by the government on 23rd March 2020 and are likely to remain so until late summer. Swim England released guidance on June 15th, 2020 which outlines measures for reopening facilities. It is clear from a review of these documents that if the current controls remain in place next term regarding social distancing, and sanitation of toilets and changing facilities, then it would not be possible to deliver the school swimming programme. Currently all 21 pools that are used have different changing facility configurations, some use family change, some group

change and others are shared with the public. All of these would require significant mitigation measures and risk assessments

to comply with social distancing rules and COVID related hygiene measures.

Swim England guidance and advice from County Transport currently suggests that pupil numbers would be reduced to at least half in order to accommodate children safely on buses, in changing rooms, and in the pool itself. Programming multiple schools 'back to back' as is usual procedure in normal operation would be virtually impossible due to changing and COVID related hygiene limitations.

Initially, November 2020 was considered as the earliest feasible date to restart as both schools and the swimming service will need at least 10 weeks to undertake both a full risk analysis of all 21 facilities and any consequent amendments to the programme. Whilst this will be kept under review to see if an earlier start can be made, it is currently not recommended as being either practical or financially viable due to the necessary safety measures that would need to be implemented, and the restrictions on numbers of pupils. A further potential issue is the indication from County Transport that the availability of transport providers may be limited. To mitigate this risk, discussion with all stakeholders to identify a start-up date would benefit the commissioning process and remove the need to pay for some elements of the programme, if it is not in operation, which has been the case this term.

It is therefore recommended that the new start date will be kept under review and that the current suspension of the school swimming programme is continued into the autumn term, which would allow for the programme to consider and plan with stakeholders the range of mitigation measures needed to provide a robust sustainable programme and to recommence as soon as it is prudent to do so.

Members should be aware that even with mitigation there will be ongoing operational and financial risks to the programme. Consultation with schools (see legal section) has indicated that a number of them are considering a suspension of their swimming programme to concentrate on the core curriculum. Though a clear start date and regular communication will help schools plan and may increase customer retention, reducing financial risk. Uncertainty with programming also exists within the supply of pool facilities. Due to the furlough scheme, the service has been unable to contact the majority swimming pool managers since the end of March. Consequently, there is a degree of uncertainty with regard to the availability of pools from January onwards, which presents an additional difficulty. To mitigate this, DCC contracts will need to be renewed or extended, with the necessary covid-19 related measures agreed.

3. Financial Considerations

The financial risk to the service of not trading for two terms is potentially significant. Lost income of £435,000 in the autumn term is shown on the table below, alongside the £91,000 of operational staff costs. To limit additional losses, the service will be able to avoid contracting for pools and transport as from the end of July 2020. These additional costs would add £340,000 to the overall deficit for the term and add to the current deficit from this term indicating a total of £580,000.

Comparison budget information (see table below) assumes that we will have zero income from schools for the period September-December 2020 and that we will not be charged for transport and facilities as previously mentioned. It does include costs associated with core service staffing and for relief swimming Instructors. It should be noted the estimated income for autumn period under normal circumstance would be approx. £435,000

	Income	Expenditure	Balance
School	£435,000		£435,000
Income			
Core staffing		£56,000	£379,000
costs			
Swimming		£35,000	£344,000
Instructors			
Transport		£150,000	£194,000
Pool Hire		£190,000	£4,000
Totals	£435,000	£431,000	£4,000

Normal operations Sep-Dec 2020:

Suspended Service Budget Sep- Dec 2020

	Income	Expenditure	Balance
School	£0		£0
Income			
Core		£56,000	-£56,000
staffing			
costs			
Swimming		£35,000	-£91,000
Instructors			
Transport		£0	
Pool Hire		£0	
Totals	£0	£91,000	-£91,000

4. Legal Considerations

An officer decision record (ODR) is currently in place. In making these recommendations, the service has ensured that as far as possible no group of young people is treated unfairly when compared to others in school settings and this decision will not cause significant unintended bias against any equality target group. The Swimming Service has undertaken an initial consultation process with schools. A sample of 30 Head teachers were contacted by telephone in mid-June to establish their thoughts and opinions on a delayed start and the potential for a reduction in pupil numbers as a result of transport and distancing measures. Schools unanimously supported a delayed start to the programme indicating that they would be unlikely to support a reduction in numbers (Primarily a cost issue) and highlighting most schools will be prioritising core subjects and curriculum catch up in the first term.

The service has also liaised with DCC schools transport section. It is clear that this aspect of the service will present an additional challenge both in terms of the sanitation of the vehicles between school pick-ups and availability of transport if schools are to receive multiple staggered homeschool shuttles as the same transport is required for school swimming. The DfE guidance on reductions in vehicle pupil capacity is an additional challenge.

5. <u>Human Resource Considerations</u>

Swimming teachers are employed by DCC on a relief basis and contracted for the academic year's programme. They are typically employed between 2 and 16 hrs per week for the annual 30-week programme. Historically the workforce has been difficult to retain long term and difficult to recruit. The service has paid this workforce for contracted hours during the summer term and recommends that this continues to be the case during a suspended autumn term.

6. Other Considerations

In preparing this report the relevance of the following factors has been considered: human rights, equality of opportunity, health, environmental, transport, property, crime and disorder and social value considerations.

7. Key Decision

No

8. Executive Director's Recommendation

It is recommended that Cabinet Member for Young People receives the report and agrees for Derbyshire County Council to maintain the current suspension of the school swimming programme whilst the service meets with all stakeholders to agree the necessary COVID related measures and mitigation processes that need to be in place and following this process identifies and reports to Children's Services Senior Management Team on the earliest potential sustainable date to re-start the schools swimming provision.

DERBYSHIRE COUNTY COUNCIL OFFICER DECISION AND DECISION REVIEW RECORD

Officer: Ian Price			Service: Sports Outdoor & Residential		
OTTICET: IAN Price *For emergency powers, this would be the Executive Director			Education		
Delegated Power Being Exercised: *The delegation detailed in the Constitution to the specified officer or emergency powers					
Subject of Decision: (i.e. services affected)		Suspension of the School Swimming programme			
Is this a review of a decision? If so, what was the date of the original decision?	Approved by Cabinet 8 April 2020.				
Key decision? If so have Democratic Services been notified?	NO	NO			
Decision Taken (specify precise details, including the period over which the decision will be in place and when it will be (further) reviewed):		The suspension of the school swimming programme in 2020. The suspension to be reviewed in the autumn term to examine the feasibility of re starting the programme at the earliest practical and sustainable programme date.			
and when it will be (further)		Current situation: DCC currently coordinates school swimming for 270 primary schools in 21 local authority and trust operated swimming pools across the county. This is a non-statutory service which is fully traded. Swimming pools were closed by the government on 23 rd March 2020 and are likely to remain so until late summer. Swim England has released guidance (June 15 th 2020) which outlines measures for reopening facilities. It is clear from these documents that if controls remain in place next term regarding social distancing, sanitation of toilets and changing facilities then school swimming would be impossible to deliver. All 21 pools that are used have different changing facility configurations, some use family change, some group change and others are shared with the public. All of these would require significant mitigation measures and risk assessments to comply with social distancing rules. Swim England guidance and county transport appraisal currently suggests that pupil numbers would be reduced to at least half in order to accommodate them safely on the transport, in changing rooms and in the pool itself. Programming multiple schools 'back to back' as is usual will be problematic due to changing and sanitation issues. A random sample of 30 Head teachers were contacted by telephone during the programming phase in mid-June to establish their thoughts on a delayed start and the potential			

	supported a delayed start to the programme indicating that they would be unlikely to support a reduction in numbers at the same cost and will likely be focusing on core subjects and curriculum catch up in the first term. School transport have also been consulted with and it is clear that this aspect of the service presents an additional challenge both in terms of the sanitation of the vehicles between school pick-ups, availability of transport if schools are to receive multiple staggered home/ school shuttles (the same transport used for swimming) and of course the reductions in travelling capacity.		
Alternative Options Considered (if appropriate) and reasons for rejection of other options	Recommencement of the programme from November 2 nd 2020 has been considered as an option. This is most probably not practical or financially viable due to the likelihood of continued reduction in numbers and the necessary safety measures to be implemented Both schools and the service will need a sufficient lead in timescale to service recommencement of at least 10 weeks to undertake the necessary re-programming exercise and a full risk analysis of all 21 facilities.		
Has a risk assessment been conducted?- if so what are the potential adverse impacts identified and how will these be mitigated?	 Risks associated with a programme re-start have been considered:- To mitigate for the significant loss of learning the swimming service is able to extend the programme for 3 additional weeks from January to July Several Head teachers have contacted the service directly to express a wish to reconsider their involvement in the programme next year to concentrate on the core curriculum. It is clear that regular communication and clear decision making on projected start up dates will help schools plan for next term and may help retain customers County Transport has indicated that there is a risk that transport providers may not be available to commission due to loss of business, restructuring and rescheduling To mitigate this risk an early decision on start- up date would benefit the commissioning process and remove the need to pay for a service which has been commissioned and not delivered as has been the case this term. Swimming teachers are employed by DCC on a relief basis and contracted for the academic year's programme. They are typically contracted between 2 and 16 hrs per week for the annual 30 week programme. Historically the workforce has been difficult to retain long term and difficult to recruit. The service has paid this workforce for contracted 		

	 hours during the summer term as per contract and recommends that this be the case next term. Facility providers have largely been uncontactable due to the furlough scheme since April. There is a risk that pools may be unwilling to honour booked slots for school swimming. To mitigate this risk the service will renew contractual arrangements with providers in conjunction with DCC contracts and legal team. The financial risk to the service of not trading for 2 terms in is significant. Further losses of £435,000 income in the autumn term alongside £91,000 costs as indicated on the table below. To mitigate for additional losses we need to avoid contracting pools and transport unless we can commit to a definitive and realistic starting date. These additional costs would add £340,000 to our overall deficit for the term and add to our current deficit from this term to total `£580,000
Would the decision normally have been the subject of consultation with service users and the public? If so, explain why this is not practicable and the steps that have or will be taken to communicate the decision	YES. 30 schools have been consulted directly over the range of options open to us as outlined above. All 270 schools have subsequently received a short 'newsflash' communication which highlighted the current situation and advised that swimming would not recommence until later in the Autumn Term at the earliest. We have received approximately 80 short responses from Head teachers both verbally and by email universally praising our communication and decisive action. Most have all agreed that a November start would be sensible if achievable and that a January start would be most likely. They await a firm decision to allow for reprogramming of their curriculum. The service will need to also re-programme extensively over the Autumn term. Parents have not been consulted as the contract is with the schools who are expected to make a decision when they are presented with a concrete date for recommencement.
Has any adverse impact on groups with protected characteristics been identified and if so, how will these be mitigated?	In making these recommendations, the service has ensured that as far as possible no group of young people is treated unfairly when compared to other in school settings and this decision will not cause significant unintended bias against any equality target group.
Background/Reports/Information considered and attached (including Legal, HR, Financial,	Financial Impact: The following table assumes that we will have zero income from schools for the period September-December 2020 and

Fauglity and other considerations	that we will a	at ha charge	d for transport	and facilities	1+
Equality and other considerations	that we will not be charged for transport and facilities. It				
as required))	does include costs associated with core staffing and				
	swimming Ins			-	
			period £435.00	00	
	Normal operations Sep-Dec 2020:				
		Income	Expenditure	4	
	School	£435,000			
			050.000	-	
	Core		£56,000		
	staffing				
	costs			1	
	Swimming		£35,000		
	Instructors				
	Transport		£150,000	-	
	Pool Hire		£190,000	_	
	Totals	£435,000	£431,000		
	Suspended se	rvice Sep- D	ec 2020		
		Income	Expenditure	Balance]
	School	£0		£0	
	Income				
	Core		£56,000	-£56,000	
	staffing				
	costs				
	Swimming		£35,000	-£91,000	
	Instructors				
	Totals			-£91,000	
Consultation with relevant Cabinet					_
Member (s) – please note this is	Councillor Ale	x Dale			
obligatory.					
Approval of Chair of appropriate					
Improvement and Scrutiny					
Committee where call in is					
intended to be waived – please					
note this is obligatory in those					
circumstances					
Decision:					

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