

Meeting: Children and Families Select Committee

Date: Monday 20 March 2023 (commencing at 10:30am)

Membership:**County Councillors**

Sam Smith (Chairman)

Francis Purdue-Horan (Vice Chairman)

Callum Bailey

Anne Callaghan BEM

Robert Corden

Debbie Darby (**Apologies**)

Errol Henry JP (**Apologies**)

Roger Jackson (**Apologies**)

John Lee

Nigel Turner

Michelle Welsh

Education Representatives

Nigel Frith

James McGeachie

Substitute Members

Jim Creamer for Errol Henry JP

Jonathan Wheeler for Roger Jackson

Other County Councillors in attendance:

Tracey Taylor - Cabinet Member for Children and Families

Sinead Anderson - Deputy Cabinet Member for Children and Families

Officers and colleagues in attendance:

Martin Elliott - Senior Scrutiny Officer

Karen Hughman - Group Manager for Education Access, Standards and Safeguarding

Adrian Mann - Democratic Services Officer

Peter McConnochie - Service Director for Education, Learning and Inclusion

Lucy Peel - Service Director for Transformation and Improvement

Colin Pettigrew - Corporate Director for Children and Families

1. CHANGES TO MEMBERSHIP

The Committee noted that Nigel Frith had joined the Committee as a co-opted member as the representative of the Church of England in relation to education matters, and that James McGeachie had joined the Committee as a co-opted member as the representative of the Roman Catholic Church in relation to education matters.

2. APOLOGIES FOR ABSENCE

Councillor Debbie Darby - other reasons
Councillor Robert Corden - other reasons
Councillor Errol Henry JP - other reasons

3. DECLARATIONS OF INTERESTS

No declarations of interests were made.

4. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on 19 December 2022, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

5. SECONDARY SCHOOL PLACE PLANNING

The Cabinet Member for Children and Families, the Service Director for Education, Learning and Inclusion, and the Group Manager for Education Access, Standards and Safeguarding attended the meeting to present a report on pupil place planning for secondary schools:

- The report set out that the Council had a statutory duty to ensure that there were sufficient school places in its area. The number of school places required depended on the number of pupils of statutory school age resident in Nottinghamshire. Decisions on the need to increase or decrease available school places were based upon the projections of the number of places required within defined geographical areas agreed with the Department for Education (DfE), rather than at individual schools.
- The report explained that there was no nationally agreed formula for identifying projected school place demand, but that the Council's methodology was similar to that used by many other local authorities and was approved annually by the DfE. Significant improvements to the methodology had been implemented in 2020 and it had been further refined subsequently to reflect updated DfE guidance and best practice.
- The report noted that the secondary school capacity in Nottinghamshire for 2022 was 57,869, with a projected demand for 56,866 places – which indicated an overall surplus of 1,003 places. However, whilst the Council was fulfilling its duty in relation to school place availability across Nottinghamshire as a whole, it was noted that places might not be available in certain areas or year groups where

there was a particularly high demand, as was the case currently in West Bridgford, Rushcliffe East, Carlton, Worksop, Broxtowe South and East Leake.

- The report concluded that ensuring that there were sufficient secondary school places remained a complex process within a system where local authorities might have little or no control over the other participants (such as academies and the DfE), but that the Council was dedicated to achieving good or outstanding school places for all pupils in Nottinghamshire.

The Committee raised the following points in discussion:

- The Committee noted that 79% of Nottinghamshire schools were rated as 'good' or 'outstanding' by Ofsted, which was in line with both the national and wider regional average. Members considered that the overall plan for secondary school places was positive, with new schools being built and current schools being extended, and that good improvements had been made in how schools were regarded by parents.
- The Committee expressed concern that many schools within the Mansfield area were rated by Ofsted as requiring improvement. Members queried how further investment in education in the Mansfield area should be achieved and how additional support for improvement could be secured from the DfE. Members requested that a report on the apparent regional disparity in school performance levels was considered at a future meeting of the Committee.
- The Committee considered that great care should be taken to avoid the potentially misleading language of 'parental choice', as opposed to 'parental preference', at both the local and national level in relation to the school place application process.
- The Committee asked to what extent parents were expressing viable preferences for their children's school places in the applications process and whether the application paperwork was clear as to why parents should include their local school as one of their four preferences. Members queried whether parents in all areas of Nottinghamshire had access to a full four viable school preferences, which were both close enough in terms of distance and also offered certain vital services such as wraparound childcare provision for working parents.
- The Committee asked to what extent secondary schools had a defined local catchment and so had the capacity to offer places to all children living within that area – or to what extent the main entry criteria related to having attended a designated feeder primary school. Members observed that house building was often concentrated in certain localities and that developers would often use being within a particular school catchment area as a selling point, even if this alone would not meet that school's entry criteria.
- The Committee questioned how local housing plans were taken into account as part of school place planning, particularly if new housing developments were intended specifically for housing for young families, and how the school place needs arising from defined traveller sites were taken into consideration. Members queried to what degree children from outside Nottinghamshire contributed to

pressures on school place numbers in certain areas and how a declining birth rate was projected to affect future demand.

- The Committee queried how the pressures on school places in Rushcliffe, Arnold, Carlton, East Leake, Worksop and other oversubscribed areas would be addressed and how the expansion of school places in these areas would be funded. Members expressed concern that although school place availability in Rushcliffe had been a known issue for some time, it was projected to take until 2026/27 to fully address the current and projected shortfall in places.
- The Committee asked what criteria were used to decide whether a given school should be expanded to provide more places, how the current shortfall of places in certain areas would be addressed, how effective forward planning for provision was carried out and how planned school place expansion was delivered practically. Members queried at what point a single school would be considered too big for further expansion and when class sizes became too large. Members observed that, practically, increasing the number of school places in an area did not just require the expansion of school buildings – it also required an increase in the number of available teaching, specialist and support staff, particularly where special educational needs requirements were increasing in the population.
- The Committee queried whether a school's current Ofsted rating was taken into account if an expansion was planned and what steps would be taken in the event that a school being expanded was then judged by Ofsted as requiring improvement. Members asked to what extent parents were influenced in their school preferences by the latest Ofsted ratings and whether the Ofsted results always represented the best guide to whether a school was suitable for their children – particularly as a school's performance could change significantly between inspections. Members queried how the Council helped parents to assess the suitability of a given school by measures beyond its latest Ofsted outcomes.
- The Committee asked how the Council engaged with schools in areas where the demand for school places was high and how the Council raised any particular concerns from parents with schools. Members noted that it was important for the Council to have strong relationships with the Academy Trusts in Nottinghamshire and to seek to work in close partnership with them on current and future pupil place planning at the strategic level.

In relation to the points raised by the Committee, the Cabinet Member and Officers provided the following responses:

- It was explained that the Council could not compel parents to express preferences for the maximum of four schools as part of the school application process, nor to include their local school as one of their preferences. A significant amount of work had been carried out to ensure that the application form was as clear as possible and would alert parents if they had not expressed all their available preferences. It was noted, however, that care must be taken in the language used as although the Council could provide advice and guidance, it could not be seen to instruct parents in the selection of their preferences.

- It was noted that parents had a right to express a preference for where their children went to school, but that this did not represent a free choice of schools. Ultimately, each school had its own entry criteria, so it constituted a significant risk for parents to express preferences only for schools where their child was unlikely to meet that entry criteria – as the child could not only miss out on a place at these schools, but also at the nearest school where they were most eligible for a place. This constituted a particular issue in rural areas because if parents did not apply for a place at their nearest eligible school and the school then became full, the next nearest school with available spaces could be a significant distance away. As much work was being carried out as possible to communicate this to parents in a clear and sensitive way so that they could make informed and viable choices on the basis of the school eligibility criteria.
- It was highlighted that the Council had good relations and worked closely with all Nottinghamshire schools and the DfE on annual admission numbers to seek to ensure the right levels of ongoing capacity so that as many parents as possible could achieve their first preference of school. It was noted, however, that academies had the discretion to set their admission levels and their admission criteria in terms of both geographical catchment area and/or on the basis of feeder primary schools and were not obliged to increase their admission numbers to address fluctuations in local need. Academies also had the discretion to decide the maximum size to which their school could expand – though sometimes it was not possible for a given school to grow any further due to the constraints of its physical site. Schools could also be restricted in increasing their admission levels due to problems in recruiting and retaining the number of associated staff that this required.
- It was reported that it was not possible to predict the long-term demand for school places in a given area with complete accuracy as demand could be affected by factors such as changes in birthdates, inward and outward migration in Nottinghamshire, or other national or international events that caused significant numbers of people to migrate to areas of the UK. It was noted that whilst the recent trends of demographic change in Nottinghamshire had resulted in a larger number of children going through the education system, these trends were often cyclical in nature, as shown by the fact that the demand for Early Years provision had now decreased. A variety of means of providing additional school places would therefore be implemented in a specific area depending on whether the increased demand was projected to be short-term or long-term in nature.
- It was set out that whilst local housing development plans were taken into account when projecting the likely need for school places, the completion of a new housing development was often a long and complex process. A great deal of work was required to establish the level of need for new school places that may be generated by a development and to assess where these could be provided. It was noted that the requirement for school places arising from fixed traveller sites was not accounted for specifically in the current formula for establishing school place need, so the formula would be reviewed to ensure that these communities were not being disadvantaged. It was also noted that consideration would be given to whether the current formula should project the school place needs arising from a given housing development on a standardised basis, or whether variation was needed in

instances such as if the development would primarily be used for housing for young families.

- It was explained that despite the work being carried out to project and plan for the number of school places required in high-pressure areas such as Rushcliffe, there were substantial practical challenges in creating these places, including the identification of suitable sites for expansion and the time taken for a new development to be progressed through the formal Planning system. Where demand for school places in an area increased significantly in the short-term due to unexpected events, it could take time for new places to be provided to meet this new demand.
- It was reported that under the current national legislation it was not possible for local authorities to build and operate new secondary schools, so any new schools would need to be delivered in partnership with Academy Trusts and the DfE. Although the DfE did fund the rebuilding of schools when their current buildings were out of date and no longer viable, this funding would only cover the rebuilding of a school to its current capacity. Where the school capacity also needed to be increased, the Council sought to plan and fund any expansion alongside the DfE's rebuilding scheme – though the DfE's timetable for the project would fall outside the Council's control.
- It was acknowledged that the Council's Children and Families department was responsible for school place planning, whilst delivery was carried out by the Place department. It was noted that it was vital for the two departments to work together effectively for the delivery of needed places within the required timeframe.
- It was confirmed that the Council was not involved directly in the planning and implementation of transformation measures when an academy was found by Ofsted to be requiring improvement, as this fell within the responsibility of the particular academy. It was noted, however, that the Council sought to participate in improvement activity as much as possible within the context of the powers available to it, and to work with schools to provide reassurance to parents. A low Ofsted rating was likely to affect the number of parents expressing a preference for a given school, but it was still important to expand the capacity for school places in the areas where this was required, and Academy Trusts would take an approach of rapid improvement where a need was identified by Ofsted. As schools then addressed Ofsted's concerns and secured a higher rating, demand for places at the school would increase again.
- Assurance was provided that the Council had strong relationships with schools, elected members and the DfE, and engaged with them regularly in ensuring that there were enough places and that any concerns from the Council and parents were raised. The Council discussed with schools the steps needed to address increasing local requirements and provided a level challenge when necessary.
- It was noted that, where members had queries on how pressures on school places affected specific schools or local areas, officers were available to discuss these in detail on a case-by-case basis. The knowledge of elected members was vital in

identifying specific local need fully, so officers welcomed their input in the school place planning process.

The Chairman thanked the Cabinet Member and Officers for attending the meeting and answering Members' questions.

RESOLVED (2023/001):

- 1) That the report be noted.
- 2) That the following issues raised by the Committee in its consideration of the report be progressed:
 - a) That the documentation, information and materials used to communicate with parents and carers when applying for school places be shared with members of the Committee.
 - b) That members of the Committee carry out a task and finish review on how the Children and Families and Place departments can best work together on projects being implemented to deliver additional school places.
 - c) That the Cabinet Member for Children and Families, in consultation with officers, gives consideration to how local elected members can be most effectively communicated with and involved with the activity that takes place with academy trusts regarding the pupil place planning.
 - d) That further information on the activities that are being carried out around the projected pressure on the provision of secondary school places in East Leake (as noted in paragraph 25 of the report) be circulated to members of the Committee.
 - e) That members of the Committee work with the Cabinet Member for Children and Families to examine how the assessment tools for analysing the demand for school places created by new housing developments could be made more responsive to the varying levels of demand that different types of development may create.
 - f) That the issue raised during the discussion at the meeting of school performance levels be considered as part of the processes around the development of the Committee's Work Programme for 2023/24.
 - g) That a further progress report on the activity being carried out in relation to Secondary School Place Planning be brought to a future meeting of the Committee at a date to be agreed by the Chairman.

6. WORK PROGRAMME

The Senior Scrutiny Officer presented the Committee's current work programme. The following points were raised:

- It was reported that the review of Education Health and Care Plans, delayed by an Ofsted inspection in January, would start by the summer. This would be followed by a review of the Provision of Additional Specialist Educational Placements, which would include engagement with the Cabinet Member for Economic Development and Asset Management.
- It was noted that an independent review into serious safeguarding concerns at Fountaindale School had been commissioned by the Nottinghamshire Safeguarding Children Partnership and that any queries about the current position should be raised with the Cabinet Member for Children and Families.
- It was noted that as the system surrounding educational and school place provision could be complex, members would benefit from further information being provided on how the Department for Education, academies and local authorities all interacted in ensuring effective delivery.

RESOLVED (2023/002):

- 1) That the work programme be noted.
- 2) That Committee members make any further suggestions for items for inclusion on the work programme for consideration by the Chairman and Vice-Chairman, in consultation with the relevant Cabinet Member(s) and senior officers, and subject to the required approval by the Chairman of the Overview Committee.

There being no further business, the Chairman closed the meeting at 12:39pm.

Chairman: