

# North Yorkshire County Council

## County Council

Minutes of the meeting of the County Council held at County Hall, Northallerton on 20 February 2019 commencing at 10.30 am.

### **PRESENT:-**

County Councillor Robert Windass in the Chair.

County Councillors Val Arnold, Karl Arthur, Margaret Atkinson, Bob Baker, Derek Bastiman, John Blackie, David Blades, Philip Broadbank, Eric Broadbent, Lindsey Burr MBE, Michael Chambers MBE, David Chance, Jim Clark, Liz Colling, Richard Cooper, Gareth Dadd, Caroline Dickinson, Stephanie Duckett, Keane Duncan, John Ennis, David Goode, Caroline Goodrick, Helen Grant, Bryn Griffiths, Michael Harrison, Paul Haslam, Robert Heseltine, David Hugill, David Ireton, David Jeffels, Janet Jefferson, Andrew Jenkinson, Mike Jordan, Andrew Lee, Carl Les, Stanley Lumley, Cliff Lunn, Don Mackay, Don Mackenzie, John Mann, Stuart Martin MBE, John McCartney, Zoë Metcalfe, Heather Moorhouse, Patrick Mulligan, Richard Musgrave, Stuart Parsons, Caroline Patmore, Chris Pearson, Clive Pearson, Gillian Quinn, Tony Randerson, Janet Sanderson, Karin Sedgwick, Andy Solloway, Peter Sowray, Helen Swiers, Roberta Swiers, Angus Thompson, Cliff Trotter, Geoff Webber, John Weighell OBE, Richard Welch, Greg White, and Annabel Wilkinson.

### **APOLOGIES:-**

County Councillors: Andrew Backhouse, Philip Barrett, Mel Hobson, Andy Paraskos, Joe Plant, Callum Walsh.

### **ATTENDING:-**

Honorary Aldermen: Michael Knaggs, John Marshall, Bernard Bateman.

Members of the press and the public.

### **68. Minutes**

It was moved and seconded that the Minutes of the meeting of the County Council held on Wednesday 14 November 2018, having been printed and circulated, are confirmed and signed by the Chairman as a correct record.

**The vote was taken and, on a show of hands, the motion was declared carried with none against and no abstentions.**

### **Resolved -**

That the Minutes of the meeting of the County Council held on Wednesday 14 November 2018, having been printed and circulated, are confirmed and signed by the Chairman as a correct record.

## 69. Chairman's Announcements

The Chairman welcomed the Honorary Aldermen who were in the public gallery. The Chairman acknowledged the death of former County Councillor Oliver Blease. Oliver represented Richmond on the County Council from 2001-2005. He also served terms on Richmondshire District Council and Richmond Town Council. A minutes silence was held.

The Chairman also reminded Members of the usual arrangements for the meeting.

The Chairman noted the following declarations of interest:

County Councillor Eric Broadbent has a disclosable pecuniary interest, in relation to the budget discussions for which he has dispensation to speak but not vote.

County Councillor Helen Grant works on a voluntary basis with an organisation that has benefited from the Council's Stronger Communities funding.

County Councillor Gareth Dadd works on a voluntary basis with an organisation that has benefited from the Council's Stronger Communities funding.

County Councillor Michael Harrison has a family member who works for the County Council.

## 70. Statement by the Leader

County Councillor Carl Les made a statement, under Contract Procedure Rule 2.3, as Leader of the County Council, a summary of the key points of which had previously been circulated along with an addendum and which appear in the Minute Book (pages 10643 to 10646).

County Councillor Carl Les congratulated James Cliffe, from Children and Young People's Services, who had recently been awarded an MBE for his work on the Council's 'No Wrong Door' service.

## 71. Public Questions or Statements

Public Question 1 – Kerry Fox, Save SEND Services group (Page 10653 of the Minute Book)

A freedom of information request was made to north Yorkshire county council to ask how many of our young people aged 16-19 were currently attending mainstream further education with education health care plans.

There are 351.

The request asked how many of those young people were receiving more than the 16 hours proposed by the recent consultation the answer was none.

There lies a mystery as to why a consultation proposing reducing funding the hours to 16 hours was carried out?

If no young person was or has been in receipt of anything longer why consult?

If there are 351 young people with an ehcp in mainstream FE are all their needs similar that they do not warrant extra time or funding

Those attending the consultations were not made aware of this and it may be these figures are not a true reflection in that some young people are in another 2 days with a special college or plp provider but this for many young people is not an option given

We call upon the council to ensure that planning post 16 education is robust and families are made aware of the options and the SEND department work closely with young people to ensure their needs are met.

We have case studies where by families are having to find those options unsupported and out of county a mix of colleges and plp provision.

Robust is not a term I use to describe our local offer – parents are in the dark of provisions at post 16 because the local offer is not fit for purpose no wonder we have young people twiddling their thumbs for 2 days a week when families don't know what is out there and what is on offer.

We call on this council to start investing in our children and young people to ensure they have a good start to life and an education fit for their needs we ask that the cuts are stopped now as many LA's are halting their plans to cut send transport and high needs.

We ask that now is the time that the wider community of special educational needs and disabilities, parents, children young people and the various professionals and councillors come together to work together to ensure our children and young people are not continuously disadvantaged by continual cuts to budgets –

A time to talk.

A time to listen.

A time to seek a way forward that works for all.

A time to halt cuts when we have no way forward in place – we cannot rely on the plan is...

It needs to be in place before cuts are carried through.

Response to Public Question 1 (Page 10654 of the Minute Book)

In response to Kerry Fox's question, County Councillor Patrick Mulligan said:

You are quite right we could have just adjusted the funding without discussions with families but we engaged in a consultation process regarding the changes in the spirit of transparency and openness.

The SEND team have made adjustments in allocations of cases and protocols between CYPs and Health and Adult Services to ensure that transitions are supported robustly.

The local authority has a duty to ensure that the assessed needs of children and young people with SEND are met but we also have responsibility to all residents across NY in ensuring that we use our funding efficiently and provides value for money.

The Local Offer is updated on an ongoing basis but parents/carers are also able to speak to their SEN Officer if they cannot find information they require.

The local authority has invested a significant amount of extra money in SEND from 19/20 and I hope you acknowledge this demonstrates our commitment to children and young people with SEND.

By 2021/22 the Local Authority will be putting in £11.6m per annum of Council funds to support SEND rising costs alongside only £1.6m of contributory savings so we are putting in a net £10m pa of council funding over and above High Needs DSG.

In total over 3 years this will equate to £23m

This is against a backdrop of savings in the Local Authority of 40p in every £ by the end of the decade and savings of circa £40m to find with £14m still needing a plan.

This means the LA is using funding raised for other services to subsidise the Department for Education.

Public Question 2 – Alex Boyce, Save the PRS campaign group (Pages 10647 to 10650 of the Minute Book)

Hello. My name is Alex Boyce. I represent the Save the PRS campaign group. I have previously spoken at the November full council meeting, to the CYPS scrutiny and overview committee and to the Council Executive.

I have previously stated the many objections to the cuts proposed for the Pupil Referral Service in 5 weeks time and you have received letters and emails from me on this matter. Today I would like to highlight the feedback from education professionals and the public. Firstly, 17 mainstream Headteachers have signed the following joint letter which was submitted last week.

*Dear Council Members,*

*If proposal 2 of the 'Changes to the High Needs Budget' goes ahead, there would be devastating cuts for Pupil Referral Units across the county whilst only a small portion of funding would be redirected to mainstream schools. PRUs will either close or have an extremely reduced capacity for both permanently excluded students and preventative placements. North Yorkshire would lose a good or outstanding service which has supported our schools and the most vulnerable pupils across the county.*

*We, the undersigned, as Headteachers and Senior Leaders within North Yorkshire, are seriously concerned by the severity of the cuts, the speed of change and the lack of clarity for arrangements post April 2019. Whilst the council are promoting this proposal on the grounds of creating greater autonomy for schools, we are concerned about a fragmentation of the school system and a resultant increase in pressure on mainstream schools.*

*We feel the proposed level of funding would not meet need. We wish to express, formally, our objection to this proposal.*

<b>District</b>	<b>Establishment Name</b>	<b>Head teacher</b>
Craven	Ermysted's Grammar School	<i>Mr Michael Evans</i>
Craven	Lothersdale Primary School	<i>Mrs Joanne Robinson</i>
Hambleton	Alanbrooke School	<i>Mrs Pippa Todd</i>
Hambleton	Bedale High School	<i>Mr Tony Rawdin</i>

Harrogate	Darley Community Primary School	Mr Nicholas Coates
Harrogate	Harrogate Grammar School	Mr Tim Milburn (deputy)
Harrogate	Killinghall Church of England Primary School	Mrs Sarah Bassitt
Harrogate	Marton-Cum-Grafton Church of England Voluntary Aided Primary School	Mrs Marie-Louise Thirlaway
Harrogate	Nidderdale High School	Ms Kath Jordan
Harrogate	Oatlands Community Junior School	Miss Estelle Weir
Harrogate	St Cuthbert's Church of England Primary School Pateley Bridge	Miss Lynette Brammah
Harrogate	St John Fisher's Catholic High School	Mr Paul Brockwell
Harrogate	St Peter's Church of England Primary School	Julia Collins
Harrogate	King James's School, Knaresborough	Mr Carl Sugden
Richmondshire	Bolton-on-Swale St Mary's CofE Primary School	Mrs Nicola Dobson
Ryedale	Pickering Community Junior School	Mrs Michaela De Barr
Selby	Barlby High School	Miss Julie Caddell

Secondly, the following statements from Headteachers have been made public:

Mr R. Sheriff, President of the Association of School and College Leaders:

*The proposed changes to the High Needs Budget would result in having nowhere to go for a whole set of children with varied and particular needs, which will be almost impossible to meet in mainstream...the outcome will be HIGH levels of exclusion.*

Mr T. Milburn, Deputy Headteacher of Harrogate Grammar School:

*The Grove Academy is an outstanding service. It is outstanding in Ofsted terminology but more importantly it is outstanding in the care, quality and support it's staff give to the localities most vulnerable young people. This level of outstanding provision is more vital than ever before. We are experiencing in society, as well as the local community, a toxic mix of spiralling adolescent mental health, increased social, emotional and mental health need and rising exclusion rates. This is coupled with a severe shortage of alternative provision in an education system dominated by Progress 8 and EBacc.*

*The Grove Academy, for schools, students and families in the Harrogate area, has been a saviour. It has given schools a high quality, safe service that supports the education of some of the most challenging students. For students it has given them a chance to access specialist support that has prevented permanent exclusion.*

*The Local Authority has presented a strategy that aims to prevent exclusions. The ambition is laudable and one that has the full support of schools and school leaders. However a decision to under fund The Grove Academy to a point where it will not be able to meet the need of the locality will inevitably lead to increased exclusions in school and not less. This is not only a major concern for schools but should be one for the local authority and the community it serves.*

Ms K. Jordan, Headteacher of Nidderdale High School:

*Should the proposed funding cuts force The Grove Academy to close from September 2019, the impact on young people in Harrogate could be devastating. Currently my own school has several students on medical placements at TGA as they are unable to access mainstream education even in a small school with a well recognised inclusive ethos. Already, I have seen*

*an increase in consults to take in year admission students with an EHCP from other local schools and this would undoubtedly rise without TGA. As a small school with over 5% of students with an EHCP and 30%+ with a recognised SEND, to take even more students with additional needs would be unsustainable both financially and in terms of the impact on the day to day running of the school and its core business.*

*The very limited funding on offer to the local area to explore alternative solutions to meeting the needs of the most vulnerable and High Needs students is not adequate to address the many and varied competing priorities in the area. It would also be impossible to have high quality alternatives in place even if they were affordable in such a short timescale.*

*Therefore, I believe that at the very least, adequate funding must be made available to The Grove for a further year to allow all parties to work together to find sensible solutions to the funding and provision shortages this area faces.*

Mr P. Brockwell, Headteacher of St John Fisher's Catholic High School:

*We live and work in an educational environment where the individual emotional, mental and educational needs of children are wider than they have ever been. As in all schools, we at St John Fisher Catholic High School strive to meet the needs of as many children as we can and for the most part succeed in providing the environment that provides an educational success that matches the very best schools in the country.*

*However, for a very small group of students, mainstream education cannot provide the depth of intervention that they need to grow and attain their full potential. The work of pupil referral units in working with our most vulnerable children is crucial if we want to remove barriers to learning for all. The intensive work in supporting students with either severe learning or emotional needs cannot be underestimated. The close work that schools do in collaborating with this expert provision allows many students to develop strategies to return to main stream, cope with the challenges they face and succeed that without the support of schools like the Grove Academy PRU we would be unable to achieve.*

Finally, I would like to highlight to councillors the response of the public. We submitted a petition of 5500 signatures on January 15<sup>th</sup>. In just a couple of months our campaign stalls in Skipton, Harrogate and Selby have gathered 2,766 signatures objecting to the proposals. A further 2,734 signatures were collected in an online petition set up by concerned parents.

The council's own consultation proves just how unpopular the proposals are. 51% strongly disagreed with the plans whilst only 5% strongly agreed.

Council officers may argue that the proposal has been revised but splitting the huge cut into two stages still means PRUs are not financially viable this year and students will suffer as a result. The Headteachers of Selby PRU, Harrogate PRU and Craven PRS have very recently issued warnings that they will be forced to seriously reduce their service from April 2019 if the cut goes ahead. Mr Les Bell, Headteacher of Selby PRU, submitted a letter last week stating his plan to reduce numbers and cease home medical tuition. This week the Headteacher of Hambleton and Richmond PRU, Helen Whitehead, resigned over this issue.

**Given the response of the public and of education leaders across the county, could council officers explain how the proposal addresses their concerns?**

Response to Public Question 2 (Pages 10651 to 10652 of the Minute Book)

In response to Alex Boyce's question, County Councillor Patrick Mulligan said:

Many of the issues raised in the letter have received numerous previous responses via the consultation and in a number of public meetings.

We acknowledge the letter from head teachers and note that 7 secondary head teachers are included in the signatures.

However I must point out that there are over 350 schools in North Yorkshire and 17 is a very small proportion. I must also point out the Schools Forum is the statutory representative group of head teachers in the county, made up of a full representation of all schools. The proposals have been discussed several times with them, they have a wider understanding of all school finance issues, and were supportive of taking the proposals forward.

We are determined to reshape the model of Alternative provision so that schools can access AP at an earlier stage to both meet the needs of the young person but also significantly reduce exclusions. This reflects what we have been told by schools leaders they need in order to reduce exclusion of young people.

We know that once a child has been excluded, some schools are very reluctant to readmit and therefore they remain in the PRS long term with little accountability from home schools. This reluctance to readmit and to work with PRS to support young people back into mainstream school is an issue raised by the Head Teacher of Grove Academy as a significant one during regular meetings with the LA. If this current model continues, we will continue to have excluded children out of mainstream provision until they finish their statutory education. A model of AP that can be accessed by schools at an early stage will mean that they can retain young people on roll on a personalised curriculum. Schools remain accountable for their outcomes and the young people are not rejected from their school community.

We are urging head teachers to work with the local authority to finalise the models that are most appropriate in their area. We have established a schedule of monthly meetings in each area to facilitate these discussions so that the final models are agreed by the end of the summer. This will leave a full year for implementation.

We are also interested in discussing funding arrangements for AP with schools. We know that schools are paying for a range of external AP from their budgets, including payments of £4K for 12 week preventative placements in the Grove. We are keen to investigate a pooled budget made up of local authority funding and an affordable contribution from schools as this will enhance the funding available and establish a joined up collaborative approach to AP into the future.

Although our vision is to reduce the need for permanent exclusion, I think it is once again important to point out that the pressure on the high needs budget is significant with an expected £5.7 million deficit for 18/19. As a result of this pressure, we transferred 0.5% of funding from the Schools Block in 18/19 and intend to do this, as a minimum, in 19/20. This means less funding available for our schools across the county, many of which are experiencing their own budgetary pressures.

PRS have largely been protected from funding reductions and therefore had not had to consider transformation or cost efficiencies. For example, each PRS works independently and employs a Head teachers and 2 Assistant/Deputy Heads for an establishment of between 15-46 places. This is unrealistic in the current financial environment and reduces funding available for front line delivery.

We intend to continue to work with head teachers to ensure that we establish high quality, cost effective AP models that can be accessed at the earliest opportunity and provide good outcomes for young people.

Public Question 3 – Natalie Astwood, parent (Pages 10655 to 10658 of the Minute Book)

Hello, my name is Natalie Astwood and I am the parent of a 14 yr old daughter currently attending The Grove in Harrogate. I believe the proposed cuts to the PRS will be devastating for all the children and their families who currently rely on the support and expertise of this vital provision. Without The Grove, my daughter's life chances will be significantly reduced and she will have been completely let down by those making these catastrophic decisions. It is the council's job, bound by legislation to give her the same opportunities as the round peg children who can function in mainstream. It is naive to assume that children such as my daughter will be able to reintegrate and survive in mainstream and talk of virtual schooling for these complex kids who need guidance and nurture is quite frankly ridiculous.

I beg that every member here today considers these children as we cannot shout any louder about this injustice and so I will proceed to talk about the legal action we are prepared to take to protect our children's futures. As parents we feel that council officers simply have not listened to our views and so we have been forced to take legal action. I would like to read extracts from a 'Letter Before Action' written by Simpson Millar solicitors on behalf of Ellie Thompson, a student at Harrogate PRU. Many other parents have come forward to add their name to this legal action and this will occur in due course.

*Despite the concerns raised by various interested parties through the consultation process, there is little evidence to show that the council has had any regard to the equality impact when making their decision on 15 January 2019. Although the meeting whereby the proposals were authorised heard from a number of individuals from various focus groups, there is no real engagement with these issues. It is submitted that there has not been any reasonable steps to enquire as to the impact of these changes on disabled young people and children within North Yorkshire. Despite the fact that a number of Equality Impact Assessments have been conducted, the fact that the proposals themselves are vague and indeed, the minutes of the executive meeting show that there is a deference to head teachers 'shaping the way' in which these proposals take form, limits the use of such assessments. However, the council do not appear to have engaged with the inevitable detrimental impact that such significant cuts to funding will have. This is something that cannot be hidden. The significance of the funding changes means that provision will inevitably be cut as part of the wider changes to that provision. It is not simply a matter of 'amending the offering' to be led by head teachers. Head teachers can only shape provision from within the budget that is allocated to them.*

*It is also submitted that the consultations, and the subsequent decision, are flawed in terms of ensuring that appropriate alternatives to such changes were known and understood by those contributing to the consultations but also by the committee members voting in favour of such proposals. Given that members were inevitably voting on proposals that had not been in any way evidenced or thought through ie they were so vague that it is submitted in the meeting itself that members do not know what such changes will look like, the decision is flawed and in breach of both the public sector equality duty as set out above but also in relation to the application of the Tameside principle.*

*In addition, there is no evidence that the local authority have considered section 11 of the Children 2004 and/or section 175 of the Education Act 2002 which requires the local authority to have regard to the need to safeguard and promote the welfare of children in their area. Children in pupil referral units in particular, but also with EHCPs in any school are often also seen to be children in need under the Children Act. They are vulnerable by virtue of the fact*



that, like our client, they have often been excluded or otherwise removed from mainstream provision on a number of occasions. Alternate provision and pupil referral units are only accessed as a matter of last resort when other provision is unable to meet a child's needs. Making changes to the way in which such provision is set up and funded will inevitably impact on the most vulnerable children and young people in the area.

It is also considered that the consultation which led to this decision was flawed. Although it will no doubt be alleged that our challenge is 'out of time' to challenge the consultation itself, the flaws to the consultation process render any subsequent decision based on such a consultation unsafe (*R (Connolly) v Northamptonshire County Council* [2018] EWHC 2176 (Admin) and *R (Moseley) v LB Haringey* [2014] UKSC 56).

...

In relation to the second proposal (changes to pupil referral units or alternative provision) a cut of 50% of funding is not expressly stated, it is only inferred (£2.7 million of non-statutory funding will be removed leaving only £4.6 million of statutory funding). It is not considered that this information is sufficiently clear to give participants an opportunity to make and provide an informed opinion.

It is stated that "Schools will be able to use these places flexibly to meet the needs of children who are at risk of exclusion rather than for permanent exclusions to provide a suitable alternative curriculum". It is still not clear what this means and it was the subject of some discussion in the executive meeting itself. The lack of detail provided in the consultation documents potentially prohibited meaningful responses to the consultation from a vast number of those affected. Indeed, one of our clients primary concerns is that she does not know how she will be affected by the proposals but given the funding cuts, is certain it will not be a positive impact.

Linked to the above, there is absolutely no information, as already stated, above, on what the impact of these changes will have on the quality and the extent of provision available for children given the significant cuts. It is simply not sufficient to say that these changes will be mapped by headteachers as was suggested in the executive meeting itself. It is not clear whether the £771,000 of non-statutory funding redirected from the PRU budget will be allocated in such a way that it may not be spent on children who are permanently excluded or at risk of permanent exclusion. The amount of transitional funding is not quantified in any way. This is a significant challenge and information should have been clear to enable interested individuals the opportunity to engage with the proposals.

...

Despite the lack of clarity around the proposals, a number of individuals did raise concerns over the proposals. Indeed, some of the concerns raised surrounded the lack of clarity in the proposals and the lack of alternatives. Despite this, the Council have not indicated that they have considered these concerns nor sought to deal with them in any way. There has been some minor amendments to the timescales for the introduction of such changes but the rationale for such minor changes is not understood.

..

**Across the country legal action over matters such as this has proven successful in the vast majority of cases. What is the response of council officers to this legal action?**

Response to Public Question 3 (Page 10660 of the Minute Book)

In response to Natalie Astwood's question, County Councillor Patrick Mulligan said:

We have received the Letter Before Action correspondence from Simpson Millar and will respond in accordance with the required timescales and therefore will not enter into discussions with reference to the content of this letter in this meeting.

However, I do think I need to give a clear message to reassure parents and carers.

I am sure that you and other parents with children who have experienced a permanent exclusion will recognise the negative impact of such in terms of rejection from the school community, disruption in learning and the potential of reduced educational outcomes.

We are determined to provide greater opportunities for schools to help them meet the needs of young people struggling with the traditional mainstream curriculum and putting themselves at risk of permanent exclusion. This means changing the current model of AP to enable this to happen and to still provide high levels of pastoral support, access to small groups and unconditional regard for children.

For clarity, we are not going to create a model where children have to reintegrate and survive in mainstream or virtual schooling. We need schools to be able to personalise learning for children at the earliest stage of young people disengaging. Schools are clearly telling us that they cannot access AP from the PRS when needed and therefore there is a perverse incentive to permanently exclude.

– why should they have to be permanently excluded before this can happen? I am sure that is not what parents would want.

We intend to continue our discussions with schools to reduce permanent exclusion and to jointly hold responsibility for the education of young people that would benefit from a personalised approach to learning.

Public Question 4 - Karen Carberry, Organiser with the National Education Union (Page 10662 in the Minute Book)

Under section 436A of the Education Act 1996 each local authority has a statutory obligation to (amongst other things) have robust policies and procedures in place to enable them to meet their duty in relation to children missing from education. This includes ensuring that there are effective tracking and enquiry systems in place, a named person to who agencies can make referral and a process through which these agencies can share information. The statutory guidance states that prompt action and early intervention are crucial to discharging this duty effectively and in ensuring that children are safe and receiving a suitable education. As it stands today, there is no infrastructure in mainstream school to deal with pupils that are not able to cope with a mainstream education. Early Intervention to prevent permanent exclusion is an admirable goal but it cannot be achieved by ploughing ahead with the proposed cut to funding for the PRS schools.

Pressing ahead now, before we are ready may result in achieving the desired reduction in the number of permanent exclusions in this county. The numbers will reduce as mainstream schools will have no other choice but to off-roll their students. It solves one problem, but it will, without any doubt create a far greater one. A hidden one.

In April 2019, the current alternatives to mainstream in this county will reduce the number of places available – this is in line with the reduction in their budgets. Budget surplus that council officers have alluded to has all but dried up and the PRS will no longer be a sustainable resource. Local Education Partnerships have not been established, Alternative Providers promised to us have not been found. Early Intervention infrastructure does not yet exist. What will be the result?

Vulnerable children will be missing from education: Those who lack vital literacy skills will be held back at every stage of their life:

- They are locked out of the job market,
- unable to support their own child's learning
- are more likely to have physical and mental health issues
- are more likely have lower-paid jobs or be unemployed
- be victims of crime or live in poor quality housing.

The cost to our society and the local authority will be much more in the long run.

Children will be wandering the streets because there will be nowhere else for them to go - making them vulnerable to predators. It is evidenced that in successfully prosecuted Child Sexual Exploitation cases, such as the Rochdale Abuse case - absence from education has been a significant factor. Schools have an explicit duty under Section 175 of the Education Act 2002 to safeguard children and promote their wellbeing. If children are absent from school how can the school and the local authority, who is ultimately responsible - carry out this statutory duty?

Response to Public Question 4 (Page 10664 of the Minute Book)

In response to Karen Carberry's question, County Councillor Patrick Mulligan said:

Firstly the local authority is fully aware of its duties to safeguard children and young people and meet the requirements of the Education Act 1996. In its recent Ofsted inspection the local authority gained outstanding status, the only LA in the country to be recognised as outstanding in all areas.

I am not in agreement with your view that mainstream schools do not have infrastructures that enable them to cope with children who are unable to access a mainstream curriculum or that they will have 'no choice' but to off roll.

Firstly, I think some secondary schools in the county that will challenge your view especially when we have many schools with low, if any exclusions. Risedale College, Ryedale School, Settle College, Ripon Grammar School, St. Augustine's RC School, St. Francis Xavier School and St. Aidan's C of E School did not permanently exclude in 2017/18 and are yet to do so in 2018/19. This is not because they have a less demanding cohort of young people but because of determined efforts by leaders to keep young people on roll and to provide personalised learning opportunities that meet the needs of the young people. On the whole, NY secondary schools are inclusive. Based on the current rate of exclusion so far in 2018/19 we would expect the total number of pupils permanently excluded to be approximately 86, a reduction of 17% on the previous year.

Secondly, all schools have a choice in terms of the practice of 'off rolling' as you describe and also have a duty to consider the impact of their actions on safeguarding children. This is not a sole responsibility for the local authority but for all stakeholders working with children as specified in statutory guidance Working Together to Safeguard Children 2018. I would suggest that inclusive school leaders in North Yorkshire would strongly challenge your assumption that they would resort to this practice en masse.

We recognise the impact of children missing 'from' or 'out of education'. We understand that actions taken to off roll, encourage elective home education, part timetables increase the vulnerability of young people. This is exactly why we want to develop a model of AP that allows schools to keep young people on roll, remain accountable for their attendance and outcomes and ensure they receive the support they require to achieve.

The current model whereby AP is mainly accessed as a result of permanent exclusion does the opposite and enables school to relinquish responsibility for children once they have been removed from roll. Some children in PRS are not accessing full time education, have low attendance and do not achieve expected outcomes. Maintaining the status quo is not acceptable if we want the best for our children.

Public Question 5 – John Warren, Principal of the Grove Delta Academy (Page 10666 in the Minute Book)

I am John Warren, Principal of the Grove Delta Academy, which is the Harrogate Pupil Referral Unit. I wish to make a statement in support of the amendment to delay the proposed cuts to an outstanding and award-winning Pupil Referral Service. I will focus my comments on the Harrogate area.

The Grove is currently meeting the needs of more young people than ever before, despite five years of responsibly reducing costs and staffing. Whilst we fully understand the pressures on North Yorkshire's High Needs budget, we have consistently maintained that the budget cut proposals will make the Grove financially unviable from September 2019. It is no idle warning that we could close.

The Grove is fiscally responsible. Our CEO Paul Tarn has spoken to Stuart Carlton and invited LA officers to examine the accounts of the school and detailed case studies so that they can understand the realities of the costs involved in providing placements for challenging young people.

I have already explored several scenarios with my Finance Manager to find way we could deal with an overall cut of two-thirds by 2020 whilst at the same time trying to meet an increased commissioning demand for our services. So far, none of the scenarios are financially feasible or allow us to maintain the outstanding quality of our service or enable us to provide adequate safeguarding for staff and students.

I am asking for a delay of at least a year to the budget cuts. Everyone supports the vision of less exclusion and more inclusive practice in mainstream schools. But that culture is not going to be achieved overnight. It is also naïve to think that mainstream schools can meet the needs of all young people. The Grove has always been innovative and we have been proactive in talking to local heads and community leaders for a way forward. We have ambitious plans for developing the service we offer which has widespread support in our locality. Richard Sheriff, CEO of Red Kite and Paul Tarn, CEO of Delta have met along with other local headteachers and there is broad consensus that we could work together collaboratively to find a local community solution. But that takes time and resources.

We could have an innovative provision similar to that of the Danesgate Community in York. A centre where a range of special educational needs are met. A place where local schools can be confident that the pupils receive an excellent quality education and vocational opportunities. A nurturing place where therapeutic services and trained SEMH professionals can rapidly identify pupils needs and quickly move them on to the most appropriate pathway.

If the cuts go ahead my fear is that these plans to support vulnerable young people will be unrealised and North Yorkshire will have lost an historic opportunity to develop an outstanding model of truly collaborative alternative provision in Harrogate. Moreover, there is a very high risk that it will lose an experienced staff team. There have already been resignations across the PRS. It takes many years to build highly effective staff teams who have the resilience and skill to deal with challenging behaviour and needs, and still provide outstanding care and education. People are ultimately the greatest asset.

One of our frustrations over the past few months is that we feel the LA has not really engaged with the concerns of the PRS. It has tended to assert rather than discuss its position. My question to the council is: will you agree to delay the cut so we can all sit down, in a genuinely collaborative way, to work together with the PRS and local leaders to create an outstanding new Alternative Provision in each locality?

Response to Public Question 5 (Page 10668 of the Minute Book)

In response to John Warren's question, County Councillor Gareth Dadd said:

As we have previously stated the funding to the PRS/AP provision across the county has historically been very generous. This has allowed PRS to amass significant surplus budgets from the High Needs Block. The local authority has not significantly reduced the funding for PRS despite the sustained period of austerity and an ever increasing demand on all aspects of SEND provision other than PRS/AP. The PRS/AP has largely been protected in terms of budget stability throughout and extending the allocation of discretionary funding means Grove Delta Academy budget will be reduced by 23% through to Sept 2020. This does not take into account the additional resource generated by the academy from charging local schools additionally for provision.

We are currently working up a number of AP models for discussion at meetings with secondary head teachers. These meetings have been arranged monthly to ensure future models are agreed by the end of the summer, leaving a full year for implementation.

We are pleased that you are working with Harrogate Head teachers to develop and present an option to the local authority, although this surprisingly was not mentioned at the meeting last week between your Chief Officer and the Corporate Director for CYPS. It is a particular frustration that since the launch of the consultation in October 2018, and months prior to this, the Grove Academy have not proactively engaged with the LA on these developments. Although we respect and expect difficult decisions such as these to be met with opposition, it appears the stance taken by leaders of the Grove Academy has been to focus almost all energies upon opposition with little regard for continued dialogue and partnership needed to develop future models.

Further, I understand that your Chief Officer asked that you make contact with the Local Authority over 2 weeks ago to discuss your intentions from April. I am disappointed that that has not happened. It cannot be right that you are apparently announcing your intentions to local schools but not the LA as the commissioner of school places. This needs to happen as soon as possible.

The local authority has paid due regard to the concerns raised during the consultation and decided to extend the timescale for implementation to September 2020 and slow down the reduction in discretionary funding. The adapted proposal and timeline takes into account that 70% of the current cohort within PRS are in years 10 and 11 and will transition to post 16 provisions by the time a new model is introduced in September 2020.

We understand your frustrations but equally, we are concerned that senior leaders at the Grove have not overall been proactive in working with the LA in reshaping provision so that young people do not have to be permanently excluded to access AP. In fact, controversial as it may sound, we are disappointed that you have informed schools that you will be sending young people back to school from April prior to the finalisation of the 2019/20 service level agreement. This serves no purpose but to further raise the anxieties of schools, children and families which seems at odds with the Grove Academy's aims of working in the best interest of these key stakeholders.

It is important that the Grove Academy sits with officers from the Local Authority to discuss future intentions and plans immediately.

You also may like to consider, during this proposed transitional phase, discussing the matter with your Chief Executive who is quoted to be on a salary of £190,000-£200,000 per year. The prospect of the Academy trusts assisting with some transitional funding from the reserves your Trust holds reported to be circa £9million. Your Trust is funded solely from dedicated schools grant, public money, we are effectively cross subsidising that internally as a local authority. This is the real scandal. You may also whilst I am on to counsel supporters in your group proposing these plans to be a little more wary with some of the inflammatory and in my view disgraceful statements and assertions made from the media. We have only this morning heard a flavour of those outrageous statements on Radio York. Our position and policy has been developed with a strong unequivocal support and advice of our professional officers.

In conclusion, we have taken our responsibilities moral and legal very seriously and can assure you we will fulfil the said responsibilities and duties with the proposals we have, not only because we have to but because we feel passionately it is right financially but more importantly for the welfare and outcomes for present and future young people in need of that support.

## **72. Report of the Executive**

### **Budget 2019/20 and the Medium Term Financial Strategy (MTFS)**

The recommendation at paragraph 1 of the report (page 10672 to 10674 of the Minute Book) regarding the Mid Term Financial Strategy for 2019/20 to 2021/22, the Revenue Budget for 2019/20 and Council Tax for 2019/20 was moved and seconded.

An amendment was proposed by Cllr Liz Colling and seconded by Cllr Steph Duckett.

We accept that our schools should not be excluding so many children and that resources to tackle this problem will have a longer term benefit for more students than continuing with the funding of the PRS at the current rate. However we are concerned that the scale of the cuts and the short timescale does not give the Pupil Referral Units (PRUs) the time or resources to adapt to change.

We believe the solution is to go ahead with the planned reduction of 50% in discretionary funding to the PRUs from April 2019 but we propose that we use £1.0m (just a fraction under the net savings estimated in 2019/20 alone) for the Children & Young People's Service to support those PRUs who wish to work collaboratively with us towards an improved system. This will then help to ensure that by September 2020 our PRUs are in the best possible position prior to the loss of all discretionary funding and the full introduction of alternative provision.

#### **Financial Consequences**

This proposal would require a further £1,000k of Reserves (Strategic Capacity Unallocated) in 2019/20 alone.

The change would impact upon the following Recommendations (pp85 – 87 of Executive 29 January 2019) as put forward by the Executive:-

12.1 d) – need to reflect £1,000k increase in use of Reserves in 2019/20.

12.1 I) – Appendix A (pp97 of Executive 29 January 2019) to replace the values in CYPS 7 and increase CYPS budget in each of the years by the corresponding reduction in savings as follows:-

	2019/20	2020/21	2021/22	Total
	£000	£000	£0000	£000
Current values	1,009	241	305	1,555
Replaced by	9	1,241	305	1,555
Increase to CYPS Budget	1,000	-1,000	0	0
<i>Use of Reserves</i>	1,000	0	0	1,000

There would be no impact upon the council tax requirement and subsequent precept notice to the District Councils.

Assuming that the savings were implemented as set, there would be no impact on the recurring budget deficit over the life of the MTFs.

**A named vote was taken on the amendment and the motion was declared defeated with 49 against, 13 for and 3 abstentions. Votes were recorded as follows:**

**For the motion:** County Councillors John Blackie, Philip Broadbank, Liz Colling, Stephanie Duckett, David Goode, Helen Grant, Bryn Griffiths, Don Mackay, John McCartney, Stuart Parsons, Tony Randerson, Andy Solloway, Geoff Webber.

**Against the motion:** County Councillors Val Arnold, Karl Arthur, Margaret Atkinson, Bob Baker, Derek Bastiman, David Blades, Michael Chambers MBE, David Chance, Jim Clark, Richard Cooper, Gareth Dadd, Caroline Dickinson, Keane Duncan, John Ennis, Caroline Goodrick, Michael Harrison, Paul Haslam, Robert Heseltine, David Hugill, David Ireton, David Jeffels, Andrew Jenkinson, Andrew Lee, Carl Les, Stanley Lumley, Cliff Lunn, Don Mackenzie, John Mann, Stuart Martin MBE, Zoe Metcalfe, Heather Moorhouse, Patrick Mulligan, Richard Musgrave, Caroline Patmore, Chris Pearson, Clive Pearson, Gillian Quinn, Janet Sanderson, Karin Sedgwick, Peter Sowray, Helen Swiers, Roberta Swiers, Angus Thompson, Cliff Trotter, John Weighell OBE, Richard Welch, Greg White, Annabel Wilkinson, and Robert Windass.

**Abstentions:** County Councillors Lindsay Burr MBE, Janet Jefferson, and Mike Jordan.

County Councillor Eric Broadbent left the Council Chamber and did not participate in the vote.

An amendment was proposed by Cllr Geoff Webber and seconded by Cllr Bryn Griffiths.

We recognise that the County Council is facing an ever increasing rise in the number of children with EHCPs and that there is simply too little funding from government to deal with this demand. We also support the Council's drive to reduce exclusions and to work with those at risk of exclusion by looking at different approaches with schools in localities. However, we are concerned with the pace with which the Council is looking to introduce the changes to the services from the Pupil Referral Service (PRS). We believe that a 50% reduction in

discretionary funding may be appropriate but to introduce this in April 2019 (just over 5 weeks away) is unfair and impractical.

We therefore propose that the discretionary funding for PRS remains at the current level until April 2020 at which point it reduces by 50%. The remaining 50% is then removed with effect from April 2021 rather than September 2020 as proposed in the Budget / MTFs report. This delay will provide the PRS with valuable time in which plans can be made in conjunction with the individual PRSs to ensure continuity to those who are most vulnerable whilst making changes to the service.

We know that this will involve additional resources being put into the revenue budget in order to delay this transition but the Council did receive an additional £1.6m of Rural Services Grant in the Local Government Finance Settlement for 2019/20 and £1.2m of additional SEND grant from the Department for Education in both 2018/19 and then again in 2019/20 – neither had been expected so present opportunities to taper the proposed savings for the PRS. This windfall totals £4,000k and is in excess of the delayed savings that total £2,112k so it can surely be afforded.

#### Financial Consequences

If the first tranche of the discretionary element of the savings proposal was delayed for 12 months and the second tranche delayed by 6 months then it would require a further £2,112k of Reserves (Strategic Capacity Unallocated).

The change would impact upon the following Recommendations (pp85 – 87 of Executive 29 January 2019) as put forward by the Executive:-

12.1 d) – need to reflect £2,112k increase in use of Reserves as set out in the Table below.

12.1 l) – Appendix A (pp97 of Executive 29 January 2019) to replace the values in CYPS 7 and increase CYPS budget in each of the years by the corresponding reduction in savings as follows:-

	2019/20	2020/21	2021/22	Total
	£000	£000	£0000	£000
Current values	1,009	241	305	1,555
Replaced by	-324	795	1,084	1,555
Increase to CYPS Budget	1,333	-554	-779	0
<i>Use of Reserves</i>	<i>1,333</i>	<i>779</i>	<i>0</i>	<i>2,112</i>

There would be no impact upon the council tax requirement and subsequent precept notice to the District Councils. Assuming that the savings was implemented as set, albeit more slowly, there would be no impact on the recurring budget deficit over the life of the MTFs.

**A named vote was taken on the amendment and the motion was declared defeated with 51 against, 12 for and 2 abstentions. Votes were recorded as follows:**



**For the motion:** County Councillors John Blackie, Philip Broadbank, Liz Colling, Stephanie Duckett, David Goode, Helen Grant, Bryn Griffiths, Mike Jordan, John McCartney, Stuart Parsons, Tony Randerson, Geoff Webber.

**Against the motion:** County Councillors Val Arnold, Karl Arthur, Margaret Atkinson, Bob Baker, Derek Bastiman, David Blades, Michael Chambers MBE, David Chance, Jim Clark, Richard Cooper, Gareth Dadd, Caroline Dickinson, Keane Duncan, John Ennis, Caroline Goodrick, Michael Harrison, Paul Haslam, Robert Heseltine, David Hugill, David Ireton, David Jeffels, Andrew Jenkinson, Andrew Lee, Carl Les, Stanley Lumley, Cliff Lunn, Don Mackay, Don Mackenzie, John Mann, Stuart Martin MBE, Zoe Metcalfe, Heather Moorhouse, Patrick Mulligan, Richard Musgrave, Caroline Patmore, Chris Pearson, Clive Pearson, Gillian Quinn, Janet Sanderson, Karin Sedgwick, Andy Solloway, Peter Sowray, Helen Swiers, Roberta Swiers, Angus Thompson, Cliff Trotter, John Weighell OBE, Richard Welch, Greg White, Annabel Wilkinson, and Robert Windass.

**Abstentions:** County Councillors Lindsay Burr MBE, and Janet Jefferson.

County Councillor Eric Broadbent was not present in the Council Chamber and did not participate in the vote.

**A named vote was taken on the substantive recommendations in the Executive Report on the budget and the motion was declared carried, with 51 for, 13 against and 1 abstention. Votes were recorded as follows:**

**For the motion:** County Councillors Val Arnold, Karl Arthur, Margaret Atkinson, Bob Baker, Derek Bastiman, David Blades, Michael Chambers MBE, David Chance, Jim Clark, Richard Cooper, Gareth Dadd, Caroline Dickinson, Keane Duncan, John Ennis, Caroline Goodrick, Michael Harrison, Paul Haslam, Robert Heseltine, David Hugill, David Ireton, David Jeffels, Andrew Jenkinson, Mike Jordan, Andrew Lee, Carl Les, Stanley Lumley, Cliff Lunn, Don Mackenzie, John Mann, Stuart Martin MBE, Zoe Metcalfe, Heather Moorhouse, Patrick Mulligan, Richard Musgrave, Caroline Patmore, Chris Pearson, Clive Pearson, Gillian Quinn, Janet Sanderson, Karin Sedgwick, Andy Solloway, Peter Sowray, Helen Swiers, Roberta Swiers, Angus Thompson, Cliff Trotter, John Weighell OBE, Richard Welch, Greg White, Annabel Wilkinson, and Robert Windass.

**Against the Motion:** County Councillors John Blackie, Philip Broadbank, Lindsay Burr MBE, Stephanie Duckett, David Goode, Helen Grant, Bryn Griffiths, Janet Jefferson, Don Mackay, John McCartney, Stuart Parsons, Tony Randerson, Geoff Webber.

**Abstention:** County Councillor Liz Colling.

County Councillor Eric Broadbent was not present in the Council Chamber and did not participate in the vote.

**Resolved -**

- (a) The Section 25 assurance statement provided by the Corporate Director, Strategic Resources regarding the robustness of the estimates and the adequacy of the reserves (paragraph 8.17) and the risk assessment of the MTFS detailed in Section 9 be noted.

- (b) In accordance with Section 42A of the Local Government Finance Act 1992 (as amended by Section 75 of The Localism Act 2011), a Council Tax requirement for 2019/20 of £305,852,694 be approved and that a Council Tax precept of that sum be issued to billing authorities in North Yorkshire (Section 3.3 and Appendix C).
- (c) In accordance with Section 42B of the Local Government Finance Act 1992 (as amended by Section 75 of The Localism Act 2011) a basic amount (Band D equivalent) of Council Tax of £1,311.16 be approved (paragraph 3.3.10 and Appendix C).
- (d) A Net Revenue Budget for 2019/20, after use of reserves, of £382,018k (Section 4.0 and Appendix F) be approved, and that the financial allocations to each Directorate, net of planned savings, be as detailed in Appendix B.
- (e) In the event that the final Local Government Settlement results in a variance of less than £5m in any single year then the difference to be addressed by a transfer to / from the Strategic Capacity Unallocated Reserve in line with paragraph 3.2.8 with such changes being made to Appendix D as appropriate.
- (f) The Corporate Director – Children and Young People’s Service be authorised, in consultation with the Corporate Director, Strategic Resources and the Executive Members for Schools and Finance, to take the final decision on the allocation of the Schools Budget including High Needs (paragraph 3.4.16).
- (g) £360k be provided for Members Environmental Locality Budgets in 2019/20 in line with paragraph 3.9.2.
- (h) A further £1m be provided to fund the on-going 2020 North Yorkshire Programme and its emerging successor (Beyond 2020 Programme) in response to the need to plan for further savings proposals as set out in paragraph 3.9.3.
- (i) The Medium Term Financial Strategy for 2020/21 to 2021/22, and its caveats, as laid out in Section 3.0 and Appendix F be approved.
- (j) The Corporate Director – Business & Environmental Services be authorised, in consultation with the Executive Members for BES, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in Appendix A1 (BES 1 to 7).
- (k) The Corporate Director – Health and Adult Services be authorised, in consultation with the Executive Members for HAS, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in Appendix A1 (HAS 1 to 17).
- (l) The Corporate Director – Children and Young People’s Services be authorised, in consultation with the Executive Members for CYPS, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in Appendix A1 (CYPS 1 to 7).
- (m) The Chief Executive is authorised, in consultation with the Executive Members for Central Services, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in Appendix A1 (CS 1 to 17).

- (n) Any outcomes requiring changes following Recommendations j), k), l), and m) above be brought back to the Executive to consider and, where changes are recommended to the existing major policy framework, then such matters be considered by full County Council.
- (o) The existing policy target for the minimum level of the General Working Balance is retained at £27m in line with paragraphs 3.6.4 to 3.6.5 and Appendix E.
- (p) The pay policy statement (Appendix H) covering the period 1 April 2019 to 31 March 2020 be approved as set out in Section 6.
- (q) The recommendation of the Chief Officers Appointment and Disciplinary Sub Committee to combine current grades Director 2 and 3 into a single grade be approved as set out in Section 6 and as incorporated within Appendix H.

In addition, the Executive also:

- Noted and agreed the delegation arrangements referred to in Section 10 that authorised the Corporate Directors to implement the Budget proposals contained in the report for their respective service areas and for the Chief Executive in those areas where there were cross-Council proposals.
- Had regard to the Public Sector Equality Duty (identified in Section 7 and Appendix I) in approving the Budget proposals contained in the report.

### **Capital Plan**

**The vote was taken and on a show of hands, the motion was declared carried, with 61 for, none against and five abstentions.**

#### **Resolved:-**

- (a) Approved the updated Capital Plan, summarised at Appendix E which incorporated a number of specific refinements reported in paragraph 4 of the report.
- (b) Agreed that no action be taken at this stage to allocate any further additional capital resources (paragraph 6.4).
- (c) Agreed to Recommend to the County Council that the Q3 2018/19 Capital Plan, as summarised in Appendices A to E be adopted.

### **Treasury Management Strategy**

**The vote was taken and on a show of hands, the motion was declared carried, with 60 for, none against and six abstentions.**

#### **Resolved:-**

- (a) The Treasury Management Policy Statement as attached as Appendix A;
- (b) The Annual Treasury Management and Investment Strategy for 2019/20 as detailed in Appendix B and Prudential Indicators attached as Schedule E, in particular;
  - i. an authorised limit for external debt of £537.2m in 2019/20;

- ii. an operational boundary for external debt of £517.2m in 2019/20;
  - iii. the Prudential and Treasury Indicators for 2019/20 to 2020/21
  - iv. a limit of £40m of the total cash sums available for investment (both in house and externally managed) to be invested in Non-Specified Investments over 365 days;
  - v. a 10% cap on capital financing costs as a proportion of the annual Net Revenue Budget;
  - vi. a Minimum Revenue Provision (MRP) policy for debt repayment to be charged to Revenue in 2019/20
  - vii. the Corporate Director – Strategic Resources to report to the County Council if and when necessary during the year on any changes to this Strategy arising from the use of operational leasing, PFI or other innovative methods of funding not previously approved by the County Council;
- (c) The Capital Strategy as attached as Appendix C.
- (d) That the Audit Committee be invited to review Appendices A, B and C and submit any proposals to the Executive for consideration at the earliest opportunity.

### 73. Council Plan

The recommendation at paragraph 2 of the report (page 10674 of the Minute Book) was moved and seconded.

**The vote was taken and on a show of hands, the motion was declared carried, with 62 for, none against and four abstentions.**

#### Resolved -

That the County Council approve the draft Council Plan and authorises the Chief Executive to make any necessary changes to the text, including reflecting decision made by the County Council on the budget, Medium Term Financial Strategy and updated performance data.

### 74. Response by the Scrutiny of Health Committee to the Notice of Motion to County Council on 14 November 2018 on the NHS Patient Transport Service and Community Hospitals

The recommendation at paragraph 3 of the report (page 10675 of the Minute Book) was moved and seconded.

County Councillor Michael Harrison put forward an amendment as follows:

That point 2 of the recommendations on page 27 include the word 'immediately' and so reads as follows "The Clinical Commissioning Groups and the Yorkshire Ambulance Service immediately consider amending the assessment criteria to explicitly include as considerations...."

This was seconded by County Councillor John Blackie.

**The vote was taken and on a show of hands, the motion was declared carried, with 66 for, none against and no abstentions.**

## Resolved -

That County Council approve the approach that has been adopted by the Scrutiny of Health Committee and the recommendations that were considered by Executive. These are detailed in full as follows:

### NHS Patient Transport Service

1. The Clinical Commissioning Groups and Yorkshire Ambulance Service to provide data on:
  - the number of appeals (successful and unsuccessful) as a percentage of the overall number of journeys
  - the financial impact of the changes to the application of the eligibility criteria
  - the number of 'Did Not Attend' for medical appointments that can be linked to the changes in the application of the eligibility criteria.
2. The Clinical Commissioning Groups and the Yorkshire Ambulance Service to immediately consider amending the assessment criteria to explicitly include as considerations:
  - the impact of rurality
  - the level of access to public transport
  - the distances that have to be travelled.
3. The Vale of York CCG and Scarborough and Ryedale CCG to consider amending their criteria so that patients undergoing Chemotherapy, Radiotherapy, Renal and Other Oncology are automatically entitled to patient transport services and do not need an assessment.
4. The appeals process to be simplified and better publicised.
5. The Council's Scrutiny of Health Committee to liaise with the Council's Care and Independence Overview and Scrutiny Committee over changes to adult social care transport charging that are currently being consulted upon.
6. Daniel Harry to draft a report that outlines the Scrutiny of Health Committee response to the Notice of Motion, based upon the discussions today, and circulate to the members of the committee for comment.
7. That an update on the impact of the changes to the way in which the eligibility criteria for the Patient Transport Service are applied is provided to the Scrutiny of Health committee meeting on 21 June 2019.

These were considered by the Executive on 29 January 2019. In addition to the above, Executive also made the following recommendations for Council to consider, that:

- All CCGs operate a consistent approach to the commissioning and operation of Patient Transport Services
- The fourth resolution should be strengthened to say 'The entire appeals policy and process should be simplified, made clearer and more transparent, and better publicised'.

## Community Hospitals

At the Scrutiny of Health Committee Mid Cycle Briefing on 1 February 2019, local NHS commissioners and providers started a discussion about what the long term vision could be for small and community hospitals.

### **75. LGPS Employer Discretions Policy**

The recommendation at paragraph 4 of the report (page 10676 of the Minute Book) was moved and seconded.

**The vote was taken and on a show of hands, the motion was declared carried, with 65 for, none against and one abstention.**

**Resolved -**

That the changes to the LGPS Employer Discretions Policy is approved.

### **76. School Admission Arrangements for the School Year 2020/21**

The recommendation at paragraph 5 of the report (page 10676 of the Minute Book) was moved and seconded.

**The vote was taken and on a show of hands, the motion was declared carried, with 66 for, none against and no abstentions.**

**Resolved -**

That County Council approve the proposed Admissions Arrangements which include:

- i. the proposed admission policy for community and voluntary controlled schools; and
- ii. the proposed admissions policy for nursery schools, schools with nursery and pre-reception classes, Appendices 1 and 2 of the report
- iii. the proposed co-ordinated admission arrangements as set out in Appendix 3 to the report;
- iv. the proposed in Year Fair Access Protocol as set out in Appendix 3a to the report; and
- v. the proposed published admission numbers (PAN's) for community and voluntary controlled schools as shown in Appendices 4 (Primary) and 5 (Secondary).

### **77. Appointments to Committees and Outside Bodies**

The recommendation at paragraph 6 of the report (page 10676 of the Minute Book) was moved and seconded.

Additional appointments were proposed by Group Secretaries, as below:

Cllr Keane Duncan to come off the Young People's Overview and Scrutiny Committee  
Cllr Richard Musgrave to go onto the Young People's Overview and Scrutiny Committee.

**The vote was taken and, on a show of hands, the motion was declared carried, with 66 for, none against and no abstentions.**

**Resolved -**

That County Councillors Caroline Goodrick, David Goode and Liz Colling are appointed to the Looked After Children Members' Group.

County Councillor Keane Duncan to come off the Young People's Overview and Scrutiny Committee and County Councillor Richard Musgrave to go onto the Young People's Overview and Scrutiny Committee.

**78. Progress with the three Notices of Motion that went to County Council on 14 November 2018**

This item provided an update to Council and so no motion was moved and no vote taken.

**79. Report and recommendations of the Members' Independent Remuneration Panel**

The recommendations at paragraph 5 at page 31 (page 11091 of the Minute Book) were moved and seconded.

**The vote was taken and, on a show of hands, the motion was declared carried, with 59 for, 6 against and 1 abstention.**

**The following County Councillors asked that their votes against the motion be recorded in the minutes: Keane Duncan and Stuart Parsons.**

**Resolved -**

That the County Council approves:

- (a) An increase of 2.6% to the Basic Allowance and all Special Responsibility Allowances.
- (b) An increase of 3 units in the Special Responsibility Allowance for the Leader of the Council.
- (c) An increase of 2 units in the Special Responsibility Allowance for the Chair of the Police, Fire and Crime Panel; an increase of 1 unit in the Special Responsibility Allowance for the Vice Chairs of the Police, Fire and Crime Panel; an increase of 0.5 units in the Special Responsibility Allowance for the Community Co-opted members of the Police, Fire and Crime Panel; and the introduction of a Special Responsibility Allowance of 1 unit for other members of the Police, Fire and Crime Panel.
- (d) That members of the Police, Fire and Crime Panel who are not County Councillors are invited to voluntarily return a proportion of their allowance if their attendance falls below a benchmark of 60%, except where there are mitigating circumstances such as illness, in line with the existing scheme for County Councillors.
- (e) That, if there are any increases in the travel and subsistence rates payable to staff, a similar increase be made to the rates in the Members' Allowances Scheme, to come into effect at the same time.

## **80. Statements by Executive Members and Chairmen of Overview and Scrutiny Committees**

County Councillor Michael Harrison, Executive Member for Health and Adult Services Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11106 to 11107), and responded to questions.

County Councillor David Chance, Executive Member for Stronger Communities Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11102 to 11104), and responded to questions.

County Councillor Caroline Dickinson, Executive Member for Public Health, Prevention and Supported Housing Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11108 to 11110).

County Councillor Andrew Lee, Executive Member for Open to Business Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11112 to 11113).

County Councillor Greg White, Executive Member for Customer Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11114 to 11116), and responded to questions.

County Councillor Gareth Dadd, Executive Member for Finance and Assets and Special Projects Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11118 to 11119).

County Councillor Janet Sanderson, Executive Member for Children's Services Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11120 to 11121).

County Councillor Patrick Mulligan, Executive Member for Education and Skills Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11122 to 11124), and responded to questions.

County Councillor Don Mackenzie, Executive Member for Access Engagement made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11126 to 11127), and responded to questions.

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees having previously been circulated, and which appears in the Minute Book (pages 11128 to 11146) were noted.

County Councillor Jim Clark, Chairman of the Scrutiny of Health Committee, responded to questions.

## **81. Notice of Motion**

“This Council calls upon the Government to reconsider transitional arrangements for women born on or after 6<sup>th</sup> April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.”

County Councillor Mike Jordan proposed the motion, and this was seconded by County Councillor John McCartney.



The Chairman resolved to discuss the Notice of Motion at Council.

The Chairman noted that female County Councillors would not have to declare an interest, as their pension arrangements are not required to be registered in the Register of Members' Interests.

County Councillor John McCartney called for a named vote on the motion. This request was declined as only 17 stood in support, 3 below the required minimum of 20.

**The vote was taken and, on a show of hands, the motion was declared carried, with 33 for, 20 against and 8 abstentions.**

**The following County Councillors asked that their votes in support of the motion be recorded in the minutes: Lindsay Burr MBE, Mike Jordan, Don Mackay, John McCartney and Stuart Parsons.**

**Resolved -**

That a letter be written to the relevant Government Minister requesting that they reconsider transitional arrangements for pensions for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.

**82. Council Procedure Rule 10 Questions**

There were no Council Procedure Rule 10 questions.

The meeting closed at 1:45pm