

North Yorkshire County Council

Richmond (Yorks) Area Constituency Committee

Minutes of the meeting held on 24 November 2021, commencing at 10am – held remotely via Microsoft Teams.

Present:-

Members: County Councillors David Hugill (Chairman), David Blades, Caroline Dickinson, Helen Grant, Bryn Griffiths, Carl Les, Yvonne Peacock, Karin Sedgewick, Angus Thompson John Weighell OBE, Annabel Wilkinson and co-opted member Malcolm Warne.

Other Cllrs Present: County Councillor Andrew Lee.

NYCC Officers: Andrew Dixon (Strategic Planning Manager, Education and Skills); Rebekah Taylor (Principal Adviser Monitoring, Education and Skills); Sarah-Jane Hill (SEND Strategic Plan Implementation Officer, Inclusion); Sally Dunn (Head of Finance, Schools and Early Years); Mark Ashton (Strategic Planning Officer, Education and Skills); Sarah Fawcett (Lead EOTAS, CYPS); Pam Johnson (NYCC Lead Officer, North Northallerton project); Steve Loach and Ruth Gladstone (Democratic Services), David Edwardes (Technology and Change) and Liz Simpson (Communications).

Copies of all documents considered are in the Minute Book

All decisions made by the Committee are subject to the procedure set out in Minute 150, below.

150. Chairman's Welcome, introductions and apologies

The Chairman welcomed everyone to the meeting and read out the following statement:-

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue (as informal meetings of the Committee Members), with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach was reviewed by full Council at its November meeting and agreed that it be continued with a further review taking place at the February 2022 meeting of the County Council.

County Councillor Heather Moorhouse submitted her apologies.

151. Minutes

Resolved

That the Minutes of the meeting held on 8th September 2021, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

152. Declarations of Interest

There were no declarations of interest to note.

153. Public Questions and Statements

There were no public questions or statements.

154. Schools, Educational Achievement and Finance

Andrew Dixon (Strategic Planning Manager, Education and Skills), Rebekah Taylor (Principal Adviser Monitoring, Education and Skills), Sarah-Jane Hill (SEND Strategic Plan Implementation Officer, Inclusion), Sally Dunn (Head of Finance, Schools and Early Years) and Mark Ashton (Strategic Planning Officer, Education and Skills) presented a report relating to schools, educational achievement and finance in the Constituency Area, highlighting the following:-

- Local educational landscape - There are now 18 primary academies and 4 secondary academies within the constituency area.
- Summary of schools' status – September 2021 - Total maintained (50) / Total academy (22) - Primary Maintained (44) / Primary Academy and Free School (18) – Secondary Maintained (3) / Secondary Academy (4) - Special Maintained (2) / Special Academy (0) – PRU Maintained (1) / PRU Academy (0)
- School standards - In the constituency area 80.6 per cent of primary schools are judged good or outstanding by Ofsted, which is below the North Yorkshire and national averages. In terms of secondary schools, 71.4 per cent are judged good or outstanding, which is also lower than the North Yorkshire and national averages. There are 26 schools currently judged requires improvement or inadequate in the constituency area.
- Attainment overall - Over the last 2 years, exams and assessments in schools have not taken place because of the disruption to students' education caused by the coronavirus (COVID-19) pandemic. Summer 2021 assessments were awarded based on teacher or centre assessment and no statistical adjustment processes were used. The Government intends for GCSEs, AS, A Level and equivalent assessments and exams to go ahead in England in summer 2022 and has consulted on assessment arrangements. In primary schools, national curriculum assessments due to be held in summer 2020 and summer 2021, including tests, teacher assessments and the phonics screening check, were also cancelled too. These statutory assessments are expected to resume in 2022.
- Not in education, employment or training - 21 young people (2.22%) were not in education, employment or training after leaving school as of August 2021 in the Constituency area.
- Fixed-term and Permanent Exclusions - Of the 1462 fixed-term exclusions in 2020/21 275 of these children were on roll of mainstream schools in the Richmond constituency. There were 26 permanent exclusions from schools in the county three of which were for children in Richmond area schools. A comparison of figures from previous years was provided. From September 2020 the transition of the Pupil Referral Service (PRS) to provide preventative places to reduce the need for secondary exclusions had been introduced.
- Special Education Needs and Disabilities - The development of the new model of provision, Targeted Mainstream Provision (TMP) was intended to help the LA meet

demand for full time education provision for children with SEND and who have an Education, Health and Care Plan. Work was continuing through 2021/22 to increase the amount of TMPs in areas which did not yet have host schools identified, to ensure that the LA has capacity to meet demand for this provision.

- SEN Statistics for Constituency Area - As of January 2021 there were 574 children living in the constituency with a North Yorkshire funded EHC plan, 16.2% of the North Yorkshire total.
- Elective Home Education - As of 31st August 2021 there were 904 children recorded as Electively Home Educated in North Yorkshire, 118 of which were formerly from a mainstream school in Richmond ACC. A more extensive report on this issue was to be considered later in the meeting.
- Schools in Financial Difficulty – details of the countywide and local positions were provided with projections of how this was likely to develop, going forward - 3 schools projecting to be in deficit by March 2022; 7% of schools in Richmond - 2 secondaries; 1 special. Total projected value of deficits = £2.1M - Projected average secondary deficit = £658k - Projected average special deficit = £831k / 10 schools projecting to be in deficit by March 2024; 24% of schools in Richmond. 7 primaries; 2 secondaries, 1 special - Total projected value of deficits = £2.1M - Projected average primary deficit = £63k - Projected average secondary deficit = £686k - Projected average special deficit = £300k
- School sustainability - Collaborative working - Pupil rolls – current and future – details were outlined in the report in relation to how current schools were developing. Details of the key points to note within LA planning areas across the constituency area were provided.

Members discussed the report and the following issues and points were raised:-

- Members raised concerns regarding the financial situation for schools, going forward and the need for a housing strategy that encouraged families with school age children to locate and remain in rural areas was emphasised. It was noted that this did not just require the provision of affordable housing but family homes at a relevant price to the area also. It was emphasised that for schools to be viable relevant housing was required in those areas. In response it was stated that this issue had been highlighted in the recent Rural Commission and it was expected that more financial support was to be provided to assist rural schools going forward, as they were particularly affected by the current funding formula.
- It was clarified that OFSTED inspections had recommenced but were around six terms behind. The LA has been assisting schools with assessment and attainment in the interim, and will continue to do so going forward.
- A Member raised concerns regarding the levels of fixed term and permanent exclusions, which appeared to have reached a certain level, but were not decreasing, and it was asked how the Constituency area compared to the other areas. In response it was stated that no comparisons were available at the meeting but details would be circulated to Members after the meeting. In terms of exclusions additional measures had been introduced throughout the county to address these. Support mechanisms have been introduced through Locality Board investment, with a long-term view of addressing these. The THRIVE initiative has been introduced in the Constituency area to assist with targeting the reduction of exclusions. This was a joined up approach, delivered through mainstream provisions. Work is taking place at Thirsk School and Stokesley Primary to provide support for those pupils requiring assistance and develop an understanding of their requirements, going forward. The Member considered that the specific locations were not beneficial to the whole Constituency area, because of the specific locations. In response it was stated that the intention was to roll out the initiative once the process had been tested effectively. The member stated that a comparison of the data prior to, and following, the introduction of this initiative would be useful.
- A Member noted the update on the new North Northallerton Primary school development in the report, which stated that this had been put back, and asked

whether the area would be able to accommodate the required school places without this provision, in the short term. In response it was stated that this should be manageable but the position would continue to be monitored.

Resolved –

That officers be thanked for the report and updates and the details provided be noted.

155. Elective Home Education

Sarah Fawcett (Lead EOTAS, CYPS) gave a presentation on elective home education, highlighting the following:-

Elective Home Education is the provision of a child's education at home or another setting away from school, with a parent/guardian opting to provide that education. It is a key element of educational choice.

A Review of EHE undertaken in 2020 encompassing:

- Pathway and roles across CYPS
- Reasons for EHE
- Oversight of appropriateness of education
- Advice, guidance and support for parents
- Powers if education is not deemed appropriate
- Policy and guidance

Changes informed by the review:

Responsibility for EHE has moved to The Inclusion Service

Referral and monitoring pathway has been updated to join up responsibilities across the directorate for all areas – Early Help, School Improvement and Inclusion

4 EHE Advisors in post to manage the EHE processes across localities

Policy & Guidance updated

CYPS Info updated and series of webinars delivered to communicate developments

Local Offer page updated

New EHE Pathway: Pre-Decision Meeting

- Discuss why EHE is being considered
- Explore all options available to parents
- Help overcome any issues which may have arisen in relation to school
- Ensure parents have all the information available to them regarding

EHE including access to the DfE Guidance

Introduce parents to a named contact who they can get in touch with regarding any queries

Cross Directorate working from outset

Any concerns regarding Off-rolling are reported to School Improvement

Records of children who are EHE

EHE Advisor allocated to each parent/carer

Contact within 5 working days, parent/carer has to satisfy the EHE

Advisor 'efficient suitable full-time education' in place for child's 'age, ability & aptitude' every 12 months

flexible & Supportive Approach

Overall Factors

Where the education takes place
When the education takes place
Resources/ Materials used
Educational Content
Evidence of Learning & Progress
Appropriate for child's ability, interests & future choices
Access to accreditation as appropriate
Access to learning that will benefit adulthood
Opportunities for socialisation & interaction

NYCC's oversight of the quality of education that is provided – details of feedback received were outlined.

Education found suitable - Where the threshold is being met the EHE Advisors will arrange further contact around 12 months later. Parents can make contact with their EHE advisor at any point in between should they have any queries. Details of the resources available to assist EHE were provided.

Education found unsuitable - If the education is not found suitable the EHE Advisor will let parents know in what areas the education is falling down and will recommend what changes need to be made for the education to become suitable. Parents will be given 4 weeks to act on the recommendations. At week 4 if the education is still not suitable an EHE panel will take place in a minimum of 15 days, they will look at the record of education in place plus any additional evidence parents wish to submit. Parents can choose to attend the panel or someone can represent them or alternatively they can submit electronic evidence or hard copies. The panel is made up of the Lead EOTAS, a Principal Advisor and a Medical Education Service (MES) Coordinator. Details of the reasons why education was considered unsuitable were provided.

S.437 (1) & School Attendance Order (SAO)

If the EHE panel find the education is not suitable the parents will be served a notice under s.437 (1) & will have 4 further weeks to satisfy NYCC that suitable education is in place before a SAO is served. The EHE Advisor will work alongside parents to ensure they understand why the education is not meeting the suitability threshold and will make recommendations regarding what changes need to be made to prevent a SAO from being served. If the recommendations are not acted upon and the education remains unsuitable a SAO will be served which will name the school the child needs to attend and from what date.

Education Supervision Order (ESO)

If the SAO is not complied with parents may face prosecution and NYCC may apply to the courts for an ESO which will require parents and their child to follow directions made in the order.

A number of graphical illustrations indicating numbers and reasons for those in EHE were provided.

House of Commons Education Committee Strengthening Home Education Third Report July 2021.

- DfE does not collect national figures on the number of children who are EHE
- Recognises the Government cannot say with confidence that a suitable education is being provided to every child
- Without a national register for EHE we cannot know how many children in EHE are receiving a suitable education

Recommendations

- A statutory register for children who do not receive their principal education in a mainstream school is essential
- To ensure that families who are considering EHE receive the right information at the right time to make the best decision for their children, a creation of an independent, neutral advocate which has the responsibility for co-ordinating all statutory SEND processes and could support families where a choice about EHE is being made.
- The use of independent advocates in cases where a pupil is excluded from school for more than five non-consecutive days in a school year. This could guard against coercive off-rolling and provide families considering EHE with neutral guidance.
- SEND Review to address the need for consistent and sufficient support for children with SEND, no matter where they are educated.
- Provide LA's with a set of clear criteria against which the suitability of education can be assessed, taking into account the full range of pedagogical approaches taken in EHE, as well as the age, ability and aptitude of individual children, including where they may have SEND.
- LA' must have the ability to see children (at a venue of the family's choosing) and evidence of their progress as appropriate, even where educational content and style varies widely from the school curriculum.
- The Department must also take responsibility for collating and analysing data about children receiving EHE so we can better understand the diversity of their needs and achievements.
- Commission and publish research on the life chances and social outcomes of EHE children working in partnership with the full range of EHE communities and measuring 'hard' outcomes such as literacy and numeracy as well as 'soft' outcomes. These 'soft' outcomes could include less quantifiable factors such as mental wellbeing.
- place a duty on every LA to ensure that home-educated children and young people have fair access to centres where they can sit accredited public examinations, with the Government meeting the entry costs for those exams.
- must indicate what level of numeracy and literacy is sufficient, in its view, to enable an adult who received EHE as a child to "function as an independent citizen in the UK."

Next steps for NYCC

- Develop EHE Dashboard to gather attainment data for EHE cohort & their post-16 destinations
- Report on how many children are receiving suitable education vs unsuitable

- Monitor impact of pre-decision meetings
- Monitor impact of legal action
- Develop One Minute Guides for parents on exam centres, access arrangements, exam entries

Following the presentation a discussion took place and the following issues and points were raised:-

- Members welcomed the approach being taken in respect of this issue by NYCC. It was asked how communities were engaged with that were difficult to reach, and had no interest in their children attending school when they had learnt to read and write. In response it was noted that there was currently no compulsion to let the Local Authority know that a child was to be educated at home, although there was strong encouragement for this to be reported to either the Authority or the School. A Children Missing from Education (CME) referral can be made if there are concerns from the school or the Authority in terms of the welfare of the child, but extensive work is undertaken with families to try to identify and address issues before that is implemented. In respect of gypsy and traveller families there was an expectation that certain levels of education would be obtained, and if they were not on a school role it was difficult to obtain the relevant data to determine that, therefore, every effort was made to engage with those communities to encourage school enrolment. Should that engagement not work the Authority has the right to take enforcement action (S437 notice) to require school attendance, but it was recognised that this was challenging. It was emphasised that it was essential that all children were provided with the opportunity to reach their full potential.
- A Member noted that EHE had been discussed extensively within Overview and Scrutiny, which had recognised the good work undertaken by NYCC. It was suggested that Central Government should act on the recommendations highlighted as soon as possible.

Resolved:-

That Sarah Fawcett be thanked for her presentation, the contents of which be noted.

156. North Northallerton Bridge – update

The project co-ordinator for NYCC Pam Johnson, provided a report on the progress of and attended the meeting to provide any updates required. The following issues were highlighted:-

- The work was continuing and was still scheduled to be completed on time.
- Work was being planned to address the flooding issues on the A684 Stokesley Road, near to the roundabout. It was asked whether there was a timeline in respect of this work taking place. In response it was stated that the details would be provided to the member outside of the meeting as they were not currently available.
- It was clarified that the speed limit for the whole of the new road, including over the bridge, would be 30mph.
- Footways were to be provided on either side of the 7.3m wide carriageway for the entire length of the road.
- Once completed HGVs will be encouraged to use the road to access local industrial parks, from the A19, rather than going into Northallerton town centre. Signage would be provided to encourage this. It was hoped that general traffic would use this route for more direct access to surrounding locations, which in turn would reduce the amount of traffic passing through the Lowgates level crossing.
- A Member asked whether a pedestrian crossing was to be provided where the road crossed the road going into Brompton, bearing in mind the access to Northallerton High School was along that route for many children. In response it was stated that there were no plans currently for a crossing at that location, as it was not considered there would be enough traffic to warrant one, however, a crossing island was expected to be put in place half-way across the road.

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- It was asked if the provision of the bridge was seen as part of the relief road for Northallerton. In response it was emphasised that the bridge was not considered to be part of that plan, with its main purpose being to take traffic from A684 to the A167, avoiding the town centre. Plans for a relief road were under consideration and should there be any development in relation to those a report would be provided to Members.

Resolved –

That the update report be noted

157. NYCC Response to COVID 19 Pandemic and LGR – Executive Members’ Update

County Councillor Carl Les, the Leader of the Council, highlighted the following in relation to LGR:-

- Work was taking place to transition to the new Council through the Transition Board which was now meeting regularly.
- Officer level meetings were also taking place and were progressing well.
- The development of the new Council was considered to be a great opportunity by all involved with a spirit of optimism evident from the meetings taking place.
- The Change Order was now with the Secretary of State and it was expected to be accepted in full.
- Elections would take place in May for 90 Councillors. Initially, over the first year, the elected members would be involved in the residual work of the County Council, as well as the work involved in transitioning to the new Council. These Members would then form the new Council in 2023, and will undertake a 4 year period of office from that point.
- Currently the new Council is expected to be called North Yorkshire Council, however, the new administration would have the prerogative to choose whichever name it prefers.

In relation to the current COVID situation Councillor Les highlighted the following:-

- COVID rates were currently fluctuating on a day-to-day basis but were high in the County and above the England average.
- Despite infection rates being high this did not appear to be leading to increased complications, therefore, there had not been a rise in admissions to ICUs. Despite this the NHS remained under pressure and every effort should be continued to guard against spreading COVID.
- The majority of cases were currently in work settings and care homes with support provided where necessary.

Councillor Les highlighted the following in relation to other issues:-

- There had been an outbreak of Avian Flu in the Constituency area, which was a major concern, and had led to controls been put in place by DEFRA, with poultry having to be moved inside within the exclusion zone. The good work undertaken by Trading Standards in relation to this was highlighted.

- Reference was made to the difficulties faced by the Care System, both within NYCC and partner agencies, and a large scale recruitment campaign has been undertaken, both locally and nationally, to try and address the current low levels of staffing within that sector.

A discussion of the issues raised was undertaken and the following points were raised:-

- A Member stated that she would prefer to have a local Committee designated to making decisions in the local area through the implementation of LGR, as this would promote local democracy and participation. The Leader agreed that this was a key part of the process to ensure that there was local accountability and it was likely that the ACCs would be an essential part of that, however, it would be for the new Authority to determine how the local decision making framework would be delivered. Discussions were taking in relation to how this would be delivered at the Transition Board. It was asked whether Local Hubs would be provided in each area to assist with the delivery of local services and assist the ACCs. It was reiterated that the new Council would make those decisions but the framework would ensure that local delivery was factored in. Members emphasised the need for local delivery and accountability.
- A Member, noting that COVID figures were increasing, whereas mask wearing was diminishing, asked whether there would a renewed campaign to encourage mask wearing to stop the spread. The Leader stated that emphasis would be renewed on people taking appropriate action to protect themselves and others within local communities, as discussed at a recent meeting of the Outbreak Board.

County Councillor Andrew Lee, whose portfolio includes Public Health, highlighted the following:-

- The current 7 day infection rate for North Yorkshire was 545 in 10k, whereas the rate for England was 427.
- Although levels had not increased substantially of late there was still a need to make every effort to lower these.
- Education settings appeared to have affected the figures with a decrease in infection rates during the half-term holiday, followed by a marked increase in rates when pupils returned.
- The majority of those requiring hospitalisation now were aged 65+.
- There had been a slight increase in deaths compared to the previous week with 7 having been recorded.
- The message, going forward appeared to be that everyone should learn to live with COVID, and should be fully vaccinated, with a booster, to prevent serious illness.
- It was agreed that masks provided an extra layer of protection against the virus, and that these being continued to be worn, when appropriate, should be communicated to the public.

Members discussed the update and the following issues were highlighted:-

- A Member suggested that the current communication method in relation to COVID, with notices being put on pavements, was ineffective, as people simply did not see these. Councillor Lee stated that he would liaise with those providing such notices with a view to having these placed on lamp-posts also. A Member disagreed that the pavement notices were ineffective as she had received positive feedback in relation to these. It was suggested that further use could be made of the matrix sign, utilised earlier in the outbreak and it was stated that consideration would be given to this.

Resolved –

That the Executive Members be thanked for their updated the contents of which be noted.

158. Work Programme

Considered -

The report of the Assistant Chief Executive (Legal and Democratic Services) providing a Work Programme for Members to consider, develop and adapt.

It was noted that Members were invited to identify issues for inclusion in the Work Programme outside of the meeting and inform the Clerk accordingly. A Member requested that strategic traffic flow rates be considered at a subsequent meeting as traffic was starting to increase, post COVID restrictions.

It was also noted that other ACCs were holding an additional meeting to consider the County Council's budget proposals for 2022/23, and Members were asked to consider whether they wished to have such a meeting and whether this should be in public.

Details of the proposed dates for meetings of the Committee during 2022/23 were provided

Resolved -

- (i) That the Work Programme be noted and the issue of strategic traffic flows be added as an item to consider at a subsequent meeting.
- (ii) That an additional Special Meeting of the Committee be held, in public, in early January 2022 to consider a review of proposals for the County Council's Annual Budget for 2022/23, with arrangements to be provided to Members in due course.
- (iii) That the proposed Meeting dates for 2022/23, as set out below, be approved:-

8th June 2022
7th September 2022
23rd November 2022
22nd March 2023

All Meetings - Wednesday at 10am.

159. Other Urgent Business

There was no urgent business to consider.

160. Next Meeting

Resolved -

That the next scheduled ordinary meeting of the Area Constituency Committee would take place on Wednesday 23rd March 2022 at 10am.

The meeting concluded at 11:30am.
SML