

EDUCATION AND BUSINESS SCRUTINY COMMISSION

MINUTES of the Education and Business Scrutiny Commission held on Tuesday 10 September 2019 at 7.00 pm at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Peter Babudu (Chair)
Councillor William Hougbo (Vice-Chair)
Councillor Karl Eastham
Councillor Renata Hamvas
Councillor Eleanor Kerlake
Councillor Lorraine Lauder MBE
Councillor Eliza Mann
Lynette Murphy-O'Dwyer
Martin Brecknell

**OTHER MEMBERS
PRESENT:**

**OFFICER
SUPPORT:** Duncan Whitfield, Strategic Director of Finance and Governance
Doreen Forester Brown, Director of Law and Democracy. The chair then invited questions.
Nina Dohel, Education Director
Alasdair Smith, Director Children's and Families
Jenny Brennan, Assistant Director Family Early Help & Youth Justice.
David Bromfield, Education Adviser
Julie Timbrell, scrutiny Project Manager

1. APOLOGIES

Councillor Karl Eastham gave apologies for lateness.

2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS.

Councillor Karl Eastham declared he was a teacher at the Globe, an ARK secondary school in Southwark. Councillor William Hougbo declared he was a self employed business consultant; however he does no work with the council.

4. INTRODUCTION TO PROCUREMENT AND SOCIAL VALUE

The Commission received a presentation from Duncan Whitfield, Strategic Director of Finance and Governance; and Doreen Forester Brown, Director of Law and Democracy. The chair then invited questions.

Officers were asked how Brexit would impact on procurement law and future plans. The Director of Law said The European Union (Withdrawal) Act 2018 adopted the present procurement rules going forward for large contracts; there maybe a further relaxation later to promote local suppliers.

A member asked how Human Trafficking is being tackled. Officers explained that here are four paragraphs on Modern Slavery in the Southwark Council's Fairer Future Procurement Framework; these include whistle blowing and a commitment to terminate contracts with convictions.

A member expressed disappointed that the awarding of contracts to BAME organisations has been an issue for the last ten years but she has seen little progress in achieving equality. The Director of Law responded that it is hard to judge if progress has been made or not, as the data dose not capture this. A member said her observation is that there are BAME sub contractors rather than BAME lead contractors. The Strategic Director said the Fairer Future Procurement Framework was an ambitions programme that has a social value element, which includes BAME employment. The weighting for social value will be 15% going forward giving the council important leverage. Commission members said adequate data monitoring is crucial to monitor diversity in the awarding of contracts. Officers indicated this could be a review recommendation.

There was a discussion on the BAME indicators that the council ought to be monitoring. One member said that he thought the priority ought to be ensuring that the business employment policies are good, rather than measuring the protected characteristic of individual business owners, which do not necessarily translate into better employment practices. Directors are also more likely to be in a good socio-economic position, whereas he thought inclusion for people lower down the scale is more of a priority. Another member said that monitoring at director level and seeing if it is representative of the broader population is a good measure and indicator of equalities progress, and that data capturing and monitoring ought to consider both employment practices and the diversity of business owners. Officers highlighted that the procurement function is devolved to

different department and this creates challenges in monitoring. Some of the smaller contracts also require a quick turnaround too.

A member said that the Blacklisting and Construction charter commitments are very good and ahead of many other councils; scrutiny could test the implementation of the commitments. She asked if large providers are expected to have similar policies around equal opportunities. The Strategic Director said implementation is tested through the audit process. This uncovers good practice as well as issues to improve.

Members asked if there was monitoring of apprenticeships. Officers said it is not as consistent as it could be. All contractors over 1 per million are required to have at least one apprentice. Members suggested this is low. Officers said that in many industries, such as the building trade there will be more, however in IT, or other similar specialised industries, it tends to be lower. A member raised concerns about the Shard and the monitoring of the construction training and apprenticeships that that arose from this.

Officer advised that apprenticeships are one approach to social value - there are other measures. Social value implementation is in development so this is timely review.

The chair thanked the officers for their presentation.

5. BID PERSPECTIVE

Michael Hill, Better Bankside gave a verbal presentation. He started by saying that in Southwark only 20% of people are employed locally, whereas in Newham 60% are employed locally – more could be done to improve this by the council through procurement. He thought one of the issues for small companies is sharing information on equalities as he was concerned this could breach confidentially, however he did think that asking if companies employed a diverse range of people (with a protected characteristic) was a good thing to ask.

Winning council contracts is dependant on having specific skills as the Government bidding process is technical. Providing training and support would be useful Understanding the procurement process is the most important factor.

He also suggested that the council take risks and bring people with the council on a journey - for example starting the contract with a Minimum Wage requirement and expecting that to rise to a Living Wage in 6 months.

His personal experience was that the apprenticeships programme was a nightmare because the support was inadequate.

He advised that BIDs are good forums for the council to work with small

business on the above, however he advised they ought to be supplemented by engaging with other forums and outreach.

6. REVIEW 1 - IMPROVING ACCESS TO PROCUREMENT FOR SMES AND COMMUNITY BUSINESSES

Members discussed the lack of baseline information being a significant problem. One of the principle review recommendations ought to be to ensure that the council is asking for the right information to be able to monitor diversity.

This review will be a minor strand to the review on Exclusions.

7. INTRODUCTION TO SCHOOL EXCLUSIONS AND ALTERNATIVE PROVISIONS

The following officers presented:

- Nina Dohel, Education Director
- Alasdair Smith, Director Children's and Families
- Jenny Brennan, Assistant Director Family Early Help & Youth Justice.
- David Bromfield, Education Adviser

The chair then invited questions and comments.

A member asked about Fixed Term Exclusions. These are accumulative and potentially lead to permanent exclusion if a pupil has received 45 days in one year. Officers were asked if these Fixed Term Exclusions could arise out of minor issues, such as a shirt hanging out for 45 days. The Director of Education said this was unlikely and exclusions are usually the result of more serious risks and disruption.

The council data on Fixed Term Exclusion is not adequate or consistent, with the council only receiving notification of a small fraction of incidences, even though schools are required to report this data to the council. Members asked what can be done if accurate information is not provided. Officers said their powers are limited and they are largely reliant on the data provided, particularly if the relationship is not there. Generally, however, there are good relationships with Head and officers are able to pick up issues, but there are variable inclinations to share information. Officers can go into schools on a safeguarding brief.

Officers said they intend to look more at Fixed Terms Exclusion as they do recognise this is a risk factor for young people. They are now reminding schools and adding administrative capacity in order to do this. As part of this they are trying to get numbers to add up. This is part of a national programme and there is a call to strengthen local authority powers with schools to enable this.

Members asked more about the characteristics of children who are

excluded, and if the large proportion with a Care Plan for Neglect is proportional to other types of child abuse. Members were also interested on the how the proportion of Free School Meals (FSM) equates with the borough average and the criteria.

Officers asked if they had looked at Key stage one attainment for excluded children. Officers said analysis had revealed a range; some analysis showed average, as well as some children with high attainment. A member said if schools are being cynical then a cohort they could seek to remove are pupils with potentially high attainment, but low progress, as the school Progress 8 scores would be adversely affected.

Members asked about the requirements to report Managed Moves. These do not have to be reported to the council; there is a school forum that discusses Managed Moves and also a survey. A Managed Move works for about 1/3 of children. Members were concerned about the pupils where a Managed Move did work and their outcomes.

Members requested more information on off rolling data. Officers explained that there is an obligation for a school to inform the council when a child is removed from the school roll. However there are difficulties. For example there can be conversations with parents suggesting they take the child out of school or the child would be expelled. Under the new Ofsted framework there will be more consequences for schools that are found to have off-rolled. The Timpson recommendation was that a school remain responsible for Progress 8.

A member commented she is aware of a number of parents who have sought advice for 15 children who were heading for low marks and were off rolled to a local collage from one school. That school went on to get top marks. There are also reports of year 12 pupils being moved on when schools have low expectations for their final grades.

Members recommended that the social profile of pupils going to different schools is examined to see if this is a factor in the lower rates of exclusion at most Church schools compared with the higher rates of exclusion in most of the schools in Academy chains (noting that there is variability here).

Officers were asked about the quality of Alternative Provision, bearing in mind that Exclusion is rarely the best choice for the individual child but can be for the wider community and other pupils as some children are disruptive. Officers said the SILS cohort is changing, with an increase in the scale of need and range. There is more than one form of provision. Currently both on-line and home support is provided, however the preference is always for a setting where children will physically be taught with other children. Costs for Alternative Provision are escalating. Southwark only use providers with a Good or better Ofsted rating.

Members asked how schools and the council are meeting the needs of children with mental health. Officers said that they do work with CAMHS and hospital schools.

8. SELECT COMMITTEE REPORT - FORGOTTEN CHILDREN: ALTERNATIVE PROVISION AND THE SCANDAL OF EVER INCREASING EXCLUSIONS

This was noted.

9. REVIEW 2 - SCHOOL EXCLUSIONS AND ALTERNATIVE PROVISION

There was a discussion on the breath and depth of the scope, with members suggesting that the Commission focuses the majority of its time and energy on Off-rolling and Exclusions, particularly given Alternative Provisions are rated quite highly and there is plan to improve performance. However it was noted that school Exclusions and Alternative Provision are linked and therefore it makes sense to retain this as an element. The issue of addressing the mental health of children and young people, particularly around puberty, will be included.

The additional people and organisation will be contacted to inform the review:

- National Association of Headteachers
- Headteachers from feeder schools.
- Parents
- Campaigns with and by young people on the theme.
- The young people and teachers affected by exclusion and off-rolling directly and indirectly
- Diocese for the prospective of headteachers from schools performing well on Exclusions

RESOLVED

The following information will be sought:

- Clarity on the criteria used to measure FSM by schools
- Socio- economic profile of children joining different schools
- Clarification on what needs to be reported when children leave the roll of a school
- The action plan for the PRU.
- The proportionality of Neglect being the biggest factor for excluded

children with Care Plans.

10. WORK PROGRAMME

The chair reminded the Commission that this is a roving commission and therefore other topic may need to be addressed.