



MINUTES

B - Public

Education and Families Committee
Council Chamber, Town Hall, Lerwick
Wednesday 7 August 2013 at 10.00am

Present:

Councillors:

V Wishart	G Smith
G Cleaver	B Fox
A Manson	F Robertson
G Robinson	D Sandison
M Stout	

Religious Representatives:

T Macintyre	R MacKay
M Tregonning	

Also:

R Henderson	T Smith
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Apologies:

P Campbell

In Attendance:

H Budge, Director of Children's Services
N Grant, Director of Development Services
A Edwards, Executive Manager – Quality Improvement
J Gray, Executive Manager – Finance
A Cogle, Team Leader – Administration
S Pearson, Team Leader – Safety and Risk
B Hall, Policy Officer
L Rosie, Communications Officer
T Smith, Contract Manager (Engineering)
P Sutherland, Solicitor
L Geddes, Committee Officer

Chairperson

Ms Wishart, Chair of the Committee, presided.

Circular

The circular calling the meeting was held as read.

Mr Fox said that he was of the view that the urgent item of business “New Anderson High School – Progress Report” was in contravention of the Standing Orders, as it had not been made available for three clear days before the meeting. He would therefore like to see it removed from the agenda as, given the size of the report, Members would not have had time to give it their full consideration.

The Team Leader – Administration advised that the Chair would be making a ruling that the report should be considered an urgent item of business at this meeting. This ruling covered items circulated fewer than three days before the meeting, therefore the report was not in contravention of the Standing Orders.

Declarations of Interest

Mr Tregonning declared an interest in Agenda Item 4 “Community Minibus Service Review” as he was involved with one of the groups interested in taking over the service.

Minutes

The Committee approved the minutes of the meeting held on 22 May 2013, on the motion of Mr Robinson, seconded by Mr Sandison.

27/13 Children’s Services Quarter 1 Performance Overview

A report by the Director of Children’s Services (Report No: CS-35-13-F) summarised the activity and performance of Children’s Services for the first quarter of 2013/14 against the objectives and actions in the Children’s Services Directorate Plan, including each service area’s improvement plan.

The Director of Children’s Services summarised the main terms of the report, advising that it did not include this year’s SQA exam results. 622 pupils had just received their exam results, which continued to be very good and would be included in the next report.

Mr G Smith congratulated pupils on their achievements and staff in schools who contributed to this. He noted that 12 pupils at the Anderson High School (AHS) had received five ‘A’s in their Highers and questioned if it would be possible to get further information with regard to which schools these pupils originated from, comparable figures in terms of Brae High School, and an early indication in terms of the performance of Junior High Schools in Standard Grades.

The Director of Children’s Services advised that she could issue a briefing paper with this information for all Members. However it was important to bear in mind that some pupils would be appealing their results, so the information contained in the briefing paper may be subject to change at a later date.

It was noted that the target that had been set for Measure CR1: Annual Inspection reports was that 100% should be graded as ‘satisfactory’. It was questioned if a target higher than ‘satisfactory’ should be set.

The Director of Children’s Services advised that she would take this comment back to Children’s Services in order that consideration could be given to increasing the target to ‘good’ rather than ‘satisfactory’. She went on to confirm that the template used for reporting the performance measures was one that had been developed over the last financial year and this was the first time that all performance measures had been reported in this way. It was intended to present the report quarterly. There were some baseline target figures that had yet to be agreed, and these would be included in future. She also agreed to include figures relating to the current minimum and maximum class sizes in Shetland in future reports.

Decision:

The Committee **RESOLVED** to note the contents of the report.

Consultation on Amending the Schools (Consultation) (Scotland) Act 2010

The Committee considered a report by the Director of Children's Services (Report No: CS-39-13-F), which provided details of the Scottish Government consultation regarding proposed changes to the legislation in the Schools (Consultation) (Scotland) Act 2010.

The Director of Children's Services summarised the main terms of the report, advising that the consultation was being carried out on quite a tight timescale and that Members were also welcome to respond individually to the consultation. It was intended that legislation would proceed through the Scottish Parliament this autumn, with changes coming into force in 2014. Until then, the Schools (Consultation)(Scotland) Act 2010 would remain in force.

It was pointed out that COSLA had a 'gentleman's agreement' in place with local authorities to respect the findings of the Commission on the Delivery of Rural Education.

After some discussion, on the motion of Mr Stout, seconded by Mr Robinson, the Committee agreed to defer a decision on its proposed response to an Education and Families Committee seminar to be held on 20 August 2013, and that thereafter authority be delegated to the Director of Children's Services to complete and submit the response subject to any changes made at this seminar.

Decision:

The Committee **RESOLVED** to:

- Defer a decision on its proposed response to the consultation to an Education and Families Committee seminar, to be held on 20 August 2013
- Delegate authority to the Director of Children's Services to complete and submit the response, subject to any changes made at this seminar.

Shetland Child Protection Committee: Annual Report and Business Plan

The Committee considered a report by the Director of Children's Services (Report No: CS-36-13-F), which presented details of the work of the Shetland Child Protection Committee for the period April 2012 to March 2013, as set out in its Annual Report for 2012-13.

The Director of Children's Services summarised the main terms of the report, outlining the progress made on actions resulting from the Care Inspectorate's inspection in 2011 and those actions which had been carried forward to the Business Plan for April 2013-March 2014. Work in Shetland was progressing well, and the key achievements were outlined in the report.

It was pointed out that it was stated that one of the key achievements had been a "better focus on self-evaluation and quality assurance by conducting case reviews, sharing good practice and agreeing an overarching policy on self-evaluation", yet the performance measure CF8 in the earlier report that indicated that the target in relation to the percentage of Core Group meetings being held monthly for each child was not being met.

The Director of Children's Services said that staff were aware that this particular target was not yet being fully met, and there should be an improvement in the next quarter. However there was a better focus on self-evaluation and quality

assurance, as had been recognised by the Care Inspectorate, and there was an overarching policy that had not been in place before.

Concern was expressed at the emotional damage that may be caused to children as a result of substance abuse by parents. It was felt that this was a relatively hidden problem that may have serious consequences in the future.

The Director of Children's Services referred Members to paragraph 3.10 of the report, and said that this was something that was now being recorded and reported on in the Annual Report. She went on to say that joint working was very evident within the Child Protection Committee and that it was recognised that staff were well supported and had access to high quality professional supervision. Managers met on a monthly basis to discuss cases and had access to appropriate training. There were good procedures in place where referrals were made, and agencies were working very well together. As self-evaluation was further developed across agencies, this would further improve.

Ms Wishart moved that the Committee approve the recommendation in the report, and Mr Robinson seconded.

Decision:

The Committee **RESOLVED** to endorse the Annual Report and Business Plan, as part of its scrutiny role under the approved Planning and Performance Management Framework.

30/13

Community Minibus Service Review

The Committee considered a report by the Director of Development Services (Report No: DV027-F), which presented proposals for the transfer of the Community Bus Service.

The Director of Development Services summarised the main terms of the report, pointing out that there was a correction to be made to paragraph 3.2 of the report as it had now been identified that a further two local authorities in Scotland also offered a service of this kind.

In response to a query regarding whether alternatives were in place for ASN use of the minibuses, the Director of Development Services said that, in the longer-term, ASN usage would be reduced when the Anderson High School relocated to Clickimin. Until then, the ability to hire minibuses from community groups would remain and there was also the opportunity to hire commercially, which may be at a slightly higher rate. The Executive Manager – Quality Improvement added that consultation had taken place with the schools that used the buses. Whilst they were disappointed that they may not be able to access them fully in future, they were reassured that they would still be able to approach the community groups to hire them. There was also some scope within operating budgets to spend a bit more money on accessing transport, so resources were available to maintain services.

It was suggested that the minibuses were currently underused as the mileage figures in the report were quite low, and the Director of Development Services said that it was anticipated that usage may increase if the minibuses were operated by community groups as the current arrangements could mean that some groups had difficulty in accessing them. Community minibuses already operated successfully in some areas of Shetland.

It was questioned if the bidding process would take geographical location into account in order that the minibuses did not end up being based solely in Lerwick, and the Director of Development Services advised that bids would be assessed on the strength of the business case presented. The best outcome would be for the minibuses to be dispersed in communities, and it was anticipated that there would be a good geographical spread and unlikely that they would all end up being based in Lerwick. The business plan template, appended to the report, clearly asked groups to outline how they would make the service accessible to as wide a range of users in the community as possible.

It was noted that the service had operated successfully in locations outwith Lerwick for 20-30 years with the assistance of community offices. It was questioned how insurance regulations had forced the Council to base the minibuses in Lerwick and if anything had been done to see if it was possible to overcome these issues.

The Director of Development Services and Team Leader – Safety and Risk advised that an internal audit had raised a number of significant risks in relation to the way the service was being handled. In some cases there had been possible unlawful use of the service and this had significant consequences for the Council, as insurance policies would then have been invalid. There had been no desire to take the minibuses out of communities, but it had been felt that the only way to address these risks was to base the service in Lerwick.

It was pointed out that while there were grants available for purchasing new minibuses, the ability of community groups to maintain the vehicles and purchase replacements was much more limited. Concern was expressed that the Council would simply be shifting a burden on to community groups in a few years time when replacement vehicles were required.

The Director of Development Services pointed out that this was one of the issues that would have to be addressed by the organisations when presenting their business case. Communities were better placed to promote better usage of the vehicles, and this would increase income.

In moving that the recommendation in the report be approved, Mr Robinson said that he did so on the basis that he was encouraged that there was interest from community groups in taking on the service, and that a report would come back to the Committee should there be insufficient interest.

Mr Sandison seconded.

Decision:

The Committee **RESOLVED** to:

- Give approval to the Community Planning and Development Service to begin the process of transferring up to 3 Community Minibuses to community groups in Shetland; and
- Approve the transfer of the minibuses for a nominal value.

The Chair ruled that due to special circumstances, namely due to the timescales involved, the following item of business was to be considered at this meeting as a

matter of urgency in terms of paragraph 3.2.2 of the Council's Standing Orders for Meetings:

Item 5 – New Anderson High School – Progress Report

Ms Wishart moved that in order to avoid the disclosure of exempt information, the Committee resolve to exclude the public in terms of the relevant legislation during consideration of the following items of business. Mr Robinson seconded.

In response to a query as to why the report was classified as exempt, the Team Leader – Administration advised that it had been classified as exempt in terms of the relevant legislation due to information it contained in relation to contractual and legal matters.

Mr Cleaver moved, as an amendment, that the report be held in public.

The Team Leader – Legal and Administration asked members of the public and the media to leave the meeting so that Members could receive legal advice in private as to whether this amendment was competent.

(Members of the public and the media left the meeting)

The Solicitor and the Director of Children's Services referred Members to the information in the report that had made it necessary to classify the report as exempt.

Some Members commented that whilst they accepted the reasons for holding part of the report in private, they felt that it would be detrimental to the Council for the whole report to be held in private. It was questioned if it would be possible to find a way to remove the exempt information so that the remainder of the report could be considered in public.

It was suggested that a special meeting of the Committee could be held so that the parts of the report that did not contain exempt information could be discussed in public, and the remainder could be considered in private.

It was further suggested that the report should be discussed at the Committee meeting today in its current format, then it could be split into two parts as suggested when it went on to the Council. It was pointed out that the religious representatives would not have the opportunity to participate in a Council meeting.

Mr Cleaver said whilst he still had serious reservations regarding holding the report in private, given the explanations received by Members, he would withdraw his amendment. However he requested that consideration be given to splitting the report so that the majority of it could be considered in public.

Some Members commented that because of the late issuing of the report, they had not had the opportunity to give it their full consideration.

Mr Fox moved that a special Education and Families meeting be convened in order to discuss the report.

Mr Stout seconded, with the proviso that the report was split into exempt and non-exempt material so that the majority of it could be considered in public. Mr Fox advised that he was happy to include this as part of his motion.

The Director of Children's Services advised that the Council would be meeting on 28 August, so a special meeting would require to be held before that date. It should be possible to split the report into exempt and non-exempt information.

It was suggested that the special meeting be held immediately prior to the seminar discussed earlier in this meeting.

Members accordingly resolved to defer consideration of the following agenda item until a special meeting of the Education and Families Committee on 20 August at 9.00am, with consideration being given to the exempt information relating to the item being contained within a separate report at this meeting.

31/13 **New Anderson High School – Progress Report**

Decision:

The Committee **RESOLVED** to defer consideration of this item until a special meeting of the Education and Families Committee on 20 August 2013 at 9.00am, with consideration being given to the exempt information relating to this item being contained within a separate report at this meeting.

The meeting concluded at 11.20am.

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Chair