

## Education and Business Scrutiny Commission

MINUTES of the OPEN section of the Education and Business Scrutiny Commission held on Wednesday 20 May 2020 at 6.00 pm. Online/Virtual meeting.

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**PRESENT:** Councillor Peter Babudu (Chair)  
Councillor William Hougbo  
Councillor Renata Hamvas  
Councillor Eleanor Kerlake  
Councillor Eliza Mann  
Lynette Murphy-O'Dwyer  
Martin Brecknell

**OTHER MEMBERS PRESENT:** Councillor Johnson Situ

**OFFICER SUPPORT:** Everton Roberts, Head of Overview and Scrutiny (acting)  
Julie Timbrell, Scrutiny Project Manager

### 1. APOLOGIES

Apologies for absence were received from Councillor Lorraine Lauder.

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

The chair informed the commission that there was one late item relating to the Exclusion Review.

### 3. DISCLOSURE OF INTERESTS AND DISPENSATIONS.

Councillor William Hougbo declared that he was a school governor at Tower Bridge primary school.

### 4. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 13 February 2020 be approved as a correct

record and signed by the Chair.

## **5. PROCUREMENT REVIEW: LOCAL PROCUREMENT VIA SECTION 106 OBLIGATIONS**

The commission heard from Councillor Johnson Situ, Cabinet Member for Growth, Development and Planning and Danny Edwards, Strategy & Partnerships Manager.

Councillor Situ welcomed the fact that the Commission was looking at this piece of work because there were 16,000 registered businesses in the borough, and the vast majority of them SMEs. The council was absolutely committed to SMEs and there were ambitious plans for growth in the borough which was all hinged and centred around the small and medium businesses.

There were a number of ways of achieving this. The role section 106 and planning plays, the route through procurement the role that we have through our local economy and our partnerships, and as planning authority, the role the council plays through Section 106 agreements. Councillor Situ explained that through a commitment within a S106 agreement which encourages and requires that 10% of construction contracts for developers go to local businesses and SMEs. How this was currently encouraged was through specific wording in the agreements which make reference to 'reasonable endeavours'. What this meant in practice is that the council would encourage developers, as they're developing their contracts to put clear links with both the local economy team, and also to advertise locally. Discussions also took place around monitoring as well.

The council also looked at how it built up strategic relationships with developers right across the piece and how it could encourage working with local SMEs and also employment. The vision was to ensure that the council was growing and supporting SMEs, and also providing and acting as a facilitator between big developers who are investing in the area and smaller businesses. There was a question mark as to whether the council can go further in respect of the relationship with SMEs and that commitment of 10% of construction, and ideas of how this could be taken further had been explored.

Councillor Situ stated that it was recognised that whilst the council monitor at the moment, it could go further in monitoring, and there is specific work being undertaken as to this could be developed. So requiring developers at each stage to have a statement of intent, which is at each phase, talk about how they will go about ensuring that 10% of their contracts are going to local SMEs and this enable the council to monitor more proactively.

There was significant town centre growth right across the borough. A key question was, how the council could have a specific pilot in town centres - the Old Kent Road seemed like an immediate example in which it could be shown what was possible, and set a standard for other developers.

Councillor Situ informed the commission that the council was looking to review the guiding policy document that supports the S106 and CIL SPD and that would provide an opportunity to strengthen the wording around particular areas of focus.

Councillor Situ then answered questions from the commission members. Questions were asked around the following:

- Plans in terms of online campaigns to assist small businesses to make them aware of the opportunities that exist.
- Helping BAME businesses, from a regeneration perspective.
- Willingness to pilot innovative ways that can increase local benefit from activity in the borough.

In response to the questions, Councillor Situ informed the commission that there was opportunity to support BAME businesses within regeneration - a significant proportion of small businesses were BAME owned and in terms of wider projects this was a specific area of focus. He felt the challenge for regeneration projects was ensuring that the projects were reflective of the diversity of the communities that they represent and the way the council was seeking to address this was by empowering community groups and businesses through these projects. Councillor Situ stressed the importance of remaining open to what works, acknowledging that the economy was significantly shifting (and was shifting even before the pandemic). The council was constantly reviewing what worked in terms of getting people into employment and supporting businesses as well.

Danny Edwards reported that the council had had several conversations with GoodPeople on their proposals and welcomed any innovative way to deliver positive outcomes for residents.

The chair thanked Councillor Situ and officers for their attendance at the meeting.

**RESOLVED:**

That the briefing note on Local procurement via S106 obligations and the Southwark Procurement Commission – GoodPeople recommendations be noted.

**6. EXCLUSION REVIEW: CHANCE UK REPORT**

**RESOLVED:**

That the briefing document be noted.

**7. EXCLUSIONS REVIEW: OFFICER BRIEFINGS**

The chair informed the commission that Matt Jones, Head Teacher for Ark Globe and Chair of the Southwark Association of Secondary Heads (SASH) had been invited to the meeting in his capacity as chair of SASH to provide an overall perspective on exclusions in Southwark, what had driven the increase and how that might best be tackled, and also on partnership working between schools and the council to tackle the rising trend.

Mr Jones informed the commission that he had taken part in the Timpson Review and had been around the country and had seen some of the practices being followed in other local authorities and other school settings.

He stressed that the head teachers he worked with were wholeheartedly behind reducing exclusions, and that many of their discussions were around exclusions and the support that needed to be in place for exclusions to be reduced. He was of the view that every exclusion, whether fixed or permanent was the result of the failure of multiple agencies and local provision. He explained that schools did not work on these issues in isolation, and were a part of a local ecosystem that needed to function efficiently in order to reduce exclusions through the various means available.

Mr Jones highlighted that head teachers gave great consideration before excluding a student, even for fixed term exclusions, and that permanent exclusions came at the end of multiple interactions and or interventions. He advised that due to change in legislation that it was very difficult to exclude a child, so the exclusions that do occur are the last resort for many head teachers. The needs of the student at the receiving end of the exclusion needed to be put foremost but at the same time there was a need to balance the needs, wellbeing and safety of other people in the school community.

Mr Jones highlighted some of the challenges that may have impacted on the increase in exclusions, many of which were beyond the individual control of school teachers, such as:

- Funding for various levels of intervention, social care, mental health and early help had been dramatically reduced over the past decade and that had inevitably impacted on how schools and other institutions can support families.
- The social conditions in which some of the young people grow up in – high rates of knife and gun crime which impact on young people, either through exploitation, being perpetrators themselves or through fear of those aspects.

Mr Jones reported that it was now very rare for an individual to receive a permanent exclusion for a single serious offence. What the education sector was now trying to do was to negotiate respite provision so that the young person is removed from the community and has an intervention into another school or instigate a managed move process which involved negotiating with another school principal or teacher to take a student on permanently following a trial period in a new setting.

Some of the broad problems they [schools, health service, local authorities] were trying to resolve and change was entrenched behaviours, such as ineffective parenting, the victims or witnesses of some form of physical or emotional abuse, neglect in the home or the community, and issues around mental health which affected not just the young person but often the family also.

To get to better outcomes in reducing the rates of exclusion, Mr Jones felt the following was needed:

- Identification of the most effective and holistic interventions
- The creation of appropriate and effective structures for the commissioning, delivery and evaluation of these interventions
- Consideration as to how to appropriately fund the interventions.

He felt there were two ways to approach resolving this crisis,

- either continue with the model that is currently in place, but just get people to be

better at their jobs through training and making sure that services are deployed in a timely fashion, with a robust evaluation process,

- or a more radical approach which would be to change the structures, empower people who are on the frontline dealing daily with the families and children (who have those relationships), and by giving them the autonomy and the resource, allow them locally (in small hubs) to deal with the issues and work in combination with other schools to reduce exclusions.

In concluding Mr Jones advised that he had looked at a number of models across the country as part of the Timpson Review for which there were two types of models, local authority led, commissioned and delivered service or more integrated schools based and schools led service. What they had found nationally was that the model that had the best outcomes in terms of reduced/reducing exclusions and promoting inclusion were the schools led models where they are given the resource and the accountability and commissioning power to reduce exclusions and support young people.

Mr Jones then answered questions from the commission. Questions were asked around the following areas:

- Training provided for teachers in understanding the local context - the environment that some young people are exposed to, such as knife crime, drug dealing and being used as foot soldiers.
- Transition from primary to secondary school and how their support needs are communicated
- Mechanism for prioritisation of additional funding to support children who have SEN or mental health needs.
- Traditional structured approach vs more radical approach in terms of providing care and education.
- Ambition for 100% inclusion – challenges.
- Impact of Covid-19 on vulnerable children.
- Need for thinking differently and creatively about reaching out to and educating excluded children from their homes in light of length of time Covid-19 may last (2 years given as an example).

In terms of training provided, Mr Jones advised that there was training in understanding the local context, and then there was training for the interventions. He explained that teachers would have received numerous sessions at least once or twice a year depending on the school around the local context as they were statutorily required to undertake safeguarding training and that would inevitably touch on many of those issues. He was confident that the head teachers and staff were familiar with the local context. He also advised that the Director of Education and the local police were invited to SASH meetings every half-term. Mr Jones went on to explain further in respect of training for teachers – he advised that there would be some generic training in most schools around behaviour management, climate for learning, maintaining good order in school but. Mr Jones explained however, that training to intervene effectively with a qualified teacher may not necessarily be the best outcome for a particular situation and it may be more appropriate to commission other services that provide the right support to the child.

With regard to transition from primary to secondary school, Mr Jones advised that the secondary schools take responsibility for the transportation and disbursement of the student file, including all relevant paperwork from the primary school. In terms of funding Special Educational Needs (SEN) Mr Jones advised that schools typically overspent on their allocation for SEN provision – there were a couple of challenges around SEN, firstly getting recognised diagnosis of need which had become much more challenging in recent years, nationally the identification of SEN and Education Health and Care Plans (EHCP) is reduced. He felt there was a correlation between this and a reduction in funding but acknowledged the challenge from a local authority perspective, having a finite resource allocating to the highest needs. He advised that disproportionately, spend went on the most challenging students – he stressed however that he would not want to associate SEN with exclusions as that was just one aspect for which did not play a part in most exclusions, from his experience.

In response to the question regarding different structures and approaches, Mr Jones explained that he would not want to try and identify a suggested model as each individual area was unique. Through his involvement as part of the Timpson review what he had found was that there were variations on a theme between local authority controlled model and the schools based model, with mixed outcomes – one model not necessarily more effective than another.

In terms of the ambition for 100% inclusion, Mr Jones felt that one of the key factors in achieving this was the quality of the intervention and the timely commissioning, application and delivery of that intervention.

In terms of impact of on vulnerable children, Mr Jones advised that the impact was going to be significant in two ways, firstly, just missing the formal education was going to put them further behind, typically, vulnerable students are also the ones who are academically underachieving that gap is going to widen. In reviewing data and anecdotal feedback from other secondary school head teachers, vulnerable children were the ones who were not completing work online or engaging in livestream lessons. Another impact was going to be a social/behaviour gap - for instances where there is ineffective parenting or negative influences in the community, school was the best place for them to develop many of the behaviours that would be hoped that they display in adult life. Without the socialisation, routines and rituals that the school environment provides to help shape young people, their behaviours and personal characteristics may be detrimentally affected (loss of social conditioning, clear boundaries and expectations and consequences being followed up).

With regard to supporting and educating excluded children from their homes, Mr Jones informed the meeting that teachers had been thinking about how they could in the short term use technology to ensure that students did not miss out on their education but stressed that excluded students needed to be in a socialised environment so that they learn the behaviour of how to interact with each other as most of the exclusions would be about their social interaction with their peers or adults and unless they were in an environment where they get to practice that so having a solution where an excluded child spends most of their time at home on their own will not lead to an improvement of behaviour. He further explained that what teachers were thinking about was how to use technology to make sure that when a child is excluded that they are doing an appropriate amount of work to keep the impact of the exclusion to a minimum.

The chair thanked Matt Jones for his attendance at the meeting.

The commission heard from Neil Gordon-Orr, Service Development Lead, Inclusion on the subject of Off-rolling, the mechanism for permanently removing a child from a school without having to go through a formal exclusion process, either by persuading a parent to withdraw their child or removing them from the school register or other circumstances. Neil Gordon-Orr went through the position statement circulated with the agenda.

In summarising Neil advised that no evidence had been found that supported the occurrence of systematic off-rolling and there had been only one or two cases where schools had been open to challenge.

Neil answered questions of the commission. Questions were asked around the following:

- Accuracy of the statistics in light of the national picture.
- Measures put in place to ensure that child is actually receiving home education.
- Introduction of national targets and statistics for permanent and fixed term exclusions to reduce off-rolling.
- Proportion of home education children who had received temporary exclusions.

In terms of accuracy of the statistics Neil explained that this had been partly caused by schools failing to provide regular notifications of children leaving which had now been addressed following strong challenge by the local authority. It was acknowledged that there were children who are missing education through not attending school, but this was not necessarily due to off-rolling.

He estimated that about a third of children who are being home educated had some previous involvement with either early help, social care or some other level of need. The majority of children had previously been in school at some point. In some cases, the parents have moved the child out of school because they were unhappy with the situation at the school. Neil advised that the children who were particularly cater for his is where a child who maybe would have been excluded, but hasn't because they have gone down the home education route as an alternative, for which the proportion was quite high. Neil agreed to comeback to members with he figures.

In terms of data published on children leaving schools, Neil explained that this did not really reveal much as very popular schools tend to have a higher retention of children whereas the less popular schools tended to have more children leaving to go to other schools. He reported that Ofsted were trying to do some analysis to see if you can compare exceptional levels of movement, which was being classified as more than 5% of children between year 10 and year 11 nationally. No league tables had been published with this information – he did think however that publishing data like that does increase levels of accountability.

The chair thanked Neil Gordon-Orr for his attendance.

**RESOLVED:**

That the position statement on off-rolling, NEET Briefing, Exclusion rate charts and summary of Summerhouse cohort study be noted.

## **8. SCHOOL EXCLUSIONS AND ALTERNATIVE PROVISION SCRUTINY REPORT**

The commission discussed the draft report on school exclusions and alternative provision.

Commission members made a few suggestions for inclusion in the report as follows:

- Correlation between exclusions and people who are known to Southwark care service and are known to have witnessed domestic violence.
- Highlight cost of exclusion, both to individuals and society.
- Council's commitment to treat 100% of young people with diagnosed mental health condition.
- Reflecting the connection with NEETs.
- Inclusion of the figures on home educated children who previously had history of exclusions or temporary exclusions.
- Intervention at primary school level.

### **RESOLVED:**

That the report be agreed as the final version of the report for submission to cabinet subject to incorporating the suggestions indicated above.

## **9. PROCUREMENT REVIEW: OFFICER BRIEFINGS**

### **RESOLVED:**

1. That the response to the questions on the Fairer Future Procurement Framework, Social value pilots and procurement monitoring and volumes be noted.
2. That the procurement briefings regarding local SMEs and VCS organisations within Children and Adults Services be noted.

## **10. PROCUREMENT SCRUTINY REPORT**

The commission discussed the Procurement strategy report and the following areas of amendment identified in light of information received at the meeting:

- Recognition that the monitoring of existing S106 commitments relating to using local businesses to be tightened up.
- Recommendation around South London Procurement Network (SLPN) model – reference a specific pilot such as Old Kent Road or one of the other major development sites in the borough.
- SPD document – tighten up wording around, what the council can ask developers for, subject to appropriate legal advice.

### **RESOLVED:**

That the report be agreed as the final version of the report for submission to cabinet subject to incorporating the suggestions indicated above.

## 11. WORK PROGRAMME

The members discussed potential items for the commission's future work programme. The following areas were suggested:

Impact of Covid-19 on Education

- Ability to access education (particularly vulnerable children)
- Re-opening of schools (and safety).
- Estimated grades (under estimation of grades for children from poorer backgrounds), Consider whether want to look at outcomes of estimated grades.
- Children needing to re-sit exams in the autumn - financial implications for children in light of suspension of zip cards, potentially affecting ability to travel for some students.

Impact of Covid-19 (and Brexit) on Businesses – Council activity (emergency response and longer term plans).

- Resilience of Southwark Businesses in light of Covid-19 and Brexit (and potentially a no deal Brexit) – What can the council do to help.
- Hospitality industry, night time economy, live music – very prevalent in Southwark.

The chair thanked the commission members for their contributions throughout the year.

The meeting ended at 8.34pm

**CHAIR:**

**DATED:**