



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** held on **Wednesday 8 July 2020**. The decisions will come into force and may be implemented from **Monday 20 July 2020** unless the Corporate Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Proposal to Close the Trimdon Grange Site of Bluebell Meadow Primary School on 31 August 2020 [Key Decision: CYPS/06/2020]

Summary

The Cabinet considered a report of the Corporate Director of Children and Young People's Services which sought Cabinet approval to close the Trimdon Grange site of Bluebell Meadow Primary School on 31 August 2020 and to operate solely from the Trimdon Village site from 1 September 2020.

Initial consultation was carried out on the proposal to close the Trimdon Grange site of Bluebell Meadow Primary School between 9 March and 3 April 2020. Consultation was undertaken with Governors, staff, parents and the wider community. A total of 15 responses were received to that phase of consultation. 4 responses were in support of the proposal and 11 not in support of it. Details of the consultation and responses received were outlined in the report. The majority of responses did not address the educational reasons for the consultation.

Following the initial consultation phase a decision was made on the 8th April 2020 by the Corporate Director, Children and Young People's Services, using delegated powers, to approve the issuing of a statutory notice proposing approval to close the Trimdon Grange site of Bluebell Meadow Primary School on 31 August 2020. The statutory notice was issued on 23 April 2020. Any person wishing to object or make comments on the proposal had four weeks from this date to do so. 3 comments were received, all opposed to the proposal. These comments reiterated concerns highlighted in the initial consultation phase but again did not address the educational reasons for the proposal.

It is believed that the best way of improving education outcomes and easing the pressure on the school budget will be most effectively achieved by Bluebell Meadow Primary School operating on one site rather than two sites.

Furthermore, the academy sponsor secured by the DfE, Eden Academy Trust, Hartlepool will only agree for the school to become part of the Trust if it has responsibility for only the building and site of the former Trimdon Junior School. Although there has been limited response to the consultation and statutory notice, and the majority of responses received were not in favour of the proposal, there have been no educational reasons put forward as to why the Trimdon Grange site of Bluebell Meadow Primary School should not be closed on 31 August 2020.

Decision

The Cabinet agreed that the Trimdon Grange site of Bluebell Meadow Primary School should close on 31 August 2020 so that the school operates solely on the Trimdon Village site from 1 September 2020.

St Bede's RC Comprehensive, Peterlee [Key Decision: CYPS/08/2020]

Summary

The Cabinet considered a joint report of the Corporate Director of Children and Young People's Services and the Corporate Director of Resources which provided an overview and update of educational aims and plans for academisation and catholic education in the Diocese of Hexham and Newcastle alongside the priority schools in their conversion strategy. The report reviewed the financial impact of the academy conversion of the last maintained Roman Catholic (RC) secondary school, St Bede's RC Comprehensive in Peterlee and its conversion to join the Bishop Chadwick Catholic Education Trust, and, made recommendations with regard to the treatment of the accumulated financial deficit of this school at the point of conversion.

St Bede's RC Comprehensive in Peterlee has been supported by Northern Saints Academy Trust (now Bishop Chadwick Catholic Academy Trust) since January 2015. Failure to attract an appropriate candidate for the headship in 2015 meant that the council needed to secure temporary leadership support from St Wilfrid's RC school in South Tyneside, part of the Northern Saints Academy Trust. The support required was significant and has extended well beyond the original intended temporary period and remains in place.

Closure of a faith school of this size and in this locality would place significant strain on pupil placement in other faith and non-faith schools. Pupil-place planning data shows there is insufficient capacity in County Durham to disperse all pupils to existing schools within reasonable travelling distance of home. These exceptional circumstances have meant that sustainability of the school, from an educational and finance perspective, has been critical.

Due to the specific circumstances of the school and the risks to the continuing provision of suitable school places in the area, the council has worked with the school on the financial risks it has faced. This has included agreement for the school to set a deficit budget on the basis that it considered alternatives for a longer-term sustainable model of provision. The estimated deficit at 1st October 2020 when conversion is planned will be £1.6m. The increase in pupil numbers over the last three years will help to move the school to become more financially sustainable over the medium to longer term.

The executive leadership provided by St Wilfrid's had a significant impact upon accelerating the school's improvement journey in terms of Ofsted and performance league tables. This in turn has transformed pupil numbers, though there is a legacy of low pupil numbers that is still prevalent in years 10 and 11 from September 2020.

The work of the Executive Headteacher and the continuing support of St Wilfrid's was reflected in the April 2015 monitoring visit, and outcomes improved significantly across 2015. Outcomes also significantly improved in 2016 and the rapid improvement helped secure a good overall Ofsted inspection in February 2017. These were very positive steps on the school's improvement journey. The school has continued to prosper and outcomes for 2019 were excellent in terms of progress and attainment ensuring that the school is a strong provider with some outstanding aspects of progress.

The Diocesan Academy policy plans aim to ensure that all 43 maintained Roman Catholic (RC) schools in County Durham will academise by July 2022. This ambition has not changed post the Covid outbreak. Each of the RC schools in the North East will join one of four large continuing diocesan trusts. Existing catholic academies are also required to join one of these trusts and Durham schools have been aligned to three of these trusts, according to their location. All the trusts are in the North East. Secondary RC schools have been the priority for conversion. St Bede's RC Comprehensive in Peterlee is the last RC maintained secondary school. The other schools have all academised since 2011 and have now joined their new diocesan trust. St Bede's RC Comprehensive did not convert with other diocesan secondary schools because of its financial position and an Ofsted Requires Improvement inspection in 2016, which had a significant impact upon the school's popularity with pupils and parents.

The scale of academisation brought about by the Diocesan Academy policy has reduced the financial risk of St Bede's joining Bishop Chadwick Trust, because the increase in the size of the trust will reduce the risk relative to trust resources.

The trust now wishes to accelerate the academisation process, despite the school still operating an in-year deficit. To enable the transfer to proceed, Bishop Chadwick Catholic Education Trust have requested the council to write off the school's cumulative deficit at the point of transfer.

This reflects the significant support and time invested within the school and local community and secures the future of the School.

The report set out the financial implications of the proposal and the earmarked school reserve that was set up to cover the financial risk of accumulated school deficits in these circumstances.

Decision

The Cabinet noted the Diocesan Academy policy plans set out in the report, and agreed the following:

- a) To write off the accumulated deficit of St Bede's RC Comprehensive School at the point of conversion, in order to deliver a financially viable future for the school and sustainable education for the communities affected. The costs of writing off the deficits to be met from the Schools' earmarked reserve.
- b) To note the Diocesan Academy Policy for Catholic Education and its impact on schools in County Durham.

Overview and Scrutiny Review of Elective Home Education in County Durham

Summary

The Cabinet considered a report of the Corporate Director of Resources which presented for comment the Children and Young People's Overview and Scrutiny Committee's review report focusing on Elective Home Education in County Durham. A copy of the report was attached at appendix 2.

The Children and Young People's Overview and Scrutiny Committee agreed on 2 July 2018, to undertake a scrutiny review looking at elective home education in County Durham. The following terms of reference were agreed by the committee at its meeting on 1 July 2019:

- a) to understand the level of EHE in County Durham and examine the demographics of children home educated;
- b) to consider whether children who are home educated receiving a suitable education;
- c) to consider whether children home educated supported, safeguarded and protected from harm;
- d) to review how the local authority works in partnership with other agencies to support children who are electively home educated.

The review group gathered evidence from DCC officers; colleagues working in the health service; Durham Police; and parents who are or have home educated their children. The executive summary of the review report was appended to the report and made conclusions relating to:

- a) the number of children in County Durham who are home educated;
- b) there is currently no national framework in place for local authorities so support may differ from one local authority to another;
- c) the education at home panel has worked with three further education colleges to provide opportunities for EHE children of year 10/11 age group to have access to core GCSE subjects and vocational courses.
- d) all schools should have a high level of understanding of special educational needs and disabilities and where necessary training should be given to staff;
- e) parents should be asked the reasons why they chose to remove their child from the school roll and this should be included in the Head Teacher report and discussed at governor meetings.
- f) Parents suggested an annual event should be held that would enable them to meet with other families who home educate; officers from the service and for children to meet up too.

Decision

The Cabinet agreed the following recommendations contained in the review report:

i. **Recommendation One**

That Cabinet lobby regionally and nationally for a common framework to improve oversight of the quality of education and safeguarding of children and young people who are Elective Home Educated. That such a framework should include a national register of all children and young people who are home educated; and the reasons why children are home educated are recorded.

ii. **Recommendation Two**

The Corporate Director of Children and Young People's Service continue to work with the Principals of Further Education Colleges in County Durham to provide places to enable access to vocational and core GCSE courses for year 10 and 11 pupils who are electively home educated and develop capacity to ensure all children and young people who are electively home educated have the opportunity to access these courses.

iii. **Recommendation Three**

The Corporate Director of Children and Young People's Services work in partnership with all County Durham's schools to promote a high understanding of Special Educational Needs and

Disabilities including autism and encourage all schools to provide appropriate training to staff so that children and young people with a special educational need or disability receive the appropriate level of support whichever school they attend.

iv. **Recommendation Four**

That the Corporate Director of Children and Young People's Services develop a reporting model that will encourage all schools to include within their Head Teacher report to the Governing Body on an annual basis:

- 1) Discussion of reasons given for Elective Home Education
- 2) Where bullying is cited as a reason that this is discussed
- 3) Ensure that anti-bullying policies are continuously reviewed.

v. **Recommendation Five**

The Corporate Director of Children and Young People's Services to hold an annual event for families who home educate their children to engage with the service, meet other families in a similar position to themselves and for the children to have an opportunity to interact and socialise with other children who are home educated.

- a. That a review of the progress made against the recommendations contained in this report will be undertaken six months after the report is considered by Cabinet.

High Needs Block Funding for SEND and Inclusion Support

Summary

The Cabinet considered a joint report of the Corporate Director of Children and Young People's Services and the Corporate Director of Resources which provided an update on spend and pressures on the High Needs Block (HNB) of the Dedicated Schools Grant (DSG), which supports Special Educational Needs and Disability (SEND) and inclusion support services for children and young people.

The 2019/20 financial outturn position was outlined, along with the proposed five-year financial plan that aims to ensure HNB spending is kept to within available resources and the deficit which accumulated within the HNB is recovered over this period. The report also contained an update on key work areas and planned next steps with HNB sustainability work which is being done alongside support to learning providers and families and recovery planning as a result of the coronavirus outbreak.

In recent years there have been enduring pressures on the High Needs Block (HNB) of the Dedicated Schools Grant (DSG) which provides funding for SEND and inclusion support services for children and young people. A combination of ongoing austerity across the public sector, implementation of the SEND Reforms (2014) which increased support to cover children and young people from birth up to 25 years of age, and changing customer needs which are becoming more complex, meant there were insufficient resources to support children and young people with SEND and inclusion needs. This position is replicated in other local authorities and the council has continued to feedback to the Government on spending pressures and request additional government funding for these services and local schools.

The final outturn position for the HNB in 2019/20 is a slightly improved position than previously reported to cabinet with an overspend of £8.6 million against the HNB DSG grant allocation, rather than the previously forecasted £9.4 million. The council will fund £5.6 million of the overspend from its reserves and the balance of £3.0 million will increase the cumulative deficit position on the HNB reserve from £2.7 million to £5.7 million as at 31 March 2020.

Previous Government regulations required local authorities to submit a deficit recovery plan to the Department for Education (DfE) if their cumulative DSG deficit was in excess of 1% of their overall DSG grant allocation. For Durham this would have been if the cumulative deficit exceeded £3.9 million at the end of 2019/20. As Durham has positive DSG reserves relating to Early Years and de-delegated DSG of £1.9 million which offset the deficit of £5.7 million relating to the HNB, the net deficit position of £3.8 million would not have triggered the requirement for a deficit recovery plan to be submitted to DfE.

Despite the increase in Government HNB funding available for 2020/2021, previous forecasts showed there were insufficient resources to support predicted HNB expenditure in future years, and to bring the HNB deficit back into balance. To address this a five-year financial strategy was developed alongside continued work on the HNB sustainability plan work areas following the consultation period reported previously to cabinet. This seeks to reduce spending on HNB activity, try and ensure spending is kept to within the HNB resources available each year in future years and recover the HNB deficit by the end of 2024/2025.

The budgeted position for 2020/21 is that the additional Government HNB funding, along with a planned reduction of HNB expenditure in comparison to 2019/20, will mean that HNB expenditure is £0.2 million lower than the HNB DSG grant allocation in 2020/21 based on current forecasts of spending patterns.

The report provided an update on each of the key elements of the sustainability plan, the planned next steps, and, highlighted some areas of work that may be disrupted due to the coronavirus outbreak. It also noted that the recovery period may be protracted in relation to some SEND support needs for children and young people.

The report proposed that the SEND and Inclusion Resources Board continue to oversee the implementation of the work programme to deliver the proposed changes, the five year plan and any impact from the coronavirus outbreak.

Decision

The Cabinet:

- a) Noted the final outturn position for HNB spend in 2019/20 along with the updated assumptions and forecast position for 2020/21;
- b) Agreed to the proposed five-year financial plan for 2020/21-2024/25 which includes a deficit recovery plan for previous HNB overspend;
- c) Agreed to the five-year plan being regularly reviewed and updated, including taking into account any impacts from the coronavirus outbreak and subsequent recovery period which may be protracted in relation to SEND support needs;
- d) Noted the update on key areas of work outlined in the report and proposed next steps;
- e) Received a further update on HNB spend, forecasts and progress with key areas of work to Cabinet in winter 2020/21.

2019/20 Final Outturn for the General Fund and Collection Fund

Summary

The Cabinet considered a report of the Corporate Director of Resources which provided Cabinet with information on:

- (a) the final revenue and capital outturn for the General Fund for 2019/20;
- (b) the final outturn for the council's Council Tax and Business Rates Collection Fund for 2019/20;
- (c) the use of and contributions to earmarked, cash limit and general reserves in year and the closing position regarding balances held at 31 March 2020.

The final revenue outturn position for 2019/20 is a net cash limit overspend of £5.088 million plus an overachievement of core government grant and underspend on all other budgets of £5.061 million. The total net overspend is £27,000, which represents less than 0.01% of the revised net expenditure budget of £421.576 million.

Total general, earmarked and cash limit reserves (excluding school reserves) decreased by £5.530 million in 2019/20, from £234.175 million at 31 March 2019 to £228.645 million at 31 March 2020, although this reduction would have been £17.5 million higher were it not for the receipt of the first tranche of the Covid 19 Support Grant on 27 March 2020. The unutilised element of the first tranche of £17.5 million has been transferred into an earmarked reserve. The final capital outturn position for 2019/20 is an underspend of £7.446 million, which is 6.3% of the revised capital budget of £117.574 million.

The final outturn for the Council Tax Collection Fund is a surplus of £0.220 million. Durham County Council's share of the actual surplus generated in 2019/20 is £0.184 million. The actual outturn for the Business Rates Collection Fund is a net surplus of £9.949 million of which Durham County Council's share (49%) is £4.875 million.

Decision

The Cabinet noted:

- (a) the final revenue outturn overspend of £27,000 which represents less than 0.01% of the revised net expenditure budget of £421.576 million;
- (b) the decrease in the Cash Limit Reserves of £1.158 million during 2019/20 with closing Cash Limit Reserves of £11.757 million. These sums will continue to be held as Earmarked Reserves and be available for Service Groupings to manage their budgets effectively;
- (c) the closing General Reserve balance of £23.950 million;
- (d) the closing balance on General Fund Earmarked Reserves (excluding Cash Limit Reserves) is £192.938 million;
- (e) the closing balance on Schools Reserves is £12.142 million;
- (f) the outturn position for the Collection Funds in respect of Council Tax and Business Rates.

Cabinet approved:

- (a) a capital budget of £10.978 million is carried forward into 2020/21;
- (b) that service groupings regularly review capital profiles throughout 2020/21, reporting revisions to Cabinet as necessary.

The Impact of Covid-19 on Local Bus Services in County Durham

Summary

The Cabinet considered a report of the Corporate Director of Regeneration Economy and Growth which informed Cabinet of the impact of the coronavirus pandemic on local bus operators and the involvement of the County Council in maintaining an essential network across County Durham.

The onset of coronavirus led to wide ranging changes across the whole of society and public transport provision has been significantly impacted by these changes. The bus network has remained vital to the economic and social well-being of the region during the pandemic. The reduction in patronage during lockdown required urgent action in the form of financial support to maintain an essential traveller network. This financial support was also important so that local bus service providers can continue to play a central role in communities after the pandemic is over.

Financial support has been provided by both central and local government with the County Council maintaining payments for the English National Concessionary Travel Scheme (ENCTS) and tendered services at pre-Covid-19 levels in line with Government guidance. In return for this support, the council has set out a number of requirements that it expects from operators.

Officers have worked closely with the sector to ensure that the bus network is co-ordinated and has responded in line with the demands of the region. This collaborative working and strengthening of our partnership approach with operators have made it possible to maintain this essential service network across County Durham and will continue to be key when facing the challenges during the recovery phase. By continuing the support for operators, the council will take the opportunity to add further conditions to funding which will build on the positive outcomes of the current arrangements in an effort to embed some of the new practices into the new normal.

It is likely that it will take many months for patronage levels to return to near pre-pandemic levels. Notwithstanding this, it is anticipated that further pressure will be placed on the local bus network. As such, it is essential that the County Council continues to play a key role in ensuring that local bus service providers can continue to play a central role in communities after this pandemic is over.

Decision

The Cabinet:

- (a) noted the contents of this report and endorsed the approach adopted towards local bus operators in respect of partnership working;
- (b) approved the continuing levels of financial support in line with Government guidance and expectation and as applied consistently across the region, but subject to any future conditions, which will be agreed by the Corporate Director in consultation with the portfolio holder.

The Cabinet resolved to exclude the press and public by virtue of paragraph 3 Part 1 of Schedule 12A of the Local Government Act 1972 during discussions on agenda item 14.

Residual Waste Treatment: Energy Recovery Facility project update

Summary

The Cabinet considered a joint report of the Corporate Director of Neighbourhoods and Climate Change and the Corporate Director of Resources on a joint procurement for a residual waste treatment solution.

Decision

The recommendations in the report were approved.

Helen Lynch
Head of Legal and Democratic Services
10 July 2020