



MINUTES OF THE CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

Thursday 19 July 2012 at 7.00 pm

PRESENT: Councillors Mashari (Chair), Cheese (Vice-Chair) , Al-Ebadi, Matthews, Pavey, Mr A Frederick, Ms E Points, Mrs L Gouldbourne, Brent Youth Parliament representatives and Oladapo.

Also present: Councillor Arnold

Apologies for absence were received from: Councillors Aden and Mitchell Murray and Dr Levison

1. Declaration of personal and prejudicial interests

Councillor Mashari advised that she was a governor for Wykeham Primary School. Councillor Cheese advised that he was the Chair of the Kilburn Locality Advisory Board. Councillor Pavey declared that he was Chair of the Wembley Locality Advisory Board and was Chair of governors for Wembley Primary School. Mr Alloysius Frederick advised that he was Chair of governors for St Gregory's Science College.

Councillor Arnold advised that she was a governor for Kilburn Park School.

2. Deputations (if any)

There were no deputations.

3. Minutes of the last meeting held on 13 June 2012

The minutes of the previous meeting were approved as a correct record subject to the following: -

- i. That the second paragraph under 'Declaration of personal and prejudicial interests' be amended to read that 'Councillor Pavey advised that he was a governor at Wembley Primary School'.
- ii. That the second bullet point under 'Work Programme' be amended to read 'Councillor Pavey also requested an update on the suite of One Council programmes delivering the early intervention initiatives'.

4. Brent Youth Parliament update

Thivya Jeyashanker, co-Chair of the Brent Youth Parliament (BYP) provided an overview of the recent activities of the BYP, including:

- An open event had been held by BYP on 23 June 2012. Young people had been encouraged to attend and share their opinions on politics. This event had proved very interesting and had provided an insight into why young people chose to engage with or disengage from politics.
- The members of the BYP executive had been perusing activities related to their areas of interest. One member had been working with Safer Neighbourhood Panels.
- BYP was seeking to engage with school councils with the aim of empowering them through the provision of support and advice.
- BYP members continued to provide forms to their constituents to garner opinion regarding the issues of importance to young people in Brent. The two issues which were prevalent in this feedback were bullying and youth provision. Thivya Jeyashanker advised that the Anti-Bullying Council did not appear to be effective enough. Bullying was also an issue highlighted in the results of the UK Youth Parliament survey, along with concerns regarding work experience. Thivya Jeyashanker advised that many young people did not understand the value of work experience and it was felt that the provision of better careers advice was needed. A further issue of concern was the lack of a sufficient number of activities for young people taking place in the school holidays.

Thivya Jeyashanker concluded by noting that BYP would next meet between 10.00 am and 2.00 pm on 4 August 2012 in the Council Chamber in Brent Town Hall. All members were invited to attend.

The Chair proposed that BYP be invited to contribute ideas for the committee's work programme.

RESOLVED: -

- i. That the update be noted
- ii. That Brent Youth Parliament be invited to contribute ideas for the committee's work programme.

5. **Background of Auditing Practices in Brent**

The Chair noted that this report had been requested as it was an issue of high public concern.

Simon Lane (Head of Audit and Investigations) and Mustafa Salih (Assistant Director, Strategic Finance) presented a report to the committee regarding financial management in Brent's Schools. The report highlighted some of the associated issues currently being addressed and detailed the framework in place to provide support and challenge to Brent's Schools. Financial management was a function delegated direct to governing bodies; however, the local authority retained a responsibility to ensure that public funds were spent lawfully and effectively and, as the Section 151 officer, the Director of Finance was required to ensure that sound financial systems and controls were in place across the council and Brent's schools.

Mustafa Salih explained that the mechanisms employed by the Director of Finance in meeting this responsibility included a robust internal audit regime, the provision of support, guidance and training, and regular meetings with head teachers and

bursars. Frequent updates were also provided to all schools via the school circular and this was deemed to be an effective tool of communication. Further examples of the provision of support and training were included at Appendix A, which evidenced the range of relevant information available on the schools intranet pages, and at Appendix B, which set out the Financial Management Training Brochure developed by the Schools Finance Team.

Turning to the issue of the audit process, Simon Lane advised that all maintained schools in Brent were audited on a regular basis and at present this amounted to approximately 80 establishments including PRU's and Children's centres. Audits typically took 10 days to complete and there had been 190 days dedicated to school audits in 2011/12 out of a total audit resource of 1,200 days. It was anticipated that 228 days would be dedicated to schools in 2012/13, which compared very favourably against other London authorities. Key issues arising from recent audits included compliance with the statutory requirements relating to Senior Leadership Pay and schools entering into unfavourable leases for the hire of photocopiers and other ICT equipment. A comprehensive action plan, included at Appendix C, had been developed to address this first issue and work was on-going. Multifaceted action had also been taken with regard to the issue of schools entering into leases and this had ranged from meeting directly with school officers and governors, to referring schools to solicitors and facilitating legal action. The council was of the view that these leases should be treated as void as the schools did not have the legal power to enter into these arrangements. Further details of specific issues currently being addressed were provided under the headings of governance, procurement, unofficial funds, budgeting and income and banking. As such issues were identified the council tailored the auditing programme accordingly and developed the comprehensive briefing document for those conducting the audits.

Councillor Mashari queried what arrangements were in place to prevent poor financial management within Academies and Free Schools. Simon Lane advised that the national audit office was currently studying the government's arrangements for this, which encompassed a yearly external audit to be procured by the school.

The committee raised several further issues and queries in the subsequent discussion. Councillor Al-Ebadi queried what power the council had to enforce compliance to the required procurement processes. Councillor Al-Ebadi also sought further details of the support offered to schools to enable them to gain understanding and experience of procurement activities. Councillor Matthews sought further details regarding the level of financial risk associated with poor procurement within schools. Councillor Cheese queried whether the council was responsible for meeting the cost from the unfavourable leasing arrangements.

In response to these queries, Simon Lane advised that the council's powers to enforce compliance with the required procurement processes were limited; however, it was expected that head teachers and governors should conduct the financial management of their schools appropriately. The council could remove the governing body but would require the approval of the Secretary of State to do so, or it could remove the delegated powers of financial management from the school. Both these powers were considered to be draconian and would only be used in particular cases. Mustafa Salih advised that the support offered to schools in relation to procurement included the provision of guidance and training. Simon Lane further advised that the council conducted much of the procurement relating to large

scale building work for schools. Fiona Ledden (Director of Legal and Procurement) added that a dedicated schools procurement manager had been in post for the last eight months. The financial impact of poor procurement was not considered to be material to the council but may be significant to the school in question. However, the implications of the leasing arrangements that had been entered into by a small number of schools were significant for the council.

Turning to the issue of senior leadership pay, Councillor Pavey noted that included amongst the reasons detailed for the omission of specific audit tests regarding this issue prior to 2009, was the assumption that head teachers were able to provide appropriate advice regarding the statutory requirements and that a degree of oversight was anticipated within the schools payroll team. Councillor Pavey commented that head teachers providing advice relating to their own pay conditions appeared to be a conflict of interest. He further expressed concern regarding the number of assumptions that had been made in this matter and queried why officers were confident that irregularities at Copland school would have been identified had the school been visited by A&I.

In response, Simon Lane explained that head teachers were not expected to provide specific advice regarding their own remuneration but were expected to have a good understanding of the School Teachers Pay and Conditions Document (STPCD) and to be able to advise a governing body where their actions would breach the regulations. It was considered that an internal audit would have identified the issues at Copland school because this process followed a different brief to external audits, which in contrast were focussed primarily on whether the overall income and expenditure positions tallied with the supporting records. The brief for internal audits would have included anomalies in staff pay.

Councillor Mashari queried whether current audits were of greater scale and depth than those conducted previously. Simon Lane confirmed that the process was more in depth than in previous years. In 2008/9 and 2009/10 the council had been required to conduct Financial Management Standards in Schools (FMSiS) assessments for Brent's primary schools. This process would have led to less robust checking that would usually occur within a usual internal audit. Councillor Mashari subsequently queried whether it was fair to conclude that it was within the period between 2008/9 and 2009/10 when there were no internal audits of schools conducted, that poor financial management practices became entrenched. She further queried whether the council was obliged to carry out internal audits of schools. Simon Lane clarified that the council was obliged to conduct internal audits but was not required to do so within any fixed period. Whilst the FMSiS assessment was not as robust as a full internal audit, it was not possible to say that it was this that led to any particular incidents. Councillor Mashari also questioned why, in view of the seriousness of some of the incidents which had occurred, more robust action had not been taken to address poor financial management in schools. Clive Heaphy added that he held ultimate responsibility for the financial management of the council and school and had to take measures to assure himself that the proper procedures and practices were being adhered to. Significant actions were being taken to strengthen these measures including increased depth of internal audits, the recruitment of a dedicated procurement officer for schools, changing of the council's financial regulations and the attendance the Director of Finance at the head teachers' conferences.

Councillor Pavey asked whether officers considered that there had been inadequacies in the council's processes which had allowed incidents relating to the financial management of schools to occur. Clive Heaphy advised that it was difficult to say as the measures put in place by the council were developed and amended to respond to issues as they were identified. Head teachers were responsible for the good financial management of their schools and had been since the 1980's. However, the council was now strengthening their mechanisms to ensure good financial management of Brent's schools.

With the permission of the Chair, Harbi Farah of the Help Somali Foundation sought further details regarding the training of school governors. Councillor Mashari queried whether the financial management training was mandatory for every governor. Councillor Pavey commented that the introductory training for school governors was elemental and a financial component could easily be added to this. Clive Heaphy advised that additional financial training could be provided for all Chairs of school governing bodies.

Mrs Gouldbourne congratulated the council on the proactive role that it had taken towards financial management of schools and commented that in view of the significant impact that poor financial management could have on schools, more resources should be targeted towards the actions taken by the council. In response, Councillor Arnold advised that the council was dedicating more resources to its audit programme than other London borough's over the next few years.

Councillor Mashari requested an update report be submitted to the committee setting out the outcome of the investigations currently underway.

RESOLVED: -

- i. That the report be noted
- ii. That an update report be submitted to the committee in six months' time.

6. **Brent Adoption Service**

Hillary Brooks (Head of Placements) delivered a presentation to the committee regarding the Brent Adoption Service and the outcome of a recent assessment conducted by the DfE. There had been considerable improvement in the adoption service since the identification in 2009 of several performance issues. Several measures had been implemented including the development of a performance culture which encompassed the introduction of tracking systems. In February 2012, the service had received a satisfactory Ofsted rating, which meant that the service was deemed to be sound. The government had since introduced a new 'score card' measure of adoption services in April 2012. This focussed on a child's entire journey through the care system and measured the time from when a child entered care to the time that child moved in with his/her adoptive family. The score card measured data on a rolling three year average and it had therefore been difficult to evidence the service improvement that had been made. Furthermore, the score card did not recognise other forms of permanence for a child such as that achieved under Special Guardianship Orders (SGOs), whereby a child was placed with a member of his/her extended family. As a result Brent Council was in the bottom quartile in the country and the improvements made, including the significant reduction in the average number of days that a child was in care before being

adopted, would not begin to be evident on the score card until 2013/14. The government commissioned an assessment of the service in response to Brent's poor performance and the outcome of this assessment had been very positive. Feedback had included that the service was very child focussed and was committed to embedding a culture of high performance across teams.

In the subsequent discussion, several queries were raised by the committee.. Councillor Mashari sought clarification regarding the 21 adoption assessments that were reported as being underway. Councillor Mashari further queried how many children were currently awaiting permanency. Councillor Oladapo sought an explanation of the early permanency planning that was now being conducted. Councillor Cheese queried whether the council remained responsible for children that it placed outside of the borough or whether the local authority where the child lived assumed responsibility. Councillor Mashari further queried whether there were increased risks involved in placing children under SGOs and if so, what actions the council took to mitigate these risks. Councillor Cheese also expressed concern regarding the lack of greater levels of monitoring of SGO placements. Councillor Pavey sought further details in relation to Brent's policy on transracial placements and sought information on the number of prospective adopters deemed unsuitable matches as a result of issues of ethnicity. Councillor Oladapo queried whether transracial adoptions in Brent tended to be successful. Councillor Pavey noted the disparity between receiving a 'satisfactory' Ofsted rating in February 2012 and the extremely positive outcome of the DfE assessment

In response to the committee's queries Hillary Brooks advised that there were currently 21 assessments of prospective adopters underway. As these assessments were progressed, possible matches were considered with children awaiting placement. It was not always possible to place children with Brent approved adopters and sometimes due to a child's level of need, children could be placed with externally approved adopters. At present, there were 5 children for whom family-finding was being conducted. It was not always possible to place children for adoption and the council had to consider whether adoption was the right choice for a child. Other forms of permanency such as long term fostering or SGOs might also be considered. The council now created parallel plans at the earliest possible stage to ensure that adoption or other suitable options could be pursued without delay should it be found that a child could not be returned to the care of his/her birthparents. If a child was placed for adoption outside of the borough, the council remained responsible for delivery of the agreed adoption support plan which could apply for up to 3 years; however, where this included access to support services, the council would liaise with other local authorities.

With regard to transracial placements, Hillary Brooks advised that Brent's policy stated the best match for a child should be made in relation to all of his or her needs, including those regarding ethnicity. Transracial placements had always been made in Brent and were very traditionally very successful. It was explored with all prospective adopters as part of the assessment process whether they felt able to support the needs of children of different ethnicities. In response to Councillor Pavey's request for the numbers of matches declined due to ethnicity, Hillary Brooks advised that rather than asking whether prospective adopters were not able to meet the various needs of a child, matches were pursued on the basis of which prospective adopters best met a child's needs.

Graham Genoni advised that SGO placements involved greater relative risk than adoption placements because a child was often placed with the extended birth family and particularly, issues around contact with birthparents might arise. However, an SGO placement would not be made if there were any safeguarding concerns. Hillary Brooks explained that once a child was placed under an SGO he or she was no longer a Looked After Child and the placement would therefore not be subject to the same level of scrutiny. The support plan for an SGO placement would be reviewed annually and the child's carers could access support and guidance direct from social workers if they needed to. Fiona Alderman (Principal Lawyer – Social Services and Education) advised that a supervision order could be put in place alongside an SGO; however this would only be used in very extreme circumstances. Hillary Brooks added that there had been approximately 5 breakdowns of SGO placements in Brent since SGOs were introduced, although only one of these had related to safeguarding concerns.

Turning to Councillor Pavey's query regarding the different outcomes of the Ofsted inspection and the DfE assessment, Hillary Brooks explained that there had only been three recommendations made by Ofsted following the February inspection. Since that time the council had developed and implemented an action plan to address the issues raised. However, due to the three-year focus of the inspection it would have been impossible to achieve greater than 'satisfactory' at this time. The DfE assessment had concentrated to a greater extent on the processes followed and it was easier therefore, for the council to evidence the improvements made.

RESOLVED

That the presentation be noted.

7. Safeguarding and Looked After Children Inspection Action Plan

RESOLVED

That consideration of this item be deferred to the following meeting of the committee.

8. Children and Young People Overview and Scrutiny Work Programme and Items from the Forward Plan

Priya Mistry (Policy and Performance Officer) advised that the reports requested at the previous meeting had been added to the work programme and noted that in response to a request made at that meeting, information regarding the Improving Outcomes task group had been tabled for the committee's information. Members were reminded that any further suggestions for the committee's work programme could be forwarded to the Chair or to Priya Mistry.

Councillor Mashari proposed that items addressing the issues of bullying, careers advice and work experience for young people in Brent which were raised via the Brent Youth Parliament should be added to the work programme:

RESOLVED: -

That items regarding the issues raised via the Brent Youth Parliament of bullying, and careers advice and work experience for young people in Brent be added to the committee's work programme.

9. **Date of next meeting**

The committee noted that the next meeting was scheduled for 11 October 2012.

10. **Any other urgent business**

None.

The meeting closed at 9.01 pm

CLLR MASHARI
Chair