

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 30 June 2016 at 9.30 am.

PRESENT

Councillors Brian Blakeley, Bill Cowie, Peter Evans, Huw Hilditch-Roberts (Chair), Martyn Holland, Bob Murray, Anton Sampson, Cefyn Williams and Cheryl Williams

Observers: Councillor Arwel Roberts and Councillor Huw Williams

Councillor Eryl Williams attended at the Committee's request in his capacity as Lead Member for Education

ALSO PRESENT

Corporate Director: Economic and Community Ambition (RM), Head of Legal, HR and Democratic Services (GW), Head of Education (KIE), Supporting People Team Manager (KN), Education Planning & Resources Manager (IL), Principal Education Support Manager (GD), Scrutiny Co-ordinator (RE) and Committee Administrator (SLW).

1 APOLOGIES

Apologies for absence were received from Councillors Rhys Hughes and David Simmons

2 DECLARATION OF INTERESTS

Councillors Huw Hilditch-Roberts, Martyn Holland, Cefyn Williams and Cheryl Williams declared a personal interest in item 5 (Review of Home to School Transport Policy).

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters.

4 MINUTES

The Minutes of the meeting of the Communities Scrutiny Committee held on the 12 May, 2016 were submitted:-

RESOLVED – *that the Minutes be received and approved as a correct record.*

5 REVIEW OF THE HOME TO SCHOOL TRANSPORT POLICY

The Head of Education introduced the report (previously circulated) for Members to consider the impact of the implementation of the new school transport policy for secondary school pupils, from September 2015.

The Head of Education clarified that at the Freedom & Flexibilities Workshop held in June 2014, elected Members gave approval to undertake a review of the existing School Transport Policy. The process resulted in a revised Policy being implemented from September 2015.

The purpose of the review had been to examine the following areas:

- Ensuring 2-3 mile rule primary/secondary was adhered to
- Faith/Language provision
- Post 16 provision
- Feasibility of central pick up points
- Special Educational Needs (SEN) provision
- Hazardous routes

The review also recognised financial pressures on the School Transport budget at that time, some of which were attributed to historic anomalies in the services provided, which the review sought to correct.

In applying the Policy, “pick-up points” were designated from which pupils who were entitled to free home to school transport would receive transport to their nearest “suitable school”.

Following the application of the Policy, a number of complaints were received from parents/guardians, the majority of which related to the removal of home to school taxis or the introduction of “designated pick-up points” and the fact that it was the parent/guardian’s responsibility to arrange the pupil’s journey to the “pick-up point”.

At the end of 2015, a Judicial Review challenge was instigated by a parent who contested that the Local Authority had a duty to transport their child from home to the pick-up point, as they were of the view that the route was a hazardous one. On receiving legal advice from Counsel, the Council, in this particular instance, used its discretionary powers to provide a taxi service from the pupil’s home to the designated “pick-up point”.

In response to legal advice received, the Council also clarified the Policy wording and in circumstances where discretion should be applied, re-examined a number of other cases. Where appropriate, feeder taxi services were reinstated which had previously been withdrawn. Parents/guardians whose children’s feeder taxis had been withdrawn but who had not appealed or complained, who could potentially be living on a hazardous route, had now been contacted advising them to re-apply for free transport and to supply relevant evidence of the hazardous route.

Following the Judicial Review challenge, guidance had now been issued to clarify the policy, and a copy had been attached to the report for Members’ information. As a result of the judicial review, and the guidance issued, the Policy itself would require to be reviewed. The Head of Education outlined the proposed timetable for the review process, as was detailed in paragraph 4.4.2 of the report.

Members enquired whether community schools in rural areas were still considered as “feeder schools” for certain secondary schools e.g. Ysgol Bro Fammau in

Llanferres served the communities of Llanferres, Llanarmon yn Iâl and Graianrhyd and had in the past been a “feeder school” to Ysgol Brynhyfryd. However, since the stringent application of the Home to School Transport Policy, Ysgol Brynhyfryd was no longer deemed as the “nearest appropriate school” for some of Ysgol Bro Fammau’s pupils as they were deemed to live within the catchment area of schools in Mold. This problem impacted on rural areas more than on urban areas, and could potentially in the long-term affect the demography of rural areas.

Responding to Members’ questions, the Lead Member for Education, Head of Education and Head of Legal, HR & Democratic Services:

- advised that Officers were currently examining the issue of “feeder schools” as part of the work in reviewing the Policy and whether Local Authority discretionary powers could be utilised in relation to them. The Local Authority had a duty to transport pupils to the “nearest suitable school”, subject to language medium, faith considerations, and to meet safeguarding requirements and ensure their well-being. The legislative requirements with respect to the provision of transport were laid out in the Learner Travel (Wales) Measure 2008. However, it was for the Local Authority to determine which was the “nearest suitable school”
- acknowledged that there had been an impact on some communities as the result of the Policy’s implementation. Nevertheless, the Council had responded positively to challenges presented to it by the affected communities and following meetings with parents and affected parties, mutually agreeable resolutions had been found
- the cost of education was a complex area. In cases where Denbighshire pupils transferred to secondary education in a neighbouring authority the Welsh Government (WG) funding for their education would be paid directly by WG to that authority. The same applied in the cases of pupils residing in neighbouring authorities that were educated in schools in Denbighshire
- advised that if parents raised concerns with Officers regarding the effects on a child of not being able to attend the same school as his/her siblings, they would consider that as part of the application of discretion process. Issues such as the emotional impact of being split up from siblings would form part of the Policy review process. It was important that parents/guardians did officially challenge the policy’s implementation in order to ensure that all aspects of its implementation would feature in the forthcoming review
- advised that whilst all challenges to the policy’s application would be considered in a fair manner, discretion could not be permitted in all cases
- confirmed that data was available on the number of pupils from Denbighshire being educated in neighbouring authority schools as well as on those from neighbouring authorities educated in Denbighshire’s schools. In response to a request it was agreed that data relating to this from September 2013 to date be sent to Members for information
- confirmed that the review of the policy would examine what the Local Authority was duty bound by law to provide, the extent of its discretionary powers - to enable clear parameters to be set for the application of discretion in the future, and the potential for concessionary travel arrangements in the future. As part of the review, consideration would be given to pupils’ direction of travel to receive their education within and across the county

boundary and the reasons for their choices. Exploring this aspect would help the Council to determine the long-term sustainability of discretionary and concessionary travel arrangements

- advised that Denbighshire worked closely with its neighbouring local authorities on school admissions via the School Admissions Forum. Whilst Denbighshire, Flintshire and Wrexham councils regularly attended the Forum's meetings, Conwy Council did not engage fully with it
- confirmed that the Council's Passenger Transport Manager was in the process of arranging a meeting with Conwy County Borough Council to explore the feasibility of utilising a coach which carried pupils to a school in Abergele for the purpose of providing transport for pupils from Rhuddlan to Rhyl.

Officers were requested to involve parents in the policy review process at the earliest possible opportunity. It was agreed that the review of the policy should be presented to each Member Area Group (MAG) to ensure that they could feed into the review.

The Chair advised that procedures relating to the risk assessment process for determining whether a route was hazardous would be subject of a Scrutiny discussion at the Committee meeting to be held in September 2016.

Having considered the information provided in the report and subject to the points raised at the meeting, the Committee:

RESOLVED:

- *to give approval for Officers to proceed with a review of the Home to School Eligibility Policy on the timescale detailed in the report*
- *that the review should include issues raised by parents and Members following the implementation of the previous review of the policy, and*
- *that at the conclusion of the review of the policy, a draft of the revised Home to School Transport Eligibility Policy be submitted to the Committee for consideration at its meeting in December 2016*

6 SUPPORTED INDEPENDENT LIVING

The Supporting People Team Manager introduced the report (previously circulated) to enable Members to monitor the progress of Supported Independent Living (SIL) in meeting the housing related support needs of older people across the county.

The aims and objectives of the SIL Services included supporting individuals by providing early intervention support through to supporting those with more complex needs.

Members were advised that whilst there had not been any cut to the Supporting People grant for the 2016/17 financial year, there was no guarantee that the WG would not cut the funding in future years. It was emphasised that Supporting People funding could not be used to deliver statutory housing or social care services. At present the SIL services only delivered 400 hours of support per week, which was considerably less than the contractual requirement of 507 hours per

week. However, work was underway to address this deficiency by better marketing of the service, particularly to those sectors of the community which seemed to underutilise the service i.e. owner occupier and private rental householders.

Responding to Members' questions, the Supporting People Team Manager advised that:

- people who enquired about Disabled Facilities Grants (DFGs) would be signposted to the relevant department by the Single Point of Access (SPoA) Service
- the funding allocated to the Service was mainly used to pay the SIL staff, which included the former sheltered accommodation wardens all of whom now worked for the SIL Service
- the service delivered support throughout the county to all types of households who qualified for support, the Service was not confined to former sheltered accommodation complexes
- individuals who received support were generally over 50 years of age
- there was a growing number of older people with alcohol or substance dependencies, some of whom also presented anti-social behaviour traits, who were supported to live independently
- the SIL Service worked closely with Health Practitioners to support individuals where appropriate
- upon receipt of a referral, all the individual's needs would be assessed, the assessment would be a holistic one which included looking at the service-user's needs and those of his/her family/carers etc., and
- some SIL service users utilised Council run day centres and/or other associated services if they wished to do so.

The Supporting People Team Manager undertook to discuss with the SPoA Manager the types of information that were regularly shared between both services as a matter of course and explore whether the flow of information could be further enhanced.

At the conclusion of the discussion, the Committee thanked the Supporting People Team Manager for attending and emphasised the importance of all Council services working together to deliver better, effective and seamless services for residents. It was:

RESOLVED that:

- (i) subject to the above observations, to receive the report, and*
- (ii) that a detailed report be presented to the Committee at its October 2016 meeting on the potential benefits of adopting a streamlined approach to managing Supported Independent Living (SIL), Re-ablement and the Health & Social Care Support Worker Services (HSCSW).*

7 SCRUTINY WORK PROGRAMME

A copy of a report by the Scrutiny Co-ordinator, which requested the Committee to review and agree its Forward Work Programme and which provided an update on relevant issues, had been circulated with the papers for the meeting.

A copy of the Members Proposal Form had been included in Appendix 2. The Cabinet Forward Work Programme had been included as Appendix 3, and a table summarising recent Committee resolutions and advising on progress with their implementation, had been attached at Appendix 4.

The Committee considered its draft Forward Work Programme for future meetings, Appendix 1, and the following amendments and additions were agreed:-

8 September 2016

- Primary and Secondary School Absenteeism
- Hazardous routes to school
- Residents Survey, and
- DWP/People Plus provision in Denbighshire. An invitation had been extended to the DWP and People Plus to attend the meeting.

Prior to the meeting on 8 September, 2016, a pre-meeting for Members was to be held commencing at 9.00 a.m.

27 October 2016 – Supporting Independent Living

15 December 2016 – Draft Home to School Transport Eligibility Policy

***RESOLVED** that, subject to the above amendments and agreements, the Forward Work Programme as set out in Appendix 1 to the report be approved.*

At this juncture, Councillor Cheryl Williams requested an update regarding the issues with GP Out of Hours Service.

The Scrutiny Co-ordinator confirmed that representatives from Betsi Cadwaladr University Health Board would be attending the Partnerships Scrutiny Committee meeting on 7 July 2016 at which Councillor Williams would be welcome to attend to put forward her question.

8 FEEDBACK FROM COMMITTEE REPRESENTATIVES

Councillor Martyn Holland confirmed he had attended:

- A Tackling Poverty Working Group meeting
- County Conversation meeting – this meeting had been poorly attended, and
- A meeting of the Local Joint Consultative Committee (LJCC) the previous day, which was subsequently cancelled due to only one Union representative being in attendance.

Councillor Brian Blakeley confirmed he had resigned from the Community Health Council (CHC).

The meeting concluded at 11.08 a.m.