

PERFORMANCE SCRUTINY COMMITTEE

Minutes of the Performance Scrutiny Committee meeting held in Council Chamber County Hall and by video conference on 7 March 2024 at 10am.

PRESENT

Councillors Ellie Chard, Bobby Feeley, Martyn Hogg, Carol Holliday, Alan Hughes, Hugh Irving (Chair), Paul Keddie, Diane King, Terry Mendies, Gareth Sandilands (Vice-Chair) and Andrea Tomlin.

ALSO PRESENT

Corporate Director: Governance and Business (GW) Head of Education (GD), Chief Internal Auditor (BC), Head of Corporate Support Service: Performance, Digital Assets (HV-E), Head of Corporate Support Service: People (CR), Principal Education Manager (RT), Electively Home Educated Advisory Teacher (JW), Scrutiny Coordinators (RE and KE) and Committee Administrators (SJ and NH)

Education Co-opted Members –

Colette Owen and Neil Roberts in attendance for Agenda Item 5.

Lead Members in attendance at the Committee's invitation:

Councillor Gill German: Lead Member for Education, Children and Families and
Councillor Gwyneth Ellis: Lead Member for Finance, Performance and Strategic Assets.

Observers: Councillors Joan Butterfield, Jeanette Chamberlain- Jones and Jon Harland and Lay Member David Stewart.

1. APOLOGIES

Apologies for absence were received from Councillor Julie Matthews, Lead Member for Corporate Strategy, Policy and Equalities who had been invited to attend for business item 6. However, Councillor Gwyneth Ellis: Lead Member for Finance, Performance and Strategic Assets was in attendance to present that report.

2. DECLARATIONS OF INTERESTS

The following members declared person interests in business item 5, 'Supporting and Monitoring the Delivery of Elective Home Education', in their role as school governors:

Councillor Ellie Chard	Local Education Authority (LEA) Governor at Ysgol Tir Morfa
Councillor Bobby Feeley	LEA Governor at Rhos Street School
Councillor Martyn Hogg	Parent Governor at St. Asaph VP School

Councillor Carol Holliday	Town Council/Community governor on the governing bodies of Ysgol Penmorfa & Ysgol Clawdd Offa
Councillor Alan Hughes	Governor at Ysgol Caer Drewyn
Councillor Paul Keddie	Governor Ysgol Bryn Collen
Councillor Diane King	Governor at Christchurch School
Neil Roberts	Governor at Ysgol y Parc
Councillor Gareth Sandilands	LEA Governor at Ysgol Clawdd Offa

Councillor Andrea Tomlin declared a personal interest in the same business item as a close acquaintance of an individual currently undergoing the elective home education process.

3. URGENT MATTERS AS AGREED BY THE CHAIR

No items of an urgent nature had been raised with the Chair or the Scrutiny Coordinator prior to the commencement of the meeting.

4. MINUTES OF THE LAST MEETING

The minutes of the Performance Scrutiny Committee meeting held on the 25 January 2024 were submitted. It was:

RESOLVED: *that the minutes of the meeting held on the 25 January 2024 be received and approved as a true and correct record of the proceedings.*

5. ELECTIVE HOME EDUCATION

The Lead Member for Education, Children and Young People, Councillor Gill German, introduced the Elective Home Education report (previously circulated).

The report was being presented to the Committee to reassure members that Denbighshire County Council (DCC) was meeting the statutory requirements for Elective Home Education (EHE) within the County. The report included an oversight of the procedures in place and the Council's safeguarding responsibilities.

The Head of Education guided Members through the report (previously circulated).

Home education was a term used when parents chose to educate their children at home instead of sending them to school. Home education reflected the diversity of approaches and allowed for an individualised approach for children tailored to the specific needs and interests of each child. Many home educating parents felt that they were able to meet their children's needs and learning styles more effectively than in the classroom.

Children who were home educated were not expected to follow the Curriculum for Wales or any other specified curriculum or meet criteria for the number of learning hours. The home education approach could range from a continuum from a formal, structured, schedule-based education through to autonomous or child-led education.

The responsibility of the parent was to provide a suitable, efficient, full-time education, in line with the child's age, ability and aptitude.

The role of the Local Authority (LA) was to identify children and young people who were not receiving a suitable, efficient full-time education. It was not the authority's role to provide the education however, support from the LA was available and provided when requested. The ways in which the authority fulfilled this role could take on many different forms. The most important was engaging in a positive, supportive manner with the families and building up a relationship to ensure that it could identify that learning was taking place, that it was suitable and sustainable.

Before learners were taken off the school register, the Welsh Government Statutory Guidance should be shared with families in order that they knew what was expected of them to educate at home. Once the families moved over to EHE the Denbighshire protocol, updated in February 2024, (previously circulated in Appendix 1) would be sent out to families to support them in getting started.

All EHE families were offered a home visit to discuss the provision taking place. This was an effective way to link with all families and was a good opportunity to meet the learners and hear their point of view. It also gave the learners the opportunity to explain what they had been learning in their own words. Families did not have to accept a home visit and some families preferred to send an educational report or a third-party endorsement report to the local education authority (LEA).

Currently Denbighshire had 158 learners registered as EHE. There had been a noticeable increase since August 2016 where the LA had 94 learners registered as EHE. The numbers of EHE learners could fluctuate during the school year.

Every year the LA was awarded a Welsh Government grant to support the learners of EHE families. In October 2023, out of 141 families registered at that time, 76 showed interest and were supported financially.

Unfortunately, as in line with other LAs, Denbighshire had a small number of families who either refused or were reluctant to engage. As a LA, Denbighshire actively try to engage with these families through a structured

process of specific letters, that were distributed at specific times. In between these letters, phone calls, emails and unannounced visits would take place to try and engage and support the families. The EHE officer worked closely with the Education Social Work Team in these cases to ensure that any safeguarding concerns were dealt with promptly.

The Denbighshire EHE Team had received the Gold award in recognition of the work that they undertook with home educated children.

The Chair thanked officers for the report and questions were welcomed from Members.

Members questioned how the education provided at home was being actively monitored. The Head of Education explained that monitoring the quality of the education being provided by the family was not the authority's role. The authority's role was to support EHE families and identify learners who were not receiving any education within the home. Information explaining the EHE role was in the report (previously circulated), and this was shared with parents when families were considering EHE, explaining their responsibilities.

Officers stressed that pupils who had health issues and who were educated at home by tutors arranged by the school of the education authority were not classed as EHE.

Members questioned the process in place when all levels of correspondence had been rejected by the family. The Head of Education stated that there was a national procedure in place which was followed. Engagement with some EHE families was difficult, if all areas of correspondence and attempts to communicate and engage with the families had been exhausted then it would become a legal matter with an Education Order put in place.

Members recognised the significant increase in EHE learners since 2016 and questioned if the funding had increased with the numbers. The Head of Education expressed that funding was a challenge. EHE was grant funded and there had recently been a change in the way that grants were received. All grants went through the Local Authority, there was 1 grant with 4 elements relating to how the money could be spent. The funding/grants had not increased with the numbers of EHE learners. It was emphasised that the increase in the number of EHE pupils was not unique to Denbighshire, it was reflected across the majority of LA areas. The highest number of EHE pupils were in the secondary sector, with anxiety and struggling with everyday school life being a reason for some families opting to provide EHE. In some cases, pupils did return to mainstream education following a period of being educated at home, between September 2023 and February 2024 22 pupils in Denbighshire had returned to be educated within a school setting.

Members expressed concerns regarding the monitoring/checks on EHE families and questioned if there were discussions with the Local Education Authority (LEA). The Head of Education explained when families were considering home educating their children, there was a conversation to ensure parents understood what was involved and what was expected of them.

Members asked if EHE learners undertook exams for example GCSE, the Electively Home Educated Advisory Teacher explained EHE families were not required to follow the curriculum and therefore were not required to sit any exams if they did not wish to. However, in her role she would encourage pupils to sit exams in order to further their career prospects. Part of her role was to signpost the pupils and parents to resources available to them, e.g. summer reading challenges in the libraries etc. and to support them to sit exams if they chose to do so. Year 10 and 11 age pupils would be provided with Careers Wales information to help them plan ahead for the future.

Members discussed the impact on the social experiences of a child who was home educated and sought clarity on any support that was in place to address it. The Head of Education stated that the social aspects of a child being educated within the home was something for the parents to consider and was part of the discussions from the beginning. The EHE Team worked with Denbighshire Leisure Limited (DLL) to encourage EHE families to socialise together by using the facilities. There was a limited amount of funding given from Welsh Government for EHE families to come together to allow for social experiences. Information was shared with EHE pupils' families on groups etc. that were available for them to attend with a view to enhancing the social interaction aspect of their learning.

It was confirmed that Estyn did not have any involvement with pupils who were EHE. The Regulator's responsibilities only extended to examining the local education authority's arrangements for providing support to EHE pupils and families as part of its inspection of the LA Education Service. GWE did not have any involvement with EHE pupils either.

The Head of Education stressed that if the authority had any safeguarding concerns regarding a child/pupil the Safeguarding Procedures would be instigated as a matter of urgency.

Members registered their concerns with regards to the perceived lack of national regulations governing the responsibilities of individuals and families who choose to educate their children at home and therefore requested that the Lead Member and Head of Education correspond with the Welsh Government on the matter. The Head of Education stated that he would raise the matter with Denbighshire's link Estyn Inspector during their next meeting in early summer 2024.

The Chair thanked the Lead Member and officers for the detailed report and for answering questions from Committee Members.

Following a comprehensive discussion, the Committee:

Resolved: subject to the above comments and observations to –

- (i) endorse the policies, procedures and approach taken by the Council's Education Service to support and monitor the delivery of Elective Home Education (EHE);***
- (ii) acknowledge the efforts of Education Service staff in ensuring that the Council meets its statutory responsibilities with regards to pupils who elect to be educated at home, whilst also ensuring they are appropriately supported and safeguarded;***
- (iii) request that an Information Report be circulated to Committee members in 12 months' time detailing data and trends in relation to the number of pupils in the county who are educated at home; and***
- (iv) recommend that the Lead Member for Education, Children and Families, in conjunction with Education Service officers, write to the Welsh Government's Minister for Education and Welsh Language seeking the Government to introduce regulations governing the responsibilities of those who choose to educate their children at home.***

6. ARE THE COUNCIL'S CORPORATE SUPPORT FUNCTIONS EFFECTIVE?

The Lead Member for Finance, Performance and Strategic Assets introduced the report (previously circulated).

The original Audit Wales report had examined the Council's arrangements for its Corporate Services under four departments, Human Resources (HR), Corporate Customer Services, Digital Services and Internal Audit. The results of the review were positive with only two recommendations, the Council's responses to the recommendations were attached to the report. The report looked at the vision and strategic direction of the corporate support functions to consider if they effectively and adequately supported the Council's objectives. The review also considered if the Council's corporate support functions were taking account of the sustainable development principle.

The Head of Corporate Support Services: People provided members with further detail regarding the report and its recommendations.

The report presented to the Committee related to the Audit Wales Report on 'Are the Council's Corporate Support Functions Effective?' dated May 2023

and provided an update on the progress made against the recommendations contained within the report. The report was for the Committee to consider the progress made to date in addressing the two recommendations made by Audit Wales in its May 2023 report along with the Council's future plans for sufficiently resourcing its wider Corporate Support Services' functions.

The review found that the Council's corporate support functions had a good understanding of the sustainable development principle, but the Internal Audit Service did not consistently consider the principle in all its audit work, some HR Policies were out of date and although the Council had appropriate monitoring arrangements in place, it was yet to consider the future strategic objectives and resourcing needs of the functions that were examined.

The Audit report made two recommendations and a copy of the Council's original Management response (previously circulated) was considered by the Governance and Audit Committee on the 26 July 2023 and by Scrutiny Chairs and Vice- Chairs Group (SCVCG). Since the report had been published considerable progress had been made on the actions identified to address the recommendations. Members were directed to a table of the recommendations from the report and the progress of the actions to date. Of the four actions, two actions had been completed, one partially completed, and one action was ongoing.

Relating to recommendation one (R1) - review of out-of-date policies, the Head of Corporate Support Services: People informed Members that 50% of the Council's policies had now been reviewed and were up to date. Policies were updated when there were new developments within legislation. All policies were reviewed every three years in line with the Council's Policy, going forward it was important that informal reviews within the three years were recorded on a regular basis.

Relating to recommendation two (R2) - consistency of Internal Audit considering the sustainable development principle, Internal Audit now included questions to ascertain how services were complying with the sustainable development principle and Carbon Emissions when developing the scope for each audit undertaken.

The Chair thanked officers for the report and questions were welcomed from members.

Members referred to paragraph 4.5 of the report relating to Human Resources (HR) having 51 different policies and questioned if there was a need for so many and if any could be consolidated. The Head of Corporate Support Services: People stated that the 51 policies in place covered the whole employee lifecycle, from recruitment to leaving or retirement, there was a

policy for each aspect of an employee's employment with the organisation. The policies in place provided protection for the Council and employees.

Members discussed ways for reviews to have as little effect on resources as possible and questioned if there could be better referencing to the Sustainable Development Principle within all Policies and audits undertaken. The Chief Internal Auditor welcomed the suggestion and advised that he would consider the Committee's above proposal in the following year's Audit Plan.

Members asked if the Council outsourced any Support Services. The Corporate Director explained that this was dependent on the support function. For example, the Council outsourced translation services, others were run jointly with other local authorities e.g. the Joint Procurement Service with Flintshire County Council, whilst some very specialist services were procured from external providers however, other support functions within the Council would not be financially viable to be outsourced.

The Corporate Director: Governance and Business advised members that the Governance and Business Directorate had been established in April 2023 with a view to consolidating support services in one place and strengthening them in order to provide better support to deliver frontline services. An organisation the size of Denbighshire required good governance arrangements to enable it to build resilience and support the transformation of services going forward.

The Chair thanked officers for the detailed report and for attending the meeting.

At the conclusion of an in-depth discussion the Committee:

Resolved: subject to the above observations to acknowledge the progress made to date by the Council –

- (i) in addressing the two recommendations laid out in the May 2023 Audit Wales review 'Are the Council's Corporate Support Functions Effective?'; and***
- (ii) in sufficiently resourcing its wider corporate services' functions.***

7. SCRUTINY WORK PROGRAMME

The Scrutiny Co-ordinator introduced the report and appendices (previously circulated) the purpose of which was to seek the Committee to review its programme of future work.

The next meeting of the Performance Scrutiny Committee was scheduled for 18 April 2024. In response to requests from officers the Chair had permitted the deferral of two business items from the current meeting's business agenda to future meetings. They were:

- 2018 Estyn Inspection Recommendations, deferred until the June 2024 meeting; and
- the Economic and Business Development Strategy, deferred until the Committee's meeting in July 2024.

Both deferrals were permitted in order to give officers more time to undertake detailed work in relation to the topics prior to submitting them for Scrutiny.

Appendix 2 contained a copy of the Member's Scrutiny Proposal forms and Members were encouraged to complete the form if they had any items which they thought would merit scrutiny.

Since the publication of the Committee papers a request had been received to defer the presentation of the Revised Draft Climate and Ecological Change Strategy 2021/22 – 2029/30 from April's meeting to the June meeting, due to changes in personnel. If the Committee was willing to permit this rescheduling it would need to move a business item from its June 2024 meeting to a later date. It was agreed that the Cefndy Performance Report 2023/2024 be re-arranged to the Committee's July 2024 meeting to accommodate this request.

Appendix 3 showed the Cabinet Forward Work Programme for information.

Appendix 4 outlined the progress made with respect of the Committee's recommendations from its previous meetings.

At the conclusion of the discussion the Committee:

Resolved: subject to the inclusion of the information report on Elective Home Education for March 2025, and the rescheduling of the Revised Draft Climate and Ecological Change Strategy 2021/22–2029/30 from April to June's meeting and the Cefndy Performance Report 2023/24 from June to July's meeting, to confirm its forward work programme as set out in Appendix 1 to the report.

8. FEEDBACK FROM COMMITTEE REPRESENTATIVES

The Chair informed the Committee that he had been unable to attend the most recent meeting of the Queen's Market Project Board but had been advised that the Queen's Market building had now been handed over to the Council. The Corporate Director: Governance and Business confirmed that this was the case. Members:

Resolved: to note the information provided.

Meeting concluded at 12.25pm