

Children and Young People Board

Agenda

Wednesday, 29 June 2016
11.00 am

Smith Square 3&4, Ground Floor, Local
Government House, Smith Square, London,
SW1P 3HZ

To: Members of the Children and Young People Board
cc: Named officers for briefing purposes

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This meeting is



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Children & Young People Board
29 June 2016

There will be a meeting of the Children & Young People Board at **11.00 am on Wednesday, 29 June 2016** Smith Square 3&4, Ground Floor, Local Government House, Smith Square, London, SW1P 3HZ.

A sandwich lunch will be available directly after the meeting.

Attendance Sheet:

Please ensure that you sign the attendance register, which will be available in the meeting room. It is the only record of your presence at the meeting.

Political Group meetings:

The group meetings will take place prior to the meeting. Please contact your political group as outlined below for further details.

Apologies:

Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting.

Conservative:	Group Office: 020 7664 3223	email: lgaconservatives@local.gov.uk
Labour:	Group Office: 020 7664 3334	email: Labour.GroupLGA@local.gov.uk
Independent:	Group Office: 020 7664 3224	email: independent.group@local.gov.uk
Liberal Democrat:	Group Office: 020 7664 3235	email: libdem@local.gov.uk

Location:

A map showing the location of Local Government House is printed on the back cover.

LGA Contact:

Gareth Greatrex, 0207 664 3381, gareth.greatrex@local.gov.uk

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The twitter hashtag for this meeting is #lgacyp

Children & Young People Board – Membership 2015/2016

Councillor	Authority
Conservative (7)	
Cllr Roy Perry (Chairman)	Hampshire County Council
Cllr Laura Mayes	Wiltshire Council
Cllr Paul McLain	Gloucestershire County Council
Cllr Dick Madden	Essex County Council
Cllr Ivan Ould	Leicestershire County Council
Cllr Liz Hacket Pain	Monmouthshire County Council
Cllr Ian Parry	Staffordshire County Council
Substitutes	
Cllr Phillip Bicknell	Windsor & Maidenhead Royal Borough
Cllr Peter Evans	West Sussex County Council
Cllr Thomas Garrod	Norfolk County Council
Labour (7)	
Cllr Richard Watts (Vice-Chair)	Islington Council
Cllr Anntoinette Bramble	Hackney London Borough Council
Cllr Anne Burns	Cumbria County Council
Cllr Bob Cook	Stockton-on-Tees Borough Council
Cllr John Kent	Thurrock Council
Cllr David Mellen	Nottingham City Council
Cllr John Merry CBE	Salford City Council
Substitutes	
Cllr Megan Swift	Calderdale Metropolitan Borough Council
Cllr Bill Turner	Barking and Dagenham London Borough Council
Independent (2)	
Cllr Helen Powell (Deputy Chair)	Lincolnshire County Council
Cllr Paul Cullen	Richmondshire District Council
Substitutes	
Cllr Gillian Ford	Havering London Borough Council
Cllr Anne Hawkesworth	Bradford Metropolitan District Council
Liberal Democrat (2)	
Cllr Liz Green (Deputy Chair)	Kingston upon Thames Royal Borough Council
Cllr Christopher Coleman	Cheltenham Borough Council
Substitutes	
Cllr Jon Hubbard	Wiltshire Council

Children & Young People Board - Attendance 2015-2016

Councillors	15/10/15	15/01/16	07/04/16
Conservative Group			
Roy Perry	Yes	Yes	Yes
Laura Mayes	Yes	Yes	Yes
Paul McLain	Yes	Yes	Yes
Dick Madden	Yes	Yes	Yes
Ivan Ould	Yes	Yes	Yes
Liz Hacket Pain	No	Yes	Yes
Ian Parry	Yes	Yes	Yes
Labour Group			
Richard Watts	No	Yes	Yes
Anntoinette Bramble	Yes	Yes	Yes
Anne Burns	Yes	Yes	Yes
Bob Cook	No	Yes	Yes
John Kent	No	Yes	Yes
David Mellen	Yes	Yes	Yes
John Merry CBE	Yes	Yes	Yes
Independent			
Helen Powell	Yes	Yes	Yes
Paul Cullen	Yes	Yes	Yes
Lib Dem Group			
Liz Green	Yes	Yes	Yes
Christopher Coleman	Yes	Yes	Yes
Substitutes			
Bill Turner	Yes	Yes	Yes
Peter Evans	No	No	Yes

Agenda

Children & Young People Board

Wednesday 29 June 2016

11.00 am

Smith Square 3&4, Ground Floor, Local Government House, Smith Square, London, SW1P 3HZ

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Date of Next Meeting: Thursday, 3 November 2016, 4.30 pm, Manchester Central Convention Complex, Windmill St, Manchester M2 3GX

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Queen's Speech

Purpose

For discussion and direction.

Summary

Three Bills of relevance to the Board's work were announced in the Queen's Speech on 18 May: the Children and Social Work Bill, Education for All Bill and National Citizen Service Bill. This report summarises the main purposes of the Bills and the LGA work to date on them.

Recommendation

The Board's views are sought on the Bills of relevance to its remit, to inform LGA lobbying during their passage through Parliament.

Action

Officers to take action as directed by members.

Contact officer: Ian Keating/Ian Dean
Position: Principal Policy Adviser/Senior Adviser
Phone no: 0207 664 3032/ 0207 665 3878
E-mail: ian.keating@local.gov.uk / ian.dean@local.gov.uk

Queen's Speech

Children and Social work Bill

1. This Bill, which received its second reading in the House of Lords on 14 June, aims to improve support for children in care and care leavers, foster innovation by relaxing regulations around the delivery of children's social care services, and establish a new regulatory regime for social workers. Provisions include:
 - 1.1 a clear set of corporate parenting principles for local authorities;
 - 1.2 a new duty on councils to consult on and publish a local offer for care leavers;
 - 1.3 the extension of personal adviser support for care leavers up to the age of 25;
 - 1.4 measures aimed at ensuring social workers and the courts take account of a child's;
 - 1.5 need for stability up until the age of 18 when making placement decisions;
 - 1.6 the establishment of a national Child Safeguarding Practice Review Panel;
 - 1.7 powers to exempt local authorities from children's social care legislation to test new ways of working;
 - 1.8 the establishment of a new regulatory regime for social workers.
2. The LGA prepared a full second reading briefing for the Bill, which is attached for information (appendix A). We are supportive of the early parts of the Bill, which focus on improved support for children in care and care leavers, while warning that any new burdens need to be fully funded to ensure that resources are not diverted from other services for vulnerable children.
3. However, we also raised concerns that both the national review panel and the new social work regulator are insufficiently independent from government, and that the range of legislation potentially exempted under clause 15 may require additional safeguards to ensure that such decisions are always rooted in the best interests of children and young people. We are particularly concerned that clause 18 allows for the Secretary of State to relax duties on local authorities in intervention without any form of local democratic scrutiny.
4. The Bill enters Lords Committee Stage on 27 June, and the initial amendments to be considered are radical. These include cross-party support for the removal of clauses 11 – 14 (the national Child Safeguarding Practice Review Panel), opposition from Labour Peers and a Crossbencher to all aspects of clauses 15-19 (covering exemption from legislation), and Labour opposition to the proposed model of social worker regulation.

5. The Board is asked whether it wants to comment or expand on the LGA's current lines as outlined in the attached briefing.

Education for All Bill

6. This Bill, which is expected to start its Parliamentary passage in the Autumn, will end the statutory role of councils in school improvement by removing their duty to promote high educational standards in local schools. This removal of statutory duties was announced in the Spending Review last year and will be accompanied by a £600 million, or 75% cut to the Education Services Grant paid to councils and to academies.
7. Although the Government announced on 6 May that it will step back from forcing all schools to become academies, the Bill will give the Secretary of State new powers to force all schools in a council area to become academies if she considers that the council is underperforming or unviable in its support for local schools. It also announced that £300 million will be available to support schools to convert to academy status and, in particular, support sponsors to turn around failing schools. A further £300 million has been allocated to support strong and effective multi-academy trusts to grow and improve. The announcement also said, in recognition of the costs that local authorities and church dioceses face in relation to academy conversion, "funding will also be provided to them" but no detail was given as to the amount.
8. In the on-the-day briefing on the Queen's Speech the LGA view was:
 - 8.1 The LGA remains opposed to any forced academisation. Councils are among the country's most effective education leaders with 81 per cent of council maintained schools rated by Ofsted as Good or Outstanding, compared to 73 per cent of academies and 79 per cent of free schools.
 - 8.2 Only a handful of Multi-Academy Trusts currently maintain more than 10 sponsored academies, compared to councils, which maintain large numbers of schools with significant experience and expertise. In addition, councils will continue working with all schools to deliver the education needed by individual communities, from making sure every child has a suitable school place, to protecting vulnerable children. Greater clarity is needed as to in what circumstances councils will be considered underperforming or unviable to maintain schools.
 - 8.3 If the statutory role of councils in school improvement ends, parents will have to raise any problems with remote Regional Schools Commissioners (RSCs). We have serious concerns about the capacity and local knowledge of each individual commissioner to hold more than 2,500 schools to account effectively, particularly when each RSC already has between 53 and 133 failing academies to turn around. The LGA opposes the transfer of significant powers relating to education to unelected civil servants. Councils must be allowed to work with RSCs to drive up education standards in their areas.
9. The Board is asked whether it wants to comment or expand on the views in the on-the-day briefing.

National Citizen Service Bill

10. This Bill is also expected for the Autumn, and will create a new statutory framework to deliver an expanded National Citizen Service (NCS). It will also place a duty on secondary schools and local authorities to promote the NCS to young people and their parents.
11. In the on-the-day briefing on the Queen's Speech the LGA view was:
 - 11.1 The National Citizen Service Bill makes a clear statement about the value of youth services, and underlines the Government's commitment to boosting the engagement of young people in positive activities.
 - 11.2 The National Citizen Service is a good scheme that provides positive experiences for many children and young people. The Government is proposing to allocate £1.1 billion in funding for it over the course of this Parliament. With many local services under pressure since 2010 following substantial cuts to local government funding, it is vital that money to run the NCS should not be at the expense of local services for young people. Councils - who know their communities best - must be able to provide services tailored to local needs.
 - 11.3 If local authorities are to actively promote the NCS, it is essential that there is a reciprocal duty on providers to engage with local authorities, including a duty to share relevant data, to make sure that promotion is effectively targeted to meet local needs.
12. The Board is asked whether it wants to comment or expand on the views in the on-the-day briefing.

Financial implications

13. There are no specific additional financial implications for the LGA arising from this report.

Local Government Association (LGA)

Children and Social Work Bill

Second Reading, House of Lords

14 June 2016



Key messages

- **Clauses 1 to 7:** The LGA supports the Bill's strong focus on support for children in care, including provisions to clarify corporate parenting principles, create a clear local offer for care leavers and extend personal adviser support for all care leavers up until the age of 25. However, new burdens must be fully funded to ensure that resources are not diverted from other services for vulnerable children, which are already considerably over-stretched.
- **Clauses 8 and 9:** The provisions outlined in clause 8 reflect existing good practice, ensuring that courts and social workers focus on children's long-term interests when planning care. The broader emphasis on permanence is particularly welcome, allowing placement decisions to be firmly based on the needs of individual children and young people.
- **Clauses 11 to 14:** The recent Wood Review recommends that the current system of serious case reviews be replaced by a more flexible programme of local learning reviews supported by a national panel to consider more serious cases. The LGA supports this general approach, but we are concerned that the Panel outlined in the Bill is too closely controlled by the Secretary of State and risks politicising the serious case review process.
- **Clauses 15 to 19:** Freedom to innovate can be a powerful tool in improving outcomes for children and young people, particularly in a climate of rising demand and reduced resources. However, the range of legislation potentially exempted by the Bill is currently very broad, and we would encourage Peers to explore whether sufficient safeguards are in place to ensure decisions are always made in the best interests of children. We are particularly concerned that section 18 allows for the Secretary of State to relax duties on local authorities in intervention without any form of local democratic scrutiny.
- **Part 2:** Social work regulations will depend on the implementation. A balance needs to be found between sufficient regulation to provide public assurance and encouraging experienced social workers to remain or return to the profession. An overly-onerous system could deter good people and prove bureaucratic for employers. We are concerned that the system outlined in the Bill places regulation of the profession under direct government control, removing the independence necessary to win the trust of social workers and the public.

Background

Corporate parenting, care leavers and education attainment (clauses 1 to 7)

Clauses 1 to 3 consolidate and clarify existing corporate parenting principles, require local authorities to publish information on their local offer for care leavers, and extend personal adviser support to care leavers up the age of 25. Corporate parenting is one of the most important roles a council has and it is right that looked-after children and care leavers know what support is available to them.

Briefing

For more information, please contact:
Charlotte Taylor, Public Affairs and Campaigns Adviser
Charlotte.taylor@local.gov.uk 020 7664 3060

Extending personal advisers for care leavers up to the age of 25 is a positive step. However, new burdens funding is needed to ensure that funding is not simply diverted from other children's services which are already over-stretched.

It is welcome that the duties relating to educational achievement (clauses 4 to 7) apply equally to maintained schools and academies. This will be particularly important if the Government continues in its aim of a fully academised system.

Care and adoption proceedings (clauses 8 to 9)

The focus on the long-term interests of the child is positive. It is especially welcome that the Bill includes not just adoption but other types of long-term placement. Adoption is not right for every child, and local and national government must continue to strive to improve the experience of all children in care, whether looked after by friends or family, in foster care, a special guardianship arrangement. or in residential care.

Child safeguarding (clauses 11 to 14)

The recent Wood Review of local safeguarding children boards (LSCBs) recommends that the current system of serious case reviews be replaced by a more flexible programme of local learning reviews supported by a national panel to consider more serious cases. The LGA welcomes this general approach, having long argued that the current system delivers poor outcomes in terms of learning for the considerable time and cost involved.

However, we are concerned that the panel outlined in the Bill is too closely controlled by the Secretary of State, which risks politicising the serious case review process. If reviews are to identify the root cause of safeguarding failings, they must be fully independent of government control to ensure they are able to consider whether changes are required at both national and local level without fear or favour.

The Government should also use this Bill to amend the current requirements around serious case reviews and LSCBs, allowing local authorities and their partners to develop a more flexible approach that fits local circumstances.

Different ways of working (clauses 15 to 19)

The LGA welcomes the intention to allow greater freedoms for local authorities to innovate. The children's social care landscape has changed significantly since the last major legislative reform brought about by the 2004 Children Act. Demand for child protection services has increased significantly, funding has fallen across the public sector, and a heightened understanding of threats such as child sexual exploitation, gang activity and radicalisation has necessitated new approaches to safeguarding outside of family settings. The structural landscape has also changed considerably and continues to do so, with greater devolution and combined authorities offering the potential for new delivery models that may not fit comfortably within the existing legislative framework.

However, the range of legislation covered by section 15 is extremely broad, and any decision to exempt an authority from social care legislation must be clearly shown to be in the best interests of local children and young people. We would encourage Peers to explore whether sufficient safeguards are in place to ensure this is the case.

We are particularly concerned that section 18 allows for the Secretary of State to remove regulations – potentially including significant duties in relation to the direct

care and support of children and young people – from local authorities in intervention without any form of local democratic scrutiny. Corporate parenting is one of local government's most significant responsibilities, as acknowledged in Clause 1 of this Bill, and it is important that these duties are not watered down or removed in a local authority area without the oversight of locally elected politicians.

Social worker regulations (Part 2)

Good social work can transform people's lives and protect them from harm. In order to achieve consistently high quality outcomes for children, young people and their carers, social workers must have and maintain the skills and knowledge to establish effective relationships with children, adults and families, professionals in a range of agencies and settings, and members of the public. The success of the provisions on social worker regulations will depend on the implementation. A balance needs to be found between greater regulation and encouraging experienced social workers to remain or return to the profession.

The LGA supported the Health and Care Professional Council (HCPC) as a one-stop shop independent regulator. Granting the Secretary of State powers to regulate social workers risks politicising the system and may have a detrimental impact on social workers and the children they support. Instead the new regulator must have guaranteed independence in order to balance the needs of the public; requirements set by Government; the interests of the profession; and the organisational requirements of employers who will have overall management responsibilities. The LGA, as employers, and ADCS and ADASS, as representative professional bodies for the senior members of the social work profession, should be involved in the design of a new regulator.

Term time absences from school

Purpose

For discussion and direction.

Summary

Schools Minister Nick Gibb MP wrote to Head teachers and Directors of Children's Services on 9 June, seeking to clarify the position on term time absences from school following a High Court judgement involving the Isle of Wight. A copy of the letter is attached and this report summarises the current LGA position on term time holidays and asks for views from the Board on how it can be clarified.

Recommendation

That the Board gives its views on clarifying the position for councils and head teachers on the issue of fines for unauthorised absences from school.

Action

Officers to take action as directed by members.

Contact Officer: Ian Keating
Position: Principal Policy Adviser
Telephone No: 0207 664 3032
Email: ian.keating@local.gov.uk

Term time absences from school

Background

1. Schools Minister Nick Gibb MP wrote to Head teachers and Directors of Children's Services on 9 June, seeking to clarify the position on term time absences from school following the judgment by the High Court on Friday 13 May regarding the case of the Isle of Wight Council v Jon Platt. A copy of the letter is attached. In it, the Minister expresses disappointment with the High Court ruling and seeks to clarify that:
 - 1.1 The High Court's judgment did not establish a hard and fast rule that a pupil's attendance above 90% is regarded as 'regular' attendance. Instead, a decision will have to depend on the individual facts of each case.
 - 1.2 The view of the Department for Education (DfE) is that the decision in the Isle of Wight case does not require local authorities to refund fines already issued and expects applications of this kind to be refused by councils in the ordinary course of events.

The current LGA position

2. The LGA has argued that blanket bans do not work and the High Court ruling shows that the current system is not always enforceable. We have said that we want to work with the Government to find a sensible solution whereby every family has the option to spend time together. While councils fully support the DfE's stance on every child being in school every day, there are occasions when parental requests should be given individual consideration and a common sense approach applied.
3. Although we have asked for greater clarity and greater local discretion, we have been asked in our turn what specifically we would want to see the Government change. The Board's views are sought about how, in practice, the current system can be changed to provide to provide both clarity and flexibility in this area.



Nick Gibb MP
Minister of State for Schools

Sanctuary Buildings, 20 Great Smith Street, Westminster, London, SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/help/contactus

To: Headteachers and Directors of Children's Services

9 June 2016

Dear Colleague,

High Court judgment on unauthorised pupil absence

I am writing to set out the Government's position on unauthorised school absence and next steps following the judgment by the High Court on Friday 13 May regarding the case of the *Isle of Wight Council v Jon Platt*.

I am disappointed with the High Court ruling. I am clear that no child should miss school apart from in exceptional circumstances.

Over the past six years, schools and local authorities have taken the lead in reducing overall absence to make sure more children attend school every day. Overall absence in primary, secondary and special schools has been on a downward trend since 2010/11. In particular, since introducing the changes to the regulations in 2013 so that absence is only granted in exceptional circumstances, the rate of absence due to term time holidays has decreased by more than a third.

This is a significant achievement. As you will be aware, there is clear evidence that absence from school is linked to lower levels of attainment. The Department's latest analysis published in March shows that every extra day missed was associated with lower attainment at age 11 and at age 16. In other words, every extra day of school that is missed can affect a pupil's chance of gaining good GCSE results.

I wish to advise you on two matters.

1. The High Court's judgment did not establish a hard and fast rule that a pupil's attendance above 90% is regarded as 'regular' attendance. Instead, a decision will have to depend on the individual facts of each case. In the *Isle of Wight* case, for example, the magistrates thought it was a pertinent fact that the school itself had described 90% attendance as 'satisfactory'.

2. We understand that some parents who have already been given penalty notices and have paid the penalty are asking local authorities to withdraw the

notices under regulation 8 of the Education (Penalty notices) (England) Regulations 2007 and refund their payments. However, the view of the Department is that the decision in the Isle of Wight case does not require local authorities to do this, and I would expect applications of this kind to be refused in the ordinary course of events. We will set out any additional steps necessary to secure children's attendance at school in due course.

In the meantime, it remains the case – as set out in the Education (Pupil Registration) (England) Regulations 2006 amended in 2013 – that headteachers continue to have the power to authorise leave of absence, but only in exceptional circumstances. While family holidays are enriching experiences, the school year is designed to give families the opportunity for these breaks without having to disrupt their children's education. It is for schools to consider the specific details and relevant context behind each request. Schools know their pupils best and are well placed to make those judgements.

I am clear that we need to continue reducing absence, building on the success schools and local authorities have already achieved, to support attainment and ensure all pupils fulfil their potential.

With best wishes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nick Gibb', written in a cursive style.

Nick Gibb MP

Home education and illegal schools

Purpose

For discussion and direction.

Summary

CYP Office Holders have asked for a discussion at the Board on the current responsibilities and powers of councils in relation to home education. Concerns have been raised that councils do not have sufficient powers to fulfil their duties in this area. Ofsted has also recently raised concerns about the significant rise in the number of home schooled children and linked this to an increase in the number of illegal schools it found following a recent series of inspections.

Recommendations

The Board is asked for views on the issues raised in this report around the adequacy of current council powers to ensure home educated children are receiving a suitable education and the link made by Ofsted to the proliferation of illegal schools. In particular, the Board may wish to consider:

- whether councils should have powers to compile a register of home educated children in their area; and
- whether councils should have powers to enter homes or other premises and talk to children if they have concerns about the suitability of education being offered by parents or others.

Action

Officers to take action as directed by members.

Contact Officer: Ian Keating
Position: Principal Policy Adviser
Telephone No: 0207 664 3032
Email: ian.keating@local.gov.uk

Home education and illegal schools

1. CYP Office Holders have asked for a discussion at the Board on the current responsibilities and powers of councils in relation to home education. The last Government statutory guidance to councils on their powers and responsibilities in this area was issued in 2007. It sets out the rights of parents to educate their child at home and the powers and duties of councils in this area. It clarifies that:
 - 1.1 Although local authorities have a statutory duty to make arrangements to enable them to establish the identities of children in their area who are not receiving a suitable education, this does not apply to children who are being educated at home.
 - 1.2 Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis, but must intervene if it appears that parents are not providing a suitable education.
 - 1.3 If they have concerns, councils have powers to issue formal notices requiring parents to satisfy them within a specified period that a child is receiving a suitable education, but the guidance encourages them to try to settle issues informally before using these powers.
 - 1.4 If they have issued a formal notice and are not satisfied with the response from parents, councils can issue a school attendance order requiring the child to attend a particular school.
 - 1.5 Council duties to safeguard and promote the welfare of children do not give them powers to enter the homes of, or otherwise see, children in order to establish whether they are receiving a suitable education.
2. Concerns have been raised that councils do not have sufficient powers to fulfil their duties to ensure home schooled children are receiving a suitable education, in particular because they have no powers to enter homes or to see children to satisfy themselves that this is the case.
3. Figures obtained by the BBC through Freedom of Information requests answered by 190 councils and published in December 2015 show a 65% increase in children recorded as home educated in the UK over six years. This significant rise has been linked this to an increase in the number of illegal schools and Education Secretary Nicky Morgan MP commissioned Ofsted to look into the issue in December.
4. Ofsted found more than 100 schools suspected of operating outside the law and Sir Michael Wilshaw wrote to the Secretary of State in May reporting:

“Evidence inspectors have gathered over recent weeks has also reaffirmed my belief that there is a clear link between the growth of unregistered schools and the steep rise in the

number of children recorded as being home educated in England over the past few years.”

“I have previously voiced concern that many of those operating unregistered schools are unscrupulously using the freedoms that many parents have to home educate their children as cover for their activities. They are exploiting weaknesses in the current legislation to operate on the cusp of the law.”

5. The Board is asked for views on the issues raised in this report around the adequacy of current council powers to ensure home educated children are receiving a suitable education and the link made by Ofsted to the proliferation of illegal schools. In particular, the Board may wish to consider:
 - 5.1 whether councils should have powers to compile a register of home educated children in their area; and
 - 5.2 whether councils should have powers to enter homes or other premises and talk to children if they have concerns about the suitability of education being offered by parents or others.

JNC Youth and Community Workers – Staff Side Claim on Campaign to Defend Youth Services

Purpose

For discussion and direction.

Summary

The Staff Side of the Joint Negotiating Committee (JNC) for Youth and Community Workers submitted its pay and conditions claim last month. An element of this claim was that the Employers' Side should "join with staff to mount a strong campaign to defend youth services". An extract from the claim is set out in the report and the views of the CYP Board are sought.

Recommendation

That the Board does not agree to a joint campaign but agrees to consider the current provision and delivery of Youth Services and how this issue can be taken forward.

Action

Officers to take action as directed by members.

Contact officer: Ian Keating
Position: Principal Policy Adviser
Phone no: 0207 664 3032
E-mail: ian.keating@local.gov.uk

JNC Youth and Community Workers – Staff Side Claim on Campaign to Defend Youth Services

Background

1. The Staff Side of the Joint Negotiating Committee (JNC) for Youth and Community Workers submitted its pay and conditions claim last month. An element of this claim was that the Employers' Side should "join with staff to mount a strong campaign to defend youth services".

Extract from the Staff Side claim

2. "Staff Side should not need to remind the employers of the importance of youth and community services. Yet recent history of cuts, pay stagnation and calls to abolish the Joint Negotiating Committee strongly imply that that case needs restating.
3. Youth work aims for the social and personal development of young people. It achieves these outcomes through structured, informal educational activities that combine enjoyment, challenge and learning in a safe environment. These services act as an effective investment in our future as well as an educational service that develops young people into adult citizens.
4. While the only 'agenda' of youth work is the personal and social development of young people, youth work contributes towards many wider social goals. Youth services are educational and preventative services that support young people towards better futures of their own choosing.
5. The positive impacts of youth work include:
 - 5.1 improved engagement with school and education;
 - 5.2 a positive impact on the incidence of crime and anti-social behaviour amongst young people;
 - 5.3 improvement in the wider learning and social skills of young people and helps to keep young people safe.
6. The positive impacts of youth work make it hugely cost effective in the medium to longer term, as well as being socially beneficial. There is a broad evidence base "highlighting the value of youth work in a wide range of contexts, covering both the intrinsic purpose and process of youth work and its impact on outcomes for young people and on the benefits for their communities". In short, we all benefit and we could benefit yet more if cost-effective investment is made.
7. Yet youth work is being drastically scaled back across the country. The severe and unnecessary spending cuts being imposed on local authorities by central Government are leading to large numbers of job losses and the axing of youth services. This has

meant many young people have lost vital support and services, at a time when they face a relentless assault on their standard of living and future prospects. These cuts are despite the very real and multi-layered positive outcomes for young people and the whole of society from having a properly funded youth service.”

JNC Employer’s Side reference to the CYP Board

8. At the JNC on 15 June, the Employers’ Side (which is chaired by Councillor Perry) stated that it recognised the value and importance of the service and acknowledged the wider contribution the service made to other public policy objectives. However, it also recognised the autonomy of local authorities in determining local priorities in the context of increasing tight financial constraints and the need to protect (as far as possible) statutory services. As in reality any campaign against further cuts would have to focus on local decision-makers who were determining the cuts (either directly or through reduced voluntary sector funding), the Employers’ Side did not consider that such a campaign fell within its locus. However, it did consider that there might be some value in a wider debate within the sector about the importance of the service. It was agreed that a starting point for this could be a discussion at the LGA’s CYP Board. It should be noted that the JNC covers both England and Wales.
9. The Board’s views are sought on how to take this issue forward.

Financial Implications

10. There are no specific additional financial implications for the LGA arising from this report.

Unaccompanied Asylum Seeking Children

Purpose

For information.

Summary

This paper updates members on current progress in establishing a future resettlement scheme for unaccompanied asylum seeking children, children deemed at risk from countries around Syria and children from other European countries into the UK.

Recommendation

Members are asked to note the current activity taking place to support local work with unaccompanied asylum seeking children, and to advise on any further points for the LGA to raise as part of our ongoing discussions with government.

Action

Officers to take action as directed by members.

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Unaccompanied Asylum Seeking Children

National transfer of unaccompanied asylum seeking children

1. The LGA has welcomed the government's announcement of a co-ordinated national mechanism to ensure that unaccompanied asylum seeking children (UASC) are placed more fairly across the country, with better access to the services and support that they need. We are currently working with the government and partners on the detail of how the scheme will operate, seeking to build on existing infrastructure and using a sector led approach to share knowledge and best practice.
2. The new scheme will be built on each region taking a proportion of UASC in relation to their current child population, with no region expected to have in excess of 0.07 per cent. More information on what this will mean for individual local authorities should be released shortly. The scheme will take into account existing populations, and individual local authorities can take more or less if agreed regionally. The Immigration Act gives local authorities the power to transfer case responsibility for children to other councils around the country, and government is currently developing a protocol and guidance to inform the transfer process.
3. The transfer system will be built regionally. Government see existing Regional Strategic Migration Partnership (RSMPs) having a key role in facilitating transfers. In the short term, RSMPs will be facilitating regional conversations about the new arrangements, alongside the Association of Directors of Children's Services. Government expect that the first transfers as part of the scheme will begin on 1 July.
4. Regional Strategic Migration Partnerships perform a valuable source of support, advice and co-ordination in relation to adult refugees and families, and we are currently seeking additional government funding to allow them to perform a similar role for children and to enable discussions on local authorities' capacity to support the new scheme.
5. From 1 July until 31 March 2017, local authorities will receive enhanced daily rates for UASC transferred under the new scheme: £114 for under 16 year olds, £91 for 16-17 year olds and £200 for former UASC leaving care. The current daily rates are £95 for under 16 year olds, £71 for 16 - 17 year olds and local authorities supporting more than 25 former UASC care leavers receive £150 per week. Revised grant instructions will be issued shortly.

Supporting Kent

6. Given the significant impact on their services, local authorities can assist Kent in advance of the introduction of the transfer scheme.
7. Any local authority taking responsibility for children from Kent will receive the enhanced funding rate, and these transfers will count towards the 0.07% threshold. This existing

cohort of children have already undergone a range of assessments, and Kent are therefore able to provide a package of supporting information to receiving authorities. This should allow those authorities which voluntarily support Kent prior to 1 July to better understand the specific needs of those children and young people transferred into their care. This level of information is unlikely to be available for new arrivals from 1 July.

Unaccompanied children from Europe and around Syria

8. The Minister announced on 21 April that an additional 3,000 "children at risk" and their families would be resettled in the UK from the Middle East and North Africa over the lifetime of this Parliament, with the same funding levels as the current Syrian scheme. It is expected that only a small number of this cohort will be unaccompanied children.
9. Separately, the government announced on 4 May that it will resettle unaccompanied children currently based in other European countries into the UK, with the number of children supported under this scheme to be agreed in partnership with local authorities.
10. Again, local authorities have been asked to consider whether they would be able to settle unaccompanied refugee and asylum seeking children under these schemes, with Regional Strategic Migration Partnerships leading regional discussions.
11. Our priority is to ensure that these arrangements are designed in the best interests of children and young people, and that local services have the capacity to meet their needs. The LGA is working with government and other partners to provide more detail of funding, process and timescales for these separate schemes as a matter of urgency. The Home Office will write to all councils with further information including long-term funding arrangements.

Current LGA activity

12. As the Government seeks to develop and roll out these new arrangements, the LGA is seeking to ensure that these new arrangements are designed in the best interests of children and young people, and that local services have the capacity to meet their needs. The LGA is working with government and other partners to provide more detail of funding, process and timescales as a matter of urgency.
13. The member-led LGA Asylum, Refugee and Migration Task Group is made up of regional member and officer representation covering all of the English regions, Northern Ireland, Wales and Scotland. Chaired by Cllr David Simmonds, it focuses upon the issues around the asylum, refugee and migration agenda from a local government perspective. The Task Group has been involved in discussions with Government and with regions for a long period of time on how to work together to deliver on programmes supporting asylum seekers and refugees. The LGA, via the Task Group, will continue to work with Ministers as the scheme develops and will provide update reports to the Children and Young People Board as appropriate.

14. The Task Group is also working with government and partners to clarify what the current range of resettlement schemes will look like in practice. The LGA view is that better aligned, regionally coordinated programmes can meet the needs of vulnerable children and families more quickly, address any capacity issues in local authorities, and effectively utilise central, regional and local governments' strategic and operational expertise and innovative practice.

Recommendation

15. Members are asked to note the current activity taking place to support local work with unaccompanied asylum seeking children, and to advise on any further points for the LGA to raise as part of our ongoing discussions with government.

Financial implications

16. There are no specific additional financial implications for the LGA arising from this report.

Children & Young People - End of Year Board Report

Purpose of report

For information and discussion.

Summary

This report provides an overview of the issues and work the Board has overseen during last year. It sets out key achievements in relation to the priorities for the CYP Board in 2015/2016, and looks forward to next year's priorities.

Recommendations

Members are invited to:

- (a) Consider and comment on the Board's activity in 2015/2016.
- (b) Consider the process for developing the 2016/17 programme of work.

Action

Officers to action as appropriate.

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End of Year Board Report

Education and schools

1. The Government's White Paper *Educational Excellence Everywhere* was published on 17 March 2016. As announced in the Budget 2016 on the previous day, the White Paper set out the Government's ambition that all schools would be expected to become, or be in the process of becoming, academies by 2020, with all converted by 2022. The LGA voiced strong opposition to forced academisation and transferring education-related powers from local government to DfE civil servants. Additional work undertaken highlighted the effectiveness of councils as education leaders, the costs of converting 16,500 schools to academy status and also raised concerns about the ability of councils to discharge their remaining statutory duties in a fully academised system.
2. On 6 May the Government announced that it would no longer legislate to force all schools to become academies, but the Education for All Bill announced in the Queen's Speech will give the Secretary of State new powers to force all schools in a council area to become academies if she considers that the council is underperforming or unviable in its support for local schools. The Bill will also end the statutory role of councils in school improvement by removing their duty to promote high standards in local schools.
3. The DfE published consultations on the principles of a proposed new national schools funding formula and changes to high needs funding on the 7th March. The LGA strongly supports the principle of a fairer funding system for all schools. However, we are concerned that a single formula can never be sophisticated enough to cope with all local variations in costs. An element of local discretion and local discussion between schools and councils is essential to cope with the different challenges faced by different areas. A second consultation, on the detailed proposals for the new national funding formula for schools and early years is expected before Parliament's summer recess.

Children's social care

4. The DfE is currently intervening in 21 councils judged to be *inadequate* by Ofsted, 25% of the total number of councils that have been inspected so far under Ofsted's tougher Single Inspection Framework, introduced. The Board commissioned a piece of work analysing the outcomes of all Ofsted Single Inspection Framework (SIF) inspections to date, alongside a textual analysis of the key judgments set out in the inspection reports. The resulting research highlights seven characteristics of an authority that is likely to be judged as good, which will help to inform local authorities' improvement work. The Board also commissioned action research on children's services improvement, which was published in June.
5. We held 'Leadership Essentials' events for children's services from 7 – 8 November and the 28 – 29 January. The events provided portfolio holders, service committee chairs and interested council leaders a chance to develop leadership skills specific to the area of children's services and share their experiences among colleagues dealing with similar challenges.

Early Years

6. The LGA lobbied on the passage of the Childcare Act. The main provision of the Act is the implementation of an additional 15 hours free childcare for working parents of 3 and 4 year olds (In addition to the existing 15 hours entitlement for all parents of children this age). We successfully softened proposals in the Bill for the Secretary of State to intervene on flexibility and sufficiency. The LGA continues to work closely with both the Department for Education and local authorities on the design and implementation of the 30 hours entitlement.
7. The LGA made a submission to the joint Work and Pensions and Education Select Committees' inquiry on 'life chances and foundation years'. The submission was prepared in partnership between CYP and Resources lead members. The submission made strong representation about the need to better integrate services around the needs of low income households and to better join up policy and support on employment, housing, homeless and financial advice with early years provision and family support. The Government reiterated its commitment to the development of a 'life chances strategy' in the recent Queen's Speech. The LGA will continue to bring together LGA work and evidence in this area to influence and critique the development of the strategy.
8. The LGA hosted a joint conference with ADCS at Local Government House to open and build on our dialogue with the sector on the two key work areas above.

Healthy beginnings: Giving our children the best start in life

9. Together with the Community Wellbeing Portfolio, [we published a document](#) in which a number of leading practitioners outline the major implications of the transfer of responsibility for delivering public health services for children aged 5 years and under from NHS England to local government.

CYP objectives going forward

10. We expect a number of high profile and priority Bills and reforms, including:
 - 10.1 An Education Bill to end the statutory council role in school improvement to achieve £600m of savings to the Education Services Grant and introduce the amended proposals in the Education White Paper on forced academisation of council maintained schools in unviable and underperforming council areas. The deadline for ending the council role in school improvement and ESG cuts is September 2017, so we expect a Bill in the forthcoming session.
 - 10.2 A Children and Social Worker Bill to extend the entitlements of care leavers to continuing council support to 25, reform the law on adoption and other forms of permanent placements for Looked After Children, and introduce a national accreditation system for social workers and a new regulatory body – this is likely to be a priority Bill for LGA.

- 10.3 Significant reform of the council role in schools funding and the introduction of a 'hard' national funding formula for schools funding. There will be a transition to the hard formula by 2020, but a 'soft formula', with a transitional council role beginning in September 2016. Funding for high needs (SEN) and early years will also be implemented to this timescale, but with a continuing council role in distributing these funding pots after the full introduction of the national formula for the schools block in 2020.
- 10.4 The implementation of the Childcare Act 2016, providing for additional 15 hours of free childcare, in which councils will have a central role, by September 2017, with 'early adopter' areas from September this year.
- 10.5 The implementation of SEN reforms introduced by the Children and Families Act 2014 continues, with a risk to council's reputation from the difficulties they face in moving all children currently on an SEN statement to the new Education and Healthcare Plans by September 2017 – as mentioned previously, the implementation was significantly underfunded by DfE.

Note of last Children & Young People Board meeting

Title:	Children & Young People Board
Date:	Thursday 7 April 2016
Venue:	Smith Square 3&4, Ground Floor, Local Government House, Smith Square, London, SW1P 3HZ

Attendance

An attendance list is attached as **Appendix A** to this note

Item	Decisions and actions	Action
1	Declarations of Interest	
	<p>The Chairman welcomed board members to meeting, and led a tribute to recently deceased Cllr Tony Hall, former member of the CYP board, followed by a moments silence.</p> <p>There were no declarations of interest.</p>	
2	Ofsted - David Hoare in attendance	
	<p>The Chairman introduced David Hoare, the Chair of Ofsted, and thanked him for agreeing to speak at the board meeting. The Chair further invited the board to engage with David Hoare on current and future work of Ofsted.</p> <p>David Hoare introduced himself including a short bio of his career, and set out the key issues in the British education system as he sees them:</p> <ul style="list-style-type: none"> • Numeracy and literacy. There are specific problem areas in education e.g. 1 in 5 children leave school without the necessary numeracy and literacy skills employers demand. This leads to low productivity growth by international standards and low social mobility. • Britain's underclass. Britain's underclass is mostly white, British, and largely concentrated in coastal areas. David used the Isle of White as an example of this, and suggested that the wider public are unaware of this situation. • Early years education (0-5 age range). While government is investing in early years education the statistics show a poorly performing sector. The less privileged 20% of society gain little benefit from this investment with mechanisms like child care subsidies largely acting as a subsidy for middle class families. Mr 	

Hoare also stated that failures in 0-5 years education lead to persistent underperformance throughout a child's schooling.

- **Coordinated effort.** David spoke of the need for a coordinated effort between Ofsted, local government, central government, and other key stakeholders, to change the system to help the disadvantaged.
- **Priorities.** David spoke of his three priorities 1) Early years education 2) developing good Leadership in schools 3) Re-organisation in FE colleges to stop students failing.

In the discussion that followed, the board raised the following points:

- **Leadership in schools.** Members raised concerns of how leaders can be effective in different settings, especially with regard to addressing deficiencies in key competency areas in schools. Further, how Ofsted can address these deficiencies in leadership and governance. The following points were raised:
 - Effective leadership is the vital ingredient needed to address these concerns, and has been shown to turn around failing schools.
 - Teaching as a profession has a deficit of leadership training and no clear pathway from teacher to senior management. This risks losing key talent from the sector.
- **Ofsted's role.** Members stated that it is Ofsted's role to change the mindsets of people working in education to spur progress. Members further raised the concern of inconsistencies in Ofsted inspections with some being conducted in an adversarial way, and some more constructively. The board stated that Ofsted should be working with schools as a champion of reform and best practice to which the response was that Ofsted have invested in new staff and training and expect to see these inconsistencies lessen significantly over the next few years.
- **Other social factors.** The board commented that there are a whole range of social factors which influence outcomes for underprivileged children and that schools are just one of these factors.
- **Ofsted's position on the White Paper.** The board asked David Hoare for comment on Ofsted's position on the Education White paper. The response was that Ofsted is not involved in policy setting, and concerns itself with the practicalities of what is and is not working in education.

3 Education White Paper

The Chair introduced the LGA's paper analysing the government's Educational Excellence Everywhere White Paper, and outlined the situation and role that would be left to both local government and parents

should the education bill pass. The chair and the board thanked the officers for their excellent analysis of the white paper.

The Board made the following comments:

- **Necessity of academisation.** The board expressed concerns that with such a huge investment of public money, the Education Bill doesn't solve any issues, and the money would be better invested to improve children's education.
- **Lack of high quality Multi Academy Trusts (MATs).** There is a lack of high quality MATs that can step into the void left by local government should the bill be passed. So existing MATs would need to expand rapidly to cater for the newly academised schools and that the precedent shows that rapid expansion of MATs leads to failures.
- **Small & rural schools.** There are a high number of small and rural schools which will not be suitable for academisation and may close. This variation in school suitability for the process has not been addressed the white paper.
- **Academisation funding.** There is no mention in the white paper of where the funding will come from to facilitate this process. The LGA should lobby for government funding towards this end. Further, local government has deficits from capital investment in education which should be passed onto government or MATs with the schools.
- **Elected accountability.** Taking control of schools away from local authorities and abolishing parent governors, removes political accountability from schools and risks losing the drive parents provide to delivering excellence in education.
- **Admission policies.** There is a conflict in admission policy as local authorities will be responsible for ensuring children's school places but have to influence over academies policy or mechanisms in this regard.
- **Safeguarding.** Safeguarding children is a role in which local government has, and should maintain a key responsibility. This point should be emphasised in the LGA's paper.
- **Responding to local needs.** The board stated that academies, free of local authority control, might be more responsive to local needs and could respond more freely to market conditions contingent the grey areas in the white paper being resolved.
- **Land ownership.** The white paper's proposal to transfer ownership of local government land to facilitate academisation has legal questions which should be investigated.

Decision

The board agreed with the LGA's line on the education white paper to date and sanctioned a continuation of this approach.

Action

Officers will take account of the above mentioned views of the board for incorporation in the LGA's lobbying strategy in preparation for the Education Bill's inclusion in the Queen's speech in May.

a) LGA Briefing - Education White Paper

The Chair introduced the original brief the LGA prepared in response to the Educational Excellence Everywhere White Paper, and congratulated officers on an excellent publication.

b) Education White Paper, draft work programme - Confidential

4 School and High Needs Funding Consultation

The Chair introduced the LGA paper analysing the DfE consultations on a proposed new national schools funding formula and changes to high needs funding and setting out the principles that should underpin the LGA response. .

In the discussion that followed the board raised the following points:

- **Funding inequalities.** The board commented that some areas will see steeper cuts for schools than others. More money needs to be found by government to equalise this imbalance.
- **Timescale.** The timescale should be reviewed as to change the funding formula in the same period as other big changes in education could cause disruption.
- **Funding levels.** The board raised the question the paper addresses in paragraph 7 of 90% of schools achieving the level funding determined by the national formula by 2020, and asked how this figure is calculated? LGA officers informed the board that the information should be available in summer 2016.

Decision

The board noted the proposed changes set out in the consultations, and strongly supported the proposed LGA response.

Action

Officers to incorporate the above mentioned comments by the board into the LGA's response to shape the outcome of the consultations.

5 Adoption: A Vision for Change

The Chair introduced the LGA paper on the Department for Education's four year strategy for adoption, and asked the board to express its views on the strategy and the LGA's response as outlined in the paper.

In the discussion that followed, the board raised the following points:

- **The courts.** Many of the issues of delay in relation to adoption are associated with the courts, including court closures.
- **Case complexity.** Specific cases can be extremely complex and be subject to prolonged court hearings. Government does not allow for these difficulties which can distort the average figures for the speed of adoption completion.
- **Collaborative working.** The board highlighted the importance of creating an expert group to advise the DfE and the DfH on adoption and mental health support, especially post adoption.
- **Foster care.** The board recommended that the LGA do some comparative work on the different outcomes for children in foster care, and the link between fostering and adoption. Further, that work on the long term funding for special guardians, and the increasing role for special guardians should be included.
- **Best practice.** There is not enough lead member engagement in regional bodies which is a missed opportunity for sharing best practice.

Decision

The board noted the governments approach to adoption and supported the LGA's strategy and response as outlined in the paper.

Action

Officers to incorporate the boards above mentioned views into its response to the DfE's 4 year strategy on adoption.

6 Other Business Report

The Chair introduced the report and asked the board for any comments the LGA's work highlighted in the paper.

In the discussion that followed the board raised the following points:

- **Review of safeguarding.** There are delays in publishing the review due in part to purdah.
- **Education and youth offenders.** The board agreed that education is a key element to reducing youth offending.

- **Child sexual exploitation.** The board reported on a request from Ofsted to produce six weekly reports on child exploitation, and commented that this will take vital resources away from a range of other important areas.

Decision

The board noted the report.

7 Note of the Previous Meeting

Members **agreed** the minutes of the previous meeting on 15 January 2016.

Appendix A -Attendance

Position/Role	Councillor	Authority
Chairman	Cllr Roy Perry	Hampshire County Council
Vice-Chairman	Cllr Richard Watts	Islington Council
Deputy-chairman	Cllr Helen Powell	Lincolnshire County Council
Members	Cllr Laura Mayes	Wiltshire Council
	Cllr Paul McLain	Gloucestershire County Council
	Cllr Dick Madden	Essex County Council
	Cllr Ivan Ould	Leicestershire County Council
	Cllr Liz Hackett Pain	Monmouthshire County Council
	Cllr Ian Parry	Staffordshire County Council
	Cllr Peter Evans	West Sussex County Council
	Cllr Ian Hudspeth	Oxfordshire County Council
	Cllr Anntoinette Bramble	Hackney London Borough Council
	Cllr Anne Burns	Cumbria County Council
	Cllr Bob Cook	Stockton-on-Tees Borough Council
	Cllr John Kent	Thurrock Council
	Cllr David Mellen	Nottingham City Council
	Cllr John Merry CBE	Salford City Council
	Cllr Bill Turner	Barking and Dagenham London Borough Council
	Cllr Paul Cullen	Richmondshire District Council
	Cllr Christopher Coleman	Cheltenham Borough Council
In Attendance	David Hoare	Ofsted
	Dave Hill	ADCS

LGA location map

Local Government Association

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Public transport

Local Government House is well served by public transport. The nearest mainline stations are: Victoria and Waterloo: the local underground stations are

St James's Park (Circle and District Lines), **Westminster** (Circle, District and Jubilee Lines), and **Pimlico** (Victoria Line) - all about 10 minutes walk away.

Buses 3 and 87 travel along Millbank, and the 507 between Victoria and Waterloo stops in Horseferry Road close to Dean Bradley Street.

Bus routes – Horseferry Road

- 507** Waterloo - Victoria
- C10** Canada Water - Pimlico - Victoria
- 88** Camden Town - Whitehall - Westminster - Pimlico - Clapham Common

Bus routes – Millbank

- 87** Wandsworth - Aldwych
- 3** Crystal Palace - Brixton - Oxford Circus

For further information, visit the Transport for London website at www.tfl.gov.uk

Cycling facilities

The nearest Barclays cycle hire racks are in Smith Square. Cycle racks are also available at Local Government House. Please telephone the LGA on 020 7664 3131.

Central London Congestion Charging Zone

Local Government House is located within the congestion charging zone.

For further details, please call 0845 900 1234 or visit the website at www.cclondon.com

Car parks

Abingdon Street Car Park (off Great College Street)

Horseferry Road Car Park
 Horseferry Road/Arneway Street. Visit the website at www.westminster.gov.uk/parking

