



**MINUTES OF THE MEETING OF THE
EDUCATION COMMITTEE**

**TUESDAY 25 JUNE 2020
VIA VIDEO CONFERENCING FACILITIES**

Committee Members Present:

Councillor S Akhtar (Convener)
Councillor F Dugdale
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Miss G Gillan, EIS
Councillor J Goodfellow
Councillor J Henderson
Councillor C Hoy
Councillor W Innes
Councillor S Kempson
Councillor P McLennan
Councillor J Williamson

Council Officials Present:

Mrs M Patterson, Chief Executive
Mr A McCrorie, Depute Chief Executive (Resources and People Services)
Mr J Lamond, Head of Council Resources
Mr T Reid, Head of Infrastructure
Ms L Brown, Chief Operating Officer – Education
Ms L Binnie, Principal Educational Psychologist
Mr S Cooper – Team Manager, Communications
Mr N Craik-Collins, Education Service Manager
Ms K Haspolat, Quality Improvement Officer
Ms J Holland, Senior Solicitor
Mr R Parker, Service Manager – Education (Strategy and Operations)
Mr N Trussler, Quality Improvement Officer

Clerk:

Ms J Totney, Team Manager – Democratic and Licensing

Apologies:

Ms E Malcolm
Rev. G Sheridan

Declarations of Interest:

None

1. MINUTES OF THE MEETING OF THE EDUCATION COMMITTEE ON 17 MARCH 2020 FOR APPROVAL

The minutes of the Education Committee meeting held on 17 March 2020 were approved.

2. LOCAL DELIVERY PHASING PLAN – REOPENING OF SCHOOLS IN EAST LOTHIAN

Councillor Akhtar, Convener of the Education Committee, opened the meeting and recorded her thanks to parents, carers, head teachers, school staff and Council staff for their exceptional efforts in relation to home learning during the difficult circumstances of the Covid-19 lockdown. All committee members fully supported these comments.

A report was submitted by the Depute Chief Executive (Resources and People Services) providing the Committee with an update on the impact of COVID-19 on schools and the provision of learning throughout the lockdown phase of the pandemic; and for the provision of critical childcare over the summer. The report also sought to provide an update on the planning and preparation work underway to support schools to reopen for children and young people in session 2020/21, and on the Local Delivery Phasing Plan for East Lothian Council as required by Scottish Government, including associated financial implications.

The Chief Operating Officer – Education, Lesley Brown, presented the report. She began by referring to the briefing which John Swinney, Scotland's Depute First (DFM) Minister, had delivered to Parliament on 23 June 2020 where he stated that it is now Scottish Government's aim that all pupils return to school full time in August if it is safe to do so, conditional upon ongoing scientific and health advice. Mrs Brown pointed out that Mr Swinney had acknowledged that blended learning is now to be considered a contingency that may still be required, and she therefore stressed that the Council's Local Delivery Phasing Plan (the plan) for the reopening of schools continues to be essential and is now to be regarded as the Council's contingency plan for the reopening of schools in East Lothian.

Mrs Brown summarised that the main impacts of COVID-19 on education, since all schools closed on 23 March, had been the provision of critical childcare, online and distance learning and collaboration and cross-service working to deliver a wide range of supports to children and young people. She talked about the vast amount of work that had taken place in preparation for the new school session, 2020/21, which included engagement with the trade unions and school staff, and weekly meetings of the Education Recovery Group. She advised that Scottish Government guidance is awaited on the implications of using 1140 hours nursery funding to cover the unavoidable additional costs of implementing the Local Delivery Phasing Plan, and set out the statutory obligations on the Education Authority in terms of the Coronavirus Act 2020, adding that two further Scottish Government updates on legal obligations are expected.

Mrs Brown further reported on the ongoing commitment to communication and engagement with staff and parents and advised that the Local Delivery Phasing Plan had already been submitted to Scottish Government, but that there is no requirement to review the plan following the announcement from the DFM on 23 June. She stated that the Education Service are now actively planning for all pupils to return to school

full time, but reiterated the need to have contingency plans in place should the virus not be suppressed and a full safe return to schools is therefore not possible. She reported that the local Delivery Phasing Plan would be issued to all parents before the end of the week so that they are aware of the contingency arrangements should the situation change during the school holidays. Referring to the financial aspects of delivering the Local Delivery Phasing Plan, she highlighted the significant financial challenges associated with implementing the contingency plan model of blended learning, especially in relation to staffing, school cleaning and home to school transport. In addition, she indicated that there would likely also be significant additional costs associated with a full and safe return to school.

In concluding her presentation, Mrs Brown advised that in light of the announcement from the DFM, the wording at recommendation 2.4 in the report should be amended to read: “The committee is asked to approve the plan, if required - given the Scottish Government announcement, as submitted to Education Scotland as required by Scottish Government, and to note that the implementation of this plan will be dependent upon additional financial resources, as outlined, being made available.”

Councillor Dugdale asked questions about the support available in relation to the health and wellbeing of pupils returning to school; the engagement that had taken place with parents, carers and parent councils during the pandemic, particularly in relation to the Education Committee’s policy on Parental Engagement; and the plans for continuing communication over the summer holidays.

The Principal Educational Psychologist, Lynne Binnie, advised that Nurture is the foundation of the Recovery and Reconnection plan for children returning to learning and that guidelines have already been issued to staff, and have been well received. She added that the Nurture, Recovery and Reconnection in Schools approach has been informed by research and training both nationally and globally and that further online learning will be available for staff over the summer. Ms Binnie also informed the committee that it is anticipated that the school counselling service will be in place by the end of August; that all school support and guidance staff are trained in mental health first aid; and that specialist support would be provided by CAMHS.

Mrs Brown expanded on the response by adding that parental engagement has been at the heart of the activity during the pandemic and that there has been a very high response rate to a parental engagement survey, which evidenced very positive feedback about the communication from the Education Service and from individual schools. She further outlined other communication forums such as Parent Council meetings and commended school staff for their role in parental engagement.

Councillor Hampshire thanked staff in the Education Service for the long and challenging hours they had been working on producing the Local Delivery Phasing Plan. He stated that the plan comes with a huge price tag which is of massive concern. Given that East Lothian Council does not have discretionary funding such as Scottish Attainment Challenge, Pupil Equity nor significant uncommitted 1140 hours funding to draw on, he sought information as to what funding would be available from Scottish Government to deliver the plan as the costs could not be fully met by the Council alone.

Mrs Brown confirmed that the Scottish Government has provided flexibility in the use of the funding sources which Councillor Hampshire referred to but that East Lothian Council has no Scottish Attainment Challenge funding. She advised that Pupil Equity Funding has already been fully committed and urged caution in committing any remaining 1140 hours funding, stating that two-thirds of the original 1140 hours budget has already been committed and this would likely increase. She advised that the Scottish Government has made it very clear that Education Services must return all

pupils to school on a full time basis in the coming school year when it is safe to do so. She commented that sufficient funding is needed to ensure the Scottish Governments objectives could be met.

The Head of Council Resources, Jim Lamond, informed the committee that there is no specific funding to support the Local Delivery Phasing Plan, should it be implemented, and that as outlined in the report, an estimated additional £10 million is required to do so. He highlighted that even if the plan is not implemented, there will still be an additional cost associated with the safe return to full time schooling. He stated that the only potential flexibility is to use any remaining balance of uncommitted 1140 hours funding; however, there is some uncertainty regarding future calls on this funding as Scottish Government, despite setting aside the August 2020 delivery date, is still instructing Local Authorities to be ready to deliver the 1140 hours early learning and childcare policy. Mr Lamond also advised that Scottish Government are still considering the provision through councils of further supplier hardship relief to the supply chain of early learning and childcare providers and there is also an expectation of further support through the summer period to childcare for critical/key workers.

In response to a further question from Councillor Hampshire, Mrs Brown advised that no response had been received yet to the bid made to Scottish Government for additional IT equipment for schools.

Answering Councillor Forrest's question about measures to prevent and deal with an outbreak of COVID-19 in schools, Mrs Brown advised that, as required by the Scottish Government Strategic Framework, public health advice would be followed.

Councillor Gilbert asked if school transport would remain as it had been previously, when schools return full time. Mrs Brown advised that further advice is awaited from Scottish Government in relation to physical distancing. The Head of Infrastructure, Tom Reid, reported that various scenarios are currently being modelled in anticipation of what might be required and stated that a robust analysis of costs would be done with a view to recovering these from the Scottish Government.

Councillor McLennan asked what would happen if COVID-19 is confirmed in a school, or if there is a local outbreak. Ms K Haspolat, Quality Improvement Officer, described what would be put in place for school cleaning and self-isolation and explained that Public Health Scotland advice would be sought.

Councillor Innes asked how the implementation of the plan would be funded; would there be enough buses for all children to get to school; is there a point when it would become evident that the plan is undeliverable and would require to be replaced; and if there would be sufficient room in classrooms if one metre or two metre distancing is in place. He also sought information on the legal powers the Council has to take a different approach to the one being set out by the Scottish Government.

Mrs Brown advised that due to the uncertainty of the last few months, a number of scenario planning activities had been carried out and advised that if social distancing is required, all children could not be accommodated in schools, but that this varies by school. She indicated that Scottish Government will provide greater clarity on requirements and it is anticipated that a definitive view would be available by 30 July at which time the Education Service would know which plan to put in place to operate at the start of the school session.

Jackie Holland, Senior Solicitor, advised that Scottish Government is empowered by the Covid-19 Act and that the Council is obligated to follow the directions which very

clearly state that the Council has to do all it can to make sure that schools can reopen safely.

Councillor Hoy asked about the impact on the safety and wellbeing of pupils and families, especially those that are vulnerable, if there is a further period of blended learning, and enquired if the 10-day window between the anticipated Scottish Government announcement on 30 July and schools reopening on 12 August, was adequate time for plans to be rolled out.

Mrs Brown advised that a blended learning work stream had been set up and that the approach, if required, when schools reopen would have to be different from the distance learning that had been in place for the last three months. She fully acknowledged parental anxieties and assured members that the Education Service is doing everything in its power to plan ahead and to mitigate the impact on children and families regardless of the model that is put in place. She explained that officers have been working closely with head teachers and school staff, and that there would be further meetings during the summer holidays to continue to plan and prepare for schools reopening.

Councillor Hoy recognised the mandate from Scottish Government to come up with a plan for all pupils to return to school but questioned the competency of the Local Delivery Phasing Plan. He stated that it was not in the Council's power to achieve the required funding and suggested that the plan should be reworked, to include a more ambitious effort for Scottish Government to deliver funding.

Mr Lamond commented that the issue of competency is a complex one but that if the Council had comments about the competency of the plan, these would have been reflected in the report. He referred members to the sections in the report that highlight the dependence on funding assurance and stated that even if there is no further Scottish Government funding provided, the Council's legal obligation still stands and it would need to look at shifting funding currently allocated to other services. He explained that the report recommendations at 2.4 and 2.5 had been written in such terms in order to seek early financial assurances, regardless of the return to school plan that the Council implements. He advised that the Council's submission to Education Scotland (submitted yesterday) also highlighted the financial implications and key dependency upon further funding being made available.

Councillor Williamson asked if there is any Scottish Guidance about extending school childcare provision beyond just the children of keyworkers. Mrs Brown advised that this has been the subject of ongoing discussions with Scottish Government; demand for places is increasing rapidly; keyworker categories are being reviewed by Scottish Government; and a plan is being developed by the Education Service to cover the summer holidays from within existing resources.

Councillor Goodfellow asked if there would be full staffing to support a return to school for all pupils; suggested that the contingency plan should include the use of every available public space for schooling; sought information on the collaboration that had taken place with trade unions regarding getting all pupils back to school in August; and wondered if screens would be installed to help protect teaching staff if there is a total return to schooling.

Richard Parker, Service Manager – Education (Strategy and Operations) advised that there would be a requirement to increase staff numbers for a full return to schooling. He explained that the Education Service is looking to appoint temporary additional primary and secondary teaching staff up to Christmas 2020 and outlined the plans with regard to employing newly qualified and probationary teachers. Replying to another

question from Councillor Goodfellow, Mrs Brown advised that there is a healthy pool of supply teachers, but this gets more challenging as the school session progresses. Mr Parker advised that it is not guaranteed that all teacher absences can be covered if there is a full return to school in August.

Addressing the matter of public spaces, Mrs Brown advised that this had been considered as a possible strategy but had not been progressed as an impact analysis on using other buildings concluded that additional teaching and cleaning staff would be required and noted that there can be no lone working for teachers. In relation to the trade unions, Mrs Brown advised that a significant amount of work had been done with the trade unions, although there are some outstanding questions regarding personal protective equipment (PPE) should physical distancing be reduced or removed.

Gael Gillan, EIS, confirmed that there had been a lot of collaborative working with the trade unions and that the EIS were very happy with the level of engagement locally. However, at a national level, there has not been trade union collaboration about a full time return to school for all children. She informed the committee that the EIS has critical criteria for returning to schools which includes demonstrable evidence that the Covid-19 virus is under control and that assurances have been met regarding PPE and other health protection issues.

Councillor McLennan acknowledged that 30 July appears to be the key date for further information and asked about the next steps. He suggested that there should be a briefing for Elected Members shortly after 30 July, which Mrs Brown committed to organising.

Moving onto comments from members, Councillor Dugdale remarked on the excellent support there had been for home schooling and the importance of getting children and young people safely back to school. She reflected that there is currently little guidance for the return to full time schooling in August and that no additional funds are being provided to facilitate this. She thanked all staff for the planning work that is going on and welcomed the fact that nurture is at the heart of getting pupils back to school.

Ms Gillan reiterated that East Lothian Council had included the trade unions in all discussions and that the EIS had been represented on working groups and work streams. She commented that EIS members had embraced digital working but are somewhat deflated by the lack of national guidance for schools reopening in August. While the aspiration is to get back to face to face teaching, she stated that East Lothian Council can only do that if financial support is made available to get children and teachers back to school.

Councillor Hoy expressed his concerns about the blended learning plans that has been presented in the report which had been issued prior to the Scottish Government announcement on 23 June and acknowledged that these are now the Council's contingency plans if all pupils cannot safely return to school at the start of the August session. However, he still has some concerns about the lack of Scottish Government guidance and that fact that the Council needs to look to Scottish Government for £10 million of funding. He therefore suggested that the Local Delivery Phasing Plan should be withdrawn with a view to re-planning for 70/80% of pupils returning to school with a lesser amount of Government funding. Councillor Hoy also commented that school closure plans should be put in place in the event of a Covid-19 outbreak, along with an online offering for children whose parents are shielding. Given the teaching resource and funding impacts of a full return to school in August, he suggested that the committee pause the current contingency plans and that a revised plan be developed. He stressed that the Council needs to tell the Scottish Government that the Education

Service cannot address the education needs without their funding. He stated that he would not be supporting the contingency plan.

In response to Councillor Akhtar, Ms Holland advised that she would look into the legal implications should the Council withdraw the current version of the Local Delivery Phasing Plan.

Councillor Innes also thanked and praised staff for their support during Covid-19. He stated that the Council is in a difficult position regarding the reopening of schools, and that he is not confident that Scottish Government will deliver on the funding required to achieve that. He expressed extreme concern that the Council had a legal responsibility for all children to return to school in August, even if that means that the Council has to divert funding from existing services, a route that he would be extremely reluctant to go down. He added that even if the Council received a share of the proposed £100M Scottish Government funding and utilised their 1140 hrs unspent funding, there would still be a shortfall in the region of £5.5 million to meet the costs of all pupils returning to school full time in August. He indicated his support for the contingency plan and urged in accordance with recommendation 2.5, that the Council write a strongly worded letter to the Scottish Government demanding that they uphold their responsibility in leading education in Scotland and provide the required level of financial resources. He supported a briefing for Elected Members at the earliest opportunity.

Councillor Kempson added her thanks to staff in Education Services. She stated that she is concerned that blended learning will fail disadvantaged children the most; will have a great impact on working parents; and that all children do not have access to online learning.

Councillor McLennan supported Councillor Innes' view that the Council should write to Scottish Government asking for full funding and hoped that all committee members would work together to support the full time return to school and contingency planning.

Councillor Goodfellow passed on the thanks from a Parent Council for the work being done by Council staff, commented on the difference between the return to school position and timing in Scotland and England; stated that contingency plans are required and that he supported the plans set out in the report. However, it was his view that immense financial support is required from Scottish Government.

Ms Holland reported back to the meeting that, being cognisant of medical advice and health and safety measures, the Council had a statutory duty to implement the measures as set out by the Scottish Government.

Councillor Akhtar acknowledged the enormity of the situation and noted that further Scottish Government guidance is awaited by the end of July. She moved to vote on the report recommendations by roll call.

The Education Committee members unanimously agreed the recommendations as set out at 2.1, 2.2, 2.3 and 2.5 of the report.

Regarding recommendation 2.4 (as amended), members voted as follows:

For: 9 (Councillors Akhtar, Dugdale, Forrest, Gilbert, Goodfellow, Innes, McLennan, Williamson and Ms Gillan)

Against: 4 (Councillors Findlay, Henderson, Hoy, Kempson)

Decision

The Committee agreed to:

- i. note the steps taken by the Education Service in response to the COVID-19 Pandemic, including the provision of continuing education through distance learning and the provision of emergency childcare and the arrangements for the summer holidays.
- ii. note the extensive planning that is underway to support staff to reopen schools from June in preparation for the new school session.
- iii. note the Local Delivery Phasing Plan that sets out the steps that East Lothian Council will take in reopening schools throughout each phase of the lifting of restrictions.
- iv. approve the plan, if required - given the Scottish Government announcement, as submitted to Education Scotland as required by Scottish Government, and to note that the implementation of this plan will be dependent on additional financial resources, as outlined, being made available.
- v. agree that a letter is issued to the Scottish Government setting out the significant financial consequences of reopening schools in excess of the Council's budget provisions and seeking reassurance that all additional measures taken, will be fully funded.

Signed

Councillor Shamin Akhtar
Convener of the Education Committee