



**Notice of meeting of  
Learning & Culture Overview & Scrutiny Committee**

**To:** Councillors Reid (Chair), Cunningham-Cross (Vice-Chair), Brooks, Fitzpatrick, Jeffries, Levene, Taylor and Watson

**Date:** Wednesday, 25 January 2012

**Time:** 5.00 pm

**Venue:** The Guildhall

**AGENDA**

1. **Declarations of Interest** (Pages 3 - 4)  
At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.
2. **Minutes** (Pages 5 - 12)  
To approve and sign the minutes of the meeting held on Wednesday 7 December 2011.
3. **Public Participation**  
At this point in the meeting, members of the public who have registered their wish to speak on an item on the agenda or an issue within the committee's remit can do so.

Anyone who wishes to register or who requires further information is requested to contact the Democracy Officer for this meeting, details of whom are listed at the foot of this agenda.

The deadline for registering to speak is 5.00pm the working day before the meeting, in this case **5.00pm on Tuesday 24 January 2012.**

**4. York Theatre Royal Service Agreement: (Pages 13 - 26)  
2011/12 Part Year Performance Update**

This report is to inform the Scrutiny Committee of the progress and performance of the York Theatre Royal under the current Service Level Agreement (SLA) which runs to March 2012 during the first part of 2011/12.

**5. Review of Demographics for York Primary Schools (Pages 27 - 88)**

This report presents the draft final report arising from the Demographics Review (shown at Appendix 1), and asks Members to agree any revisions required to it, and identify any appropriate recommendations arising from the review in relation to the second objective i.e. 'To identify whether the current School Travel Policies are fair and appropriate given the changing demographics'.

**6. Corporate Parenting Review (Pages 89 - 122)**

This report provides further information in support of the Corporate Parenting scrutiny review, including information on the responsibilities of Councillors as corporate parents and details of the Council's plans to improve the academic achievement of 'Looked After' children in York.

**7. York Museums Trust - Additional Briefing Report (Pages 123 - 210)**

This report presents an additional briefing on the formation of York Museums Trust, as requested at the last meeting of this Committee. Based on this additional information and all the information previously provided, the report asks Members to decide whether or not they wish to proceed with a scrutiny review of the topic proposed by Cllr Watson.

**8. Learning and Culture Overview and Scrutiny Committee Workplan 2011-12 (Pages 211 - 212)**

Members are asked to consider the Committee's workplan for the 2011-12 municipal year.

**9. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972

## Democracy Officers

Catherine Clarke and Louise Cook (job share)

Contact details:

- Telephone – (01904) 551031
- Email [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) and [louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

(If contacting by email, please send to both Democracy officers named above).

For more information about any of the following please contact the Democracy Officers responsible for servicing this meeting, as listed above.

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

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## **Holding the Cabinet to Account**

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

## **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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## **Learning and Culture Overview & Scrutiny Committee 2011-12**

### **Agenda Item 1 – Declarations of Interest**

Please state any amendments you have to your declarations of interest.

#### Committee Members

Cllr Fitzpatrick                      Member of York Theatre Royal Board

#### Substitutes

N/A

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City of York Council

Committee Minutes

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MEETING	LEARNING & CULTURE OVERVIEW & SCRUTINY COMMITTEE
DATE	7 DECEMBER 2011
PRESENT	COUNCILLORS REID (CHAIR), CUNNINGHAM-CROSS (VICE-CHAIR), BROOKS, JEFFRIES, LEVENE, TAYLOR, WATSON AND DOUGLAS (SUBSTITUTE)
APOLOGIES	COUNCILLOR FITZPATRICK

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**22. DECLARATIONS OF INTEREST**

At this point in the meeting, Members were asked to declare any personal or prejudicial interests they might have in relation to the business on the agenda or any other general interests they might have on issues within the remit of the Committee. The following interests were declared:

- Councillor Brooks declared a personal interest in agenda item 6 – “Review of Demographics for York Primary Schools” in respect of denominational school transport, as she was a regular communicant of the Church of England and a member of Dunnington Parochial Church Council. Her son was also undertaking religious training.
- Councillor Douglas declared a personal interest as her child attended primary school.

**23. MINUTES**

RESOLVED: That the minutes of the meeting of the Learning and Culture Overview and Scrutiny Committee held on 28 September 2011 be approved and signed by the Chair as a correct record.

**24. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council’s Public Participation Scheme.

**25. 2011/12 SECOND QUARTER FINANCIAL MONITORING REPORT - LIFELONG LEARNING & CULTURE AND CHILDREN & YOUNG PEOPLE'S SERVICES**

Members considered a report analysing the latest performance for 2011/12 and forecasting the outturn position by reference to the service plan and budgets for all of the relevant services falling under the responsibility of the Director of Adults, Children & Education and the Director of Communities & Neighbourhoods.

Attention was drawn to the projected overspend within Arts and Culture Education (£187k) which was as a result of the restructure going live from the beginning of the academic year and one off redundancy costs. Members also noted a further £690k of net pressures within Children & Young People's budgets, made up of the following significant variations:

- Number of children currently under the care of the council is considerably higher than predicted.
- An increase in the number of children in local foster placements.
- The number of children in Independent Fostering Agency placements is expected to exceed that provided for in the budget.

Details were given of the action that was being taken to mitigate the pressures, including a vacancy freeze, a moratorium on non-essential expenditure and assessing 2012/13 savings proposals to ascertain if any of these could be brought forward.

Members questioned officers about the upward trend in the number of Looked After Children. They were assured that this intervention was taken only when there was no alternative family support. At the request of Members, details were given of the type of arrangements that were in place for the 250 Looked After Children, including the 54 who were not in foster placements.

It was noted that young people were staying longer in the council's care, which was encouraging as this arrangement tended to ensure that they had better outcomes. Delays in legal proceedings, which were beyond the council's control, had also impacted on the budget. Members were pleased to note that the council was performing well in terms of adoption. Officers

stated that the increase in the number of Looked After Children was discussed regularly at DMT meetings.

RESOLVED: That the report be noted.

REASON: To update the Committee on the latest financial and performance position for 2011/12.

## **26. PRESENTATION ON CORPORATE PARENTING**

Members received a presentation in support of the Committee's forthcoming review of Corporate Parenting.

Members had also received the following documents:

- "Welcome to Corporate Parenting – A Councillor Development Learning Resource"
- "10 questions to ask if you're scrutinising services for looked after children"

Members congratulated officers on the Authority's performance in the national ratings for councils. They were also pleased to note the increase in the number of local carers.

Clarification was sought as to whether the Independent Fostering Agencies provided value for money. Officers confirmed that it was expensive to use the agencies but that they did provide a useful service. It was pleasing to note that the council had very strong relationships with foster carers and the support that it provided was valued by the carers.

Officers were asked about the number of children who were looked after by the Authority because their parents had learning difficulties. Details were given of the support that the council put in place to support parents who were finding it difficult to manage, including looking to the child's extended family to see if they could provide support. On some occasions this was not possible but the evidence that the council had to present in Court was extremely high. Advocacy arrangements were also in place to ensure that the views of parents were heard. Concerns were expressed that arrangements such as pre-natal classes may not be fully accessible and Members emphasised the need for the council to work closely with the health services.

Members asked about the reasons for the increase in the number of Looked After Children, particularly as officers had previously predicted that the number would fall. Officers stated that the number of Child Protection Plans in the city had risen from 80 to 159. The reasons for this were predominately related to abuse and neglect. This increase was also reflected regionally and nationally.

Members gave consideration to the focus of the scrutiny review. They agreed that the following issues should be considered:

- The attainment of Looked After Children
- Councillors' role as Corporate Parents

Officers outlined some of the arrangements that were in place to track the educational attainment of Looked After Children, including a nominated virtual headteacher who monitored their progress.

Members requested that the following information be presented to them to assist them in carrying out the review:

- Responses to the questions detailed in Section 2 of the "10 questions to ask if you're scrutinising services for looked after children" publication.
- Details of the Directorate's plans to improve the academic achievement of Looked After Children.
- Information as to how Members, who did not hold a Cabinet position, could carry out their responsibilities as a Corporate Parent.

**RESOLVED:** That the additional information requested be considered at the next meeting.

**REASON:** To progress the review.

## **27. REVIEW OF DEMOGRAPHICS FOR YORK PRIMARY SCHOOLS - INTERIM REPORT**

Members received an interim report which presented the information provided to date in support of this review. Members were asked to agree the remit and identify what, if any, additional information was required to support their work on the review.

It was noted that paragraph 35 (ii) of the report should read...*"outlined in paragraph 32 above"*.

Attention was drawn to Annex G of the report which provided information on denominational transport numbers and costs for 2010/11. It was noted that expenditure had reduced because of a decrease in the number of pupils who qualified. Consideration was given to the maps which detailed the location of pupils currently receiving transport and who attended Manor CE School, All Saint's RC School or Archbishop Holgate's CE School.

It was noted that consultation on any changes would need to take place in the Spring Term 2012 with a view to any changes being implemented from September 2013 at the earliest.

Councillor Brookes expressed concern that discussion had focussed solely on the cost implications of providing transport to denominational schools and that ideological issues had not been taken into account. She was also concerned that the committee's focus appeared to be on the issue of school transport policies but that this was not reflected in the title of the review. This meant that people who may wish to contribute may be unaware that this item was being considered. It was requested that this be made clearer on the agenda for the next meeting.

Discussion took place as to whether consideration should be given to school catchment areas. Officers explained the difficulties that arose when changes were made to school catchment areas. They gave details of action that was being taken to increase capacity at those schools which were experiencing pressures in accommodating children who lived in their catchment area, including the use of government funding to create additional places.

Members agreed that they were satisfied with the oversubscription criteria in use in York's Community and Voluntary Controlled schools.

In respect of current School Travel Policies, Members requested that the following additional information be provided to assist them in their review:

- Cost implications of a phased introduction (shown by breakdown of year groups)

- Information from East Riding Council regarding their experiences as to the effects of changing policies in respect of denominational transport.

RESOLVED: That, at the next meeting, Members consider the information requested above in respect of school transport policies and agree recommendations arising from the review.

REASON: To progress the review.

**28. SCRUTINY TOPIC ASSESSMENT - YORK MUSEUMS TRUST**

Members considered a report which presented the York Museum Trust scrutiny topic proposed by Councillor Watson together with background information on the formation of the Trust and its performance.

Councillor Watson outlined his reasons for proposing this scrutiny topic, including concerns that the Trust could be more transparent and that the council should have more input in its work.

Some Members stated that they did not feel it to be appropriate to scrutinise the work of the Trust, other than to ensure that the grant allocated by the Council was delivering the outcomes that had been requested, including issues in respect of equalities. Such scrutiny may include looking at the measures and indicators that were in place and ascertaining whether the use of the grant allocated matched the council's priorities and was achieving value for money. Members agreed that it would not be appropriate to seek to scrutinise the Trust's internal processes.

It was noted that two City of York Council Members served as Trustees of the Museums Trust.

Members requested that they receive information, including the nature of the Trust's relationship with the council and the structures in place. It would also be helpful to receive a copy of the report presented in July 2002 which set out the purpose of the Trust.

RESOLVED: That the requested information be presented to the committee at the next meeting.

REASON: To enable Members to decide whether or not to proceed with a scrutiny review on this topic.

**29. LEARNING AND CULTURE OVERVIEW AND SCRUTINY COMMITTEE WORKPLAN 2011-12**

Members considered the Committee's workplan for the remainder of the 2011-12 municipal year.

The following amendments to the workplan were agreed:

- The agenda items for the meeting on 25 January 2012 to be:
  - York Theatre Royal – Service Level Agreement Update
  - Demographics/School Transport Policies – to consider the information requested and make recommendations arising from the review.
  - Corporate Parenting Review – to consider the information requested.
  - York Museums Trust – to consider the information requested.
  - Workplan
- An additional meeting to be convened in February to consider the following items:
  - Attendance of Chair of York@Large and Chair of Learning City
  - Presentation on Managing Public Parks
- The agenda items for the meeting on 21 March 2012 to be:
  - Third Quarter Finance & Performance Monitoring Report
  - Workplan

RESOLVED: That the workplan be updated to reflect the decisions detailed above.

REASON: To progress the work of the committee.

Councillor Reid, Chair  
[The meeting started at 5.30 pm and finished at 5.40 pm].

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**Learning and Culture Overview & Scrutiny  
Committee**

25 January 2012

Report of the Assistant Director (Communities and Culture)

**York Theatre Royal Service Agreement: 2011/12 Part Year  
Performance Update****Summary**

1. This report is to inform the Scrutiny Committee of the progress and performance of the York Theatre Royal under the current Service Level Agreement (SLA) which runs to March 2012 during the first part of 2011/12.

**Background**

2. The four year SLA is a joint agreement between the Council and the York Theatre Royal. It sets out:
  - The key objectives of the partnership and partnership arrangements
  - Performance targets and indicators to be met by the Theatre
  - Performance information to be provided, review and reporting procedures
3. The key partnership requirements covered in the current SLA are:
  - The need to provide a year round programme of high quality work promoting the city regionally, nationally and internationally
  - The potential for the theatre to take a more significant role in supporting children and young people to enjoy and achieve in schools and in extended schools settings
  - The opportunity for the Studio theatre to support new talent in the creative sector in the region
  - The need to ensure that the theatre was accessible and developed its audiences especially within those sectors of the community that traditionally had low attendance or participation rates

- The need to improve the proportion of earned income against public investment
4. Reports are brought to Scrutiny Committee twice a year to report on performance against the outcomes agreed in the SLA. This report covers the first nine months of 2011/12. Annex A: The Performance Report sets out the detail.
  5. This has been a busy time for the theatre both artistically and organisationally. There has been an excellent critical response to the Theatre's "in the Round" season on the Main stage. The Studio season has highlighted the best of the work from the Theatre's Associate companies as well as highlighting new writing. Both the Youth Theatre and outreach work has maintained high levels of engagement with the whole York community.
  6. Organisationally the Theatre has been pushing ahead with plans to maximise income streams from fundraising and from the development of the Creative Complex at De Grey Rooms and De Grey House. A recent independent economic impact research report shows the Theatre contributes at least £3.4 million to the local economy.

### **Consultation**

7. This report is for information only and there is no consultation to consider.

### **Options**

8. This report is for information only and there are no options to consider.

### **Corporate Objectives**

9. The York Theatre Royal contributes to a number of corporate objectives including developing opportunities for residents and visitors to experience York as a vibrant and eventful city, improving opportunities for learning, and in strengthening York's economy through investment in the tourism infrastructure.

### **Implications**

10. **Finance:** The Council's funding for both 2010/2011 and 2011/2012 was £304k under the SLA. The funding from the Education budget of £15k to support the Partners in Education and Theatre (PET) scheme ceased at the end of 2010/11.

11. The report has no additional implications relating to:
- Human Resources
  - Legal
  - Crime and Disorder
  - Information Technology
12. Annex A sets out the contribution the Theatre makes to supporting our Equalities agenda. In particular their discounted theatre tickets for young people have been particularly well used as has the provision of an audio description service for each main house production.

### **Risk Management**

13. In compliance with the Council's risk management strategy there are no risks associated with the recommendations of this report.

### **Recommendations**

14. The Scrutiny Committee is asked to note and comment upon potential priorities they would like to see included in the Service level agreement with the Theatre from March 2012.

Reason: To fulfil the Council's role under the Service Agreement.

### **Contact Details**

#### **Authors:**

Gill Cooper  
Head of Arts,  
Heritage and Culture  
Tel No.01904 554671

#### **Chief Officer Responsible for the report:**

Charlie Croft  
Assistant Director (Communities and Culture)

**Report Approved**  **Date** 16 January 2012

#### **Wards Affected:**

**All**



**For further information please contact the author of the report**

### **Background Papers:**

Service Level agreement 2009-2012 contained as Annex 3 in January 2008 performance report.

### **Annex**

**Annex A** - York Theatre Royal Performance report: 2011/12 half year

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## York Theatre Royal Performance Report: 2011/12 part year

January 2012

### 1 RECENT DEVELOPMENTS AND FUTURE PLANS

Over a very busy nine month period York Theatre Royal has been working on its new Business Plan, clear plans for the future and how it contributes to York. As part of building evidence about the organisation's impact York Theatre Royal conducted a survey of its current customers, of audience and participants, and also commissioned an economic impact survey of the theatre's activity in the local economy. Both pieces of evaluation gave some surprising results. Although the theatre was aware that it has one of the most socially diverse audiences in the country it was able to prove that levels of attendance at the theatre are high from all wards in the city. The top four wards for attendance were Micklegate, Clifton, Haxby and Wigginton and Skelton, Rawcliffe and Clifton Without. A full report on attendance and participation by ward in York is available from the theatre.

The headline information from the economic impact survey for 2010/11 also gave impressive results.

- York Theatre Royal theatre goers were worth at least **£3.4 million** to the local economy.
- During the year York Theatre Royal employed a total of 91.5 full time equivalent staff and over two thirds of those jobs are held by residents of York.
- York Theatre Royal procures a high level of goods and services from York and Yorkshire. The total value of this to the region in this year was just under **£800,000**.
- In addition York Theatre Royal brings visiting performance companies and actors into the city generating a further £226,000 of impact to the local economy.

The estimated economic impact of theatre goes to York Theatre Royal in 2010/11 was at least £3.4 million to the local economy. This was estimated on a total of 172,000 tickets purchased for the theatre. Of these visits over 25% were from day and overnight visitors and the remaining from local visitors. Well over 60% of visitors stated that a visit to York Theatre Royal was the main reason for visiting the city.

During 2010/11 York Theatre Royal spent £1.54 million on goods and services, of this total 44% was spent in the York and Yorkshire economy. The indirect procurement impact added a further £125,000 to the local and regional economy.

This work has helped to inform the theatre's plans for growth over the coming years and has allowed it to assess what contribution it thinks it can continue to make over this period. These are the main areas of concentration: -

- **A World Class international reputation for creative ambition.** This will be achieved through large scale theatre productions that attract large numbers of visitors to the city. This continues with the Mystery Plays in 2012, followed by a new production at the National Railway Museum during summer 2013 and an international festival of theatre from Yorkshire in 2013/14. During the next four years York Theatre Royal will manage three international conferences that will demonstrate that York is at the heart of innovation and new ideas in creative production and education.
- **It will add millions to the economy of the city.** The economic impact study on the theatre in 2010/11 showed that the Theatre Royal visitors were worth at least £3.4 million to the local economy, is responsible for employing over 190 people in York and spends a further £800,000 in the local economy. The medium and long term redevelopment plans for the theatre frontage in St Leonard's Place will create world class facilities for visitors with an improved café and restaurant experience to match the world class activities on stage. This should add to the local economy as Cultural Tourism becomes one of the largest and fastest growing areas of growth in the national economy.
- **It will keep fuelling a new entrepreneurship in the city.** The Creative Industries now represent 16% of the GDP of the country and they are projected to grow by 4% for the next few years despite the recession.

York Theatre Royal will support emerging and established creative producers in the city through the new Creative Hub in the De Grey complex. Affordable accommodation, shared services, access to expertise and audiences will help new creative businesses to stay and produce in the city. The collective turnover of the creative businesses operating from De Grey in 2012 will be in excess of £6 million.

- **It will give thousands of York residents, young and old, experiences that have the potential to have a profound effect on their lives.** York Theatre Royal adds to a sense of community in the city. Every experience helps people to understand the present, reflect on the past and see things differently for the future. York Theatre Royal's "Made in York" brand gives people in the city a sense of pride in their city. Whether that is pride in the theatre work that tours throughout England and the world, is produced by the 300 young people in the Youth Theatre or is produced by the community through projects of the scale of the Mystery Plays. Over 25,000 people per year will take an active role at York Theatre Royal in performing, volunteering and making theatre for their personal development and the benefit of others.

## **2 ARTISTIC PROGRAMME AND DEVELOPMENTS**

### **The "in the round" season**

The season of plays that concluded with **Laurel and Hardy** in November was undoubtedly one of the most ambitious and exciting at the theatre in its history. Over 45,000 people came to see productions at York Theatre Royal across the season, some attending every one of the eight productions in both the main house and studio. Highlights during the summer and autumn included **Peter Pan**, attended by more than 17,000 people and proving once again the popularity that the theatre has with families in the region. This summer family production is now one of the major events in the Yorkshire summer event calendar.

In September the theatre staged one of its most popular shows to date with Alan Bennett's **Forty Years On**, drawing audiences into the city for a rarely performed production of one of his most popular works.

The season concluded with a hilarious and touching production about two comic geniuses; **Laurel and Hardy** in the Main House as well as a harrowing and beautifully performed piece of contemporary theatre starring George Costigan called **Blackbird** in the Studio.

One of the hallmarks of the season has been the involvement of members of the community in most of the productions. From a large community company of young men in **Forty Years On**, to over 50 children and young people in **Peter Pan** that included outstanding performances from young residents of York in the main roles of Wendy, Michael and John.

York Opera staged an excellent production of **The Merry Wives of Opera**, once more proving that the city of York has a wealth of talent not only in acting but also in musicianship and singing.

**The Railway Children** steamed back into Waterloo Station to the Welcome to Yorkshire Theatre promoting not only the creative prowess of the city but also the great city of York and county of Yorkshire. Reviews were once again outstanding for the show. The production closes at the end of the first week in January. Discussions are still being had about a future for the production in other parts of the world. In the meantime York Theatre Royal and the National Railway Museum continue to discuss new productions for the future.

**York Family Robinson**, the annual pantomime and Berwick Kaler's 33<sup>rd</sup> as dame in the city has been heralded as one the best in years. Despite challenging economic circumstances for many of our customers that still prioritise a visit to the York pantomime as one of the highlights of the year.

**The Diary of Anne Frank** will be the first new production in the New Year. The production will start rehearsal in the De Grey Rooms in January and stars Christopher Timothy of All Creatures Great and Small fame in the role of Anne Frank's father, Otto Frank. Rehearsals will coincide with Holocaust Memorial Day which will be marked by the cast at the theatre. This large scale York Theatre Royal production will tour to ten large venues in the country after its three week run in York.

### **York Mystery Plays 2012**

This major project for the city continues to make good progress as it aims to be a major part of the York 800 celebrations in 2012.



The project was successful with its application to the Arts Council for £100,000. The project has also been successful with both in-kind and financial support from York-based organisations; these include the Feoffees of Spurriergate and York Data Services.

Progress has been made across the project. The final draft of the script has been produced and the design of both set and costumes has been finalised. A casting director has been secured and is now working on casting the two professional cast members. Community auditions for the acting company have begun and drop in sessions have been held across the city to interested residents in taking part in any aspect of the production. The project has had over 800 expressions of interest to get involved in some aspect of the Mystery Plays project.

A Mystery Plays inspired play has been produced to encourage teachers in primary schools in York to work in the classroom on staging a version with their pupils. This will be supported with education sessions that cover the history of York and the Plays as part of an enhancement programme for schools in York.

A programme of exciting “fringe” activities is coming together around the main event and includes a lectures series, a 4 week course that looks at the history of the medieval plays and a script competition for new plays that respond to the York Play Cycle.

York Theatre Royal is also working with City of York Council on a project for York 800 called York Stories to unearth and give voice to all the stories, historical, contemporary and future that have formed this great city.

### **3 CHILDREN AND YOUNG PEOPLE ACTIVITY**

The theatre has been as active as ever over the last six months, involving children and young people in lots of different activity.

#### **Work with Schools**

York Theatre Royal continues to work closely with a number of York schools through a long-term relationship that supports schools in teaching across the

curriculum. This is work that was pioneered through the Partnerships between Education and Theatre scheme that we delivered alongside CYC with special funding. This financial year, 2011/12, is the first year for the theatre without this funding from CYC, however several schools in York have continued to purchase this service from the theatre, an acknowledgement how much the service is valued by schools.

The theatre held new 'Theatre Days' for Primary Schools around our children's production of **Hare and Tortoise** in September. These proved very popular with primary schools and all sold out. These days also launched the start of a new relationship with York St John University to conduct rigorous evaluation on how children read and respond to productions and how this enhances teaching in the classroom.

The Playhouse Festival in July for new theatre for young people to perform in schools had record numbers of children and parents attending the performances from Park Grove, Knavesmire, Sand Hutton, Wigginton, Applefields and Archbishop of York's CE Junior School. All the children had the chance to perform on the main stage of the theatre during the "in the round" season. Four schools have already signed up for the 2012 Festival which will include three new plays for young people to perform and gives teachers from the city the opportunity to attend a retreat with the theatre and writers as part of developing the plays and supporting their continuing professional development. This outstanding national scheme managed by York Theatre Royal is a good demonstration of the commitment to children and young people.

New schools work for the future includes a storytelling project with three York Secondary Schools, feeding in to KS3 History and English Literature. This project will use the production of **The Diary of Anne Frank** as a springboard for the work.

The theatre has been successful in bringing the **Royal Shakespeare Company** to work with schools in York over the next three years. This is one of only two relationships of this nature in the north of England. It will include opportunities for teachers in York to take a Postgraduate Certificate in teaching of Shakespeare and will form a cluster of secondary schools working alongside the theatre and Royal Shakespeare Company practitioners to devise and perform work with students.

## Youth Theatre

The 300 strong Youth Theatre have started a new term in September and have since been working on lots of different projects within their age groups. 5-7s have been working on the theme of **Stig of the Dump** to link with a production at the theatre. 8-10s have been working on fables to link to **Hare and Tortoise**. 11-13s have been working on different projects, including a story hunt which used different areas of the theatre, another group have been looking at Expressing Citizenship, working with the University of Leeds, and yet another have been focusing on 'keeping it real'- concentrating on making our acting genuine.

14-16s have been working on Playback theatre with counselling and drama students from York St John University, culminating in a performance by the professional company Playback Theatre York. And the 16+ groups performed two new productions in November called **Judgement Day** and **Shoot/Get Treasure/Repeat**. Snickleway Theatre Company – our youth theatre graduate company– also performed one of the pieces in **Shoot/Get Treasure/Repeat** to an excellent standard, it was great to see the talent that is emerging from our Youth Theatre, and their commitment to now make work themselves.

We are now starting to work towards a **Missing Mysteries** project, which will over 60 young people aged between 11-13s and 14-16s and takes plays from the York Mystery Plays Cycle that are not being performed in Museum Gardens over the summer and will stage them in 6 churches in the city centre next Easter.

The theatre ran a training day for youth theatre leaders across the region called Raising the Game: Yorkshire which is part of our run up to holding the second Regional Youth Theatre Festival. This will be held in the theatre in February, and will be attended by at least 10 local youth theatres.

## Arts Award

York Theatre Royal has been delivering Arts Award for nearly 3 years and has one of the largest amounts of delivery in the region. Initially it was offered to just youth theatre assistants and volunteers but over the 3 years has been extended to include work experience placements, play in a week participants, summer production cast members and all youth theatre members of appropriate age. Due to our experience in this area, we were selected from

250 applicant centres to participate in the Junior Arts Award pilot in September which we have just successfully completed with 20 young people aged 8-10. During this pilot project the young people found out about our organisation and that of tutti frutti, our associate company, and then created their own pieces inspired by our production of Hare and Tortoise.

To date York Theatre Royal has achieved 110 passes at Junior Arts Award and Bronze, Silver and Gold level. This is one of the highest levels in the country.

### **Young Actors Company**

The Young Actors Company of young York residents produced the premiere of York writer Hannah Davies' play **Little Angels**. This play has been developed over a number of years at the theatre and the community company included four young actors and two older actresses recruited from the local community.

### **Early Years**

We have been running an under 5s mid week session called Storymakers for over a year, in partnership with Mud Pie Arts. In September we secured a new Arts Council Grants for the Arts award of £7,000 which will allow us to continue running this scheme for the next 18 months, as well as doing outreach sessions in the Children's Centres, and providing transport into the theatre each week.

## **5 OTHER IMPORTANT DEVELOPMENTS**

### **Arts Council**

The theatre was pleased to announce earlier in the year that it has become a National Portfolio Organisation for 2012 – 2015. Arts Council England has made a commitment to York Theatre Royal for 3 years from April 2012 to make a core investment of the following in those three years: 2012-2013 £583,300; 2013-2014 £597,299; 2014-2015 £612,829. In addition the Arts Council has launched several strategic funds to support capital investment, to support our capacity to raise new funds from the private sector, to support the production of theatre work in York which will also add to what is available to other theatres in the country and finally to support digital production and

distribution. York Theatre Royal is approaching these new Funds for at least £2 million in the next three years.

## **Fundraising**

In the last six months York Theatre Royal has been successful with attracting £110,000 in new funds to the city through applications to the Paul Hamlyn Foundation, Arts Council England, Joseph Rowntree Foundation, Patricia and Donald Shepherd Trust and the Sylvia and Colin Shepherd Trust.

New activity and new equipment that has been supported through this money includes new funds for young people to manage two further “TakeOver Festivals” in the city, new equipment to improve our service to visually-impaired customers to the theatre and new Early Years participatory work with families both at the theatre and through outreach activity at Children Centres in the city.

Applications for which the theatre is awaiting a response include the Esmee Fairbairn Foundation for a two year application to support a new post at the theatre for recruiting and managing new volunteer opportunities with young people at the theatre. Also an application with York Rotary Club for a schools project that would support every 7 year old in York to experience theatre and a new Apprenticeship scheme for young drama practitioners.

## **De Grey Creative Complex**

The realisation of the full vision for an active Cultural Quarter has moved several stages closer with an active programme of creative activity in the De Grey Rooms and a staged entry into taking over De Grey House by the end of the financial year.

The De Grey Rooms now houses the theatre’s wardrobe department who produce all the costumes for the 16+ productions at the theatre annually. It also houses the Costume Hire, a public facility for people in York to hire costumes. We have everything from period outfits to Pantomime Horses and the new city centre location has attracted lots of new customers.

Also in the Rooms are the weekly sessions for the theatre’s 14 youth theatre groups with children and young people from the ages of 5 to 19 working towards staging productions throughout the year. As well as York Theatre

Royal's main rehearsals for productions taking place in the Rooms and House, 6 other theatre companies have used the De Grey Complex to rehearse work being performed in the city including a version of A Christmas Carol that was performed at The Lamb and Lion pub in the run up to Christmas.

The Mystery Plays office has taken up more rooms in the De Grey complex as the numbers of volunteers working on realising the project has increased. During the last six months dance events in the Ballroom have included a Summer Tea Dance and a 1950's Jive Night.

Other organisations have used the Rooms and House for public events. It was a venue for the first ever York Film Festival, York Professionals used it for a networking event for its members and we have held several Charity balls in the Ballroom.

Finally the first of many creative businesses moved their production offices into the house. Aesthetica Magazine and cultural company have taken on a lease in De Grey House and they will be followed by at least three more creative companies relocating to York city centre. This is part of a new venture at the theatre to support established and emerging creative businesses with affordable accommodation, shared services and access to expertise and a creative community in York.

Further refurbishment work is taking place over the next few months with the aim of the theatre taking on the full lease from landlord's York Conservation Trust in April 2012 for both De Grey Rooms and De Grey House.

This will launch a new creative hub in the city offering access to hot desk and permanent facilities to support young creative businesses to stay in the city and produce and add to the local economy.

Liz Wilson  
Chief Executive  
January 2012



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**Learning & Culture Overview & Scrutiny Committee**

25 January 2012

Report of the Assistant Director of ITT &amp; Governance

**Review of Demographics for York Primary Schools – Cover Report****Summary**

1. This report presents the draft final report arising from the Demographics Review (shown at Appendix 1), and asks Members to agree any revisions required to it, and identify any appropriate recommendations arising from the review in relation to the second objective i.e. 'To identify whether the current School Travel Policies are fair and appropriate given the changing demographics'.

**Background**

2. At a scrutiny work planning event held in July 2011, Members of this committee discussed a range of possible topics for scrutiny review this municipal year. The issue of the changing demographics for York's primary schools was raised as a matter of concern and as a result it was agreed to proceed with this review.
3. The Committee held a number of information gathering sessions, and as a result agreed to focus their review on the examination of:
  - The oversubscription criteria in use in York's Community and Voluntary Controlled schools - Is made up of the right priorities, and in the right order?
  - The current School Travel Policies – Are they fair and appropriate given the changing demographics?

**Consultation**

4. Senior officers working within School Organisation & Support assisted Members with their work on the review. The committee also met with the Head teachers from Hempland Primary School and Scarcroft Primary School.

## **Analysis**

5. A full analysis of the information gathered in support of the review is contained within the draft final report at Appendix 1.
6. Members have yet to agree any recommendations they wish to make in relation to the second objective - 'To identify whether the current School Travel Policies are fair and appropriate given the changing demographics'. To assist them in this, at the last meeting Members requested some additional information as follows:
  - Feedback from East Riding of Yorkshire Council on their previous withdrawal of free denominational transport – see Annex F
  - A breakdown of the potential savings that could be made if a decision were taken to carry out a phased withdrawal of free denominational transport – see Annex G
7. Having considered all of the new information provided at this meeting and in the attached draft final report, Members are asked to agree their conclusions in relation to the second objective, so that they may be inserted in the draft final report at paragraph 45, and identify any appropriate recommendations so that these may also be added to the draft final report at paragraph 46.

## **Implications & Risk Management**

8. When identifying possible recommendations relating to Objective (ii) Members will need to consider the associated implications and risks. Officers present at the meeting may be able to provide support and assistance with this. Alternatively it may be necessary to seek additional information outside of the meeting. All implications and associated risks will need to be added to the draft final report before the report can be finalised.

## **Options**

9. Having considered the draft final report and all new information provided, Members may choose to:
  - i. Identify their conclusions in relation to the second objective of the review
  - ii. Agree their recommendations taking into account any associated implications and risks
  - iii. Agree any amendments required to the draft final report



10. The draft final report will then be updated to reflect this information. Subject to this work being completed, Members may agree to either:

- a) Sign off the finalised report at the next meeting of the Committee, or;
- b) Delegate the signing off of the finalised report to the Chair

### **Council Plan**

11. This review supports the Council Plan in that the provision of appropriate and improved local infrastructure (including schools) will help to build strong communities.

### **Recommendations**

12. Members are recommended to agree:

- i) Any amendments/additions required to the draft final report and;
- ii) Their conclusions in relation to the second objective and their associated recommendations.

Reason: In order to conclude the review in line with scrutiny procedure and protocols

### **Contact Details**

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Andrew Docherty  
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**Report Approved**  **Date** 3 January 2012

**Specialist Implications Officer(s)** N/A

**Wards Affected:** *List wards or tick box to indicate all*

**All**



**For further information please contact the author of the report**

**Background Papers:** N/A

**Appendices:**

**Appendix 1 – Draft Final Report for Demographics Review**

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**Learning & Culture Overview & Scrutiny Committee**

25 January 2012

**Review of Demographics for York Primary Schools – Draft Final Report**

**Purpose of Report**

1. This report presents the information gathered in support of the review and the Committee's findings and recommendations.

**Background to Review**

2. At a scrutiny work planning event held in July 2011, Members of this committee discussed a range of possible topics for scrutiny review this municipal year. The issue of the changing demographics for York's primary schools was raised as a matter of concern and as a result it was agreed to proceed with this review.

**Council Plan 2011-15**

3. This review supports the Council Plan in that the provision of appropriate and improved local infrastructure (including schools) will help to build strong communities.

**Consultation**

4. Senior officers working within School Organisation & Support have assisted Members with their work on the review. The committee held two informal information gathering sessions and met with the Head teachers from Hempland Primary School and Scarcroft Primary School.

**Information Gathered in Support of the Review**

5. York Primary Schools' Admissions Arrangements  
The Local Authority (LA) is the admissions authority for all 43 Community and Voluntary Controlled Primary Schools (including Infant schools) across the LA area. The LA also coordinates the admissions process for all schools, whether Community, Voluntary Controlled, or Voluntary Aided.

6. The LA first established the policies upon which its admission arrangements are based in 2002, following extensive consultation. The principle behind the arrangements is that every child has a guaranteed place at the school where their home address falls within its catchment area. However the arrangements include an equal preference system whereby parent/carers can select up to 5 schools for which they have a preference. Each of these preferences is considered by the LA and/or Voluntary Aided schools, but only one school is offered. This will be the highest ranked school that can be offered.
7. For September 2011 entry, the LA allocated 1,966 places. 93% of these allocations were for the parent/carers' first preference. 97% were allocated a school at either their first or second preference. Only 61 parent/carers appealed against the LA's decision, and of these, only 2 were successful. 80% of these appeals were heard on Infant Class Size grounds i.e. the limit of 30 pupils to one teacher in a class of 5, 6 or 7 year olds.
8. Where there are more applications for places than places available at any given school, applications are ordered according to the oversubscription criteria within a Local Authority's Admissions Policy. The criteria apply to both Community and Voluntary Controlled schools. If a child meets more than one criterion e.g. is both a sibling and resident in the catchment area, then they are categorised under the higher of the two priorities. However, the admission of pupils with a statement of special educational needs is covered by separate admission regulations which are allocated *before* the application of an LA's oversubscription criteria.
9. Waiting Lists  
If after the allocation of places there are applicants who are unsuccessful in obtaining a place of their first preference (or a higher preference than they were allocated), then these applicants will form a waiting list.
10. Through the waiting list system, applicants who are unsuccessful on the offer day of 1 April may receive a place through either the independent appeals process, or through movement from waiting lists where applicants change their preferences, take up a place in the independent sector, or through movement in and out of the LA area.
11. Understanding Primary School Demographics across the City  
At an informal meeting in September 2011 the committee received a detailed presentation on primary school demographics across York– see

copy at Annex A, which drew attention to the ongoing issues around supply and demand i.e.:

- Ensuring the Local Authority's Admissions oversubscription criteria are fair and the catchment system works for parents and the LA?
- Ensuring the Local Authority's school travel policies are fair and appropriate and understanding the implications for school travel given the changing demographics
- The provision of new schools and the changing role of the Local Authority (LA) in relation to Academies and Schools' partnership
- The effect of new housing developments e.g. Germany Beck, Fulford (175 primary pupils), Derwenthorpe, Osbaldwick (135), British Sugar (250+) and York Central

12. Having considered all of the information presented, the Committee agreed to focus their review on the examination of whether:

- a) The oversubscription criteria in use in York's Community and Voluntary Controlled schools, is made up of the right priorities, and in the right order?
- b) The current School Travel Policies are fair and appropriate given the changing demographics?

### **Objective A - The Oversubscription Criteria**

#### **Information Gathered**

13. The oversubscription criteria in York are as follows:

- *First priority: ('Looked After') Pupils looked after by a local authority* – this applies to all pupils who are in the care of a local authority or are provided with accommodation by the authority (see section 22 of the Children Act 1989);
- *Second priority: ('Catchment') Pupils who live within the catchment area normally served by the school* – catchment areas are designated by the City of York Local Authority and are made available to parents via the annual Guide for Parents or from the School Services team;

- *Third priority: ('Exceptional') Pupils considered by the Local Authority to have exceptional social or medical needs which relate to the preferred school* – the Local Authority may consult with other medical/educational professionals for a further opinion as to whether a pupil should be allocated a place to an individual school due to a particular medical condition or social need;
  - *Fourth priority: ('Siblings') Pupils with siblings at the school in September 2011* – siblings are defined as brothers or sisters living in the same house, as their primary place of residence, including half- and step-brothers or sisters;
  - *Fifth priority: ('Distance') Pupils who live closest to the school using the nearest available safe walking route* - distances are measured by a GIS mapping system from the child's home address to the entrance of the school.
14. *Faith Schools - Oversubscription Criteria* - The seven Voluntary Aided Primary Schools in York are their own admissions authority, giving the highest priority to children of their respective faith(s). They also tend to prioritise children living in the relevant parish area, before children with siblings currently in attendance at their school. For their 2012-2013 admissions arrangements, 6 schools have placed 'catchment' before 'siblings', whilst only 1 school has placed the admission of siblings before children resident in the (parish) local area.
15. The Committee were informed that catchment areas for LA primary schools do not overlap and that a majority of the voluntary aided schools have no catchment areas.
16. Oversubscription in York - 2011-2012  
For September 2011, 27 Primary and Infant schools were oversubscribed on 1 April 2011. However, by 1 September 2011, this had reduced to 24 schools. The Committee received detailed information on the September 2011 intake including which Primary and Infant Schools in York were oversubscribed and the nature of their oversubscription as follows:
17. *Oversubscribed Schools refusing 'Catchment' or 'Siblings'* – Both Hempland Primary School & Scarcroft Primary School were oversubscribed and had insufficient places for all children who were 'siblings' i.e. the parents already had a child in attendance at the school, but did not live within the catchment area.

18. The Committee learnt that because both schools give a higher priority in their oversubscription criteria to 'catchment' children over 'siblings', those children were not allocated a place and were therefore offered a place at a school of a lower preference. For both schools the LA investigated to see if any additional pupils could be admitted to minimise unsuccessful sibling applicants.
19. The Committee were informed of the actions taken by the LA in response to both school's oversubscription. In the case of Hempland Primary School, the admission limit of 60 places meant the admission of any further pupils would have breached Infant Class Size legislation, and so no further pupils could be admitted. Most siblings affected for 2011 lodged an appeal, but all were unsuccessful on Infant Class Size grounds.
20. For Scarcroft Primary School, the admission number of 45 was raised to maximise the number of children within Infant Class Size limits. At first, 46 children were admitted. This later rose to 48 children as places became available from other year groups. This was only possible because the school mixed classes in Reception, Year 1 and Year 2 to Infant Class Size limits. Despite having to refuse some catchment children on 1 April, those children were subsequently either offered a place at the school, or changed their preference to another school. There were 5 appeals for the school, all heard on Infant Class Size grounds, and all were unsuccessful.
21. The head teachers from Hempland Primary School and Scarcroft Primary School met with the Committee to provide feedback on the issues they had faced around their oversubscription in 2011-12. They highlighted the impact on parents of the order of priorities within the LA's oversubscription criteria e.g. both schools had experienced parents with children (siblings) at different schools questioning whether the schools had done enough to help them. Whilst both head teachers recognised the difficulties those parents faced, they also commented on the strength of feeling that children should have access to their local schools. On that basis they both agreed that catchment should remain a higher priority than siblings. Both head teachers were also keen to point out the impact of having infant class sizes at the maximum of 30, and the adversity they were likely to face in later school years in trying to maintain the quality of education they currently provide, particularly in classes with mixed school years.
22. In the case of the other 22 primary schools who were oversubscribed for 2011-12, the LA had to act to increase the admission limit for 7 of those

schools as well as for a further 4 schools who had some places available but would have been oversubscribed if action had not been taken.

23. The LA acted to increase the admission limit of 30 places to 43 at Fishergate Primary School which meant that 33 'catchment' and 'sibling' children could be allocated a place. Without a raised admission limit, some siblings would have been refused a place. The coordinated move to an increased admission limit of 45 was achieved by working closely with neighbouring schools, particularly in supporting the admissions number at St George's RC Primary School (VA) nearby.
24. Similar interim action, achieved through discussions with school leadership was taken at Knavesmire Primary School, St Barnabas CE Primary School and Dunnington CE Primary School to support 'catchment' and 'siblings' for 2011/12.
25. Finally, in addition to raising admission limits where demand existed from within catchment or from siblings, the LA also took some further steps including:
  - Changing the Guide for Parents and Admissions letters to include specific guidance on the potential for siblings being unsuccessful in future years.
  - Increasing the number of preferences from 3 to 5 to increase parental preference and reduce 'unplaced' (un-preferenced) allocations.
  - Longer term place planning, including increasing the size of the intake, where this is possible – often from 30 to 45, particularly in areas currently short of places.
26. Previous Challenge to LA Oversubscription Criteria  
The committee learnt of an objection had previously been raised in 2009 by two qualified parents, who were concerned with the low priority attached to children who have siblings attending their parents' preferred school – see Annex B.
27. Finally, for comparison purposes the Committee considered the oversubscription criteria in use by other similar sized / neighbouring local authorities – see Annex C.

## **Findings**

28. The Committee noted that like York, half of the local authorities compared, gave a higher priority to children living within a school's



catchment area rather than those with siblings already in a school. And, only one council (North Yorkshire County Council) did not prioritise siblings within their oversubscription criteria at all.

29. They noted the national Adjudicator's determination in 2009 which confirmed that York's admission arrangements were compliant with the mandatory requirement set out in paragraph 1.72 of the Schools Admissions Code, and therefore fair and equitable, due to the fact that they operated on a consistent basis across the City, ensuring every family had a priority for admission to at least one local school.
30. The Committee also recognised that where oversubscription had occurred, the LA had worked with the relevant school to identify the most appropriate action required, and had always taken into consideration the effects it might have on neighbouring schools. For this reason action was only usually considered where there was an exceptional demand from within catchment, from siblings, or for children with 'exceptional' circumstances.
31. The Committee also reflected on the predictions for growth across the city and the impact that would have on the demographics, particularly in the South Bank area where they acknowledged that an expansion of the existing schools or a new school may be required in the future, which would require significant funding. However, they recognised that there was unlikely to be sufficient funding made available for this, and therefore other methods of reducing the predicted capacity issues would be required. They were pleased to note that officers were already responding to this long term concern by working with schools across the city to identify space within existing buildings currently being used for other purposes e.g.
  - Afterschool Clubs
  - Integrated Children's Centres
  - Art Rooms etc
32. The Committee acknowledged that in some areas of the city under-subscription may also become a concern in the future, which in turn may lead to some small primary schools becoming unsustainable.
33. Finally, the Committee were pleased to note that officers had already made changes to the letter to parents offering a place to a child living outside a school catchment area, to ensure it is explicit in its message that there is no guarantee of a sibling place at a later stage.

## **Conclusion**

34. Having considered all of the information provided in relation to the LAs Oversubscription Criteria and the steps taken by the Local Authority to respond to oversubscription in 2011-12 where it occurred, Members agreed that the current criteria was made up of the right priorities, in the right order, and that it was robust enough to stand up to legal challenge. On that basis, Members therefore agreed it was not necessary to recommend any changes to the Oversubscription Criteria.

## **Objective B – School Travel Policies**

### **Information Gathered**

35. The national policy on the provision of free school transport specifies that children from low income families will qualify for free transport if they live more than 2 miles and less than 15 miles from the school. However, in regard to free school transport for denominational places, Members were informed that the national policy states its provision is discretionary and therefore Local Authorities do not have to provide it, they only have to give its provision due consideration. Several neighbouring authorities have through a regional association jointly drafted a policy – see Annex D, which outlines their duty (or not) to provide denominational transport (in point 6.1), including, –that their low income policy covers children from low income households who may attend a denominational school (point 6.2).
36. However, City of York Council has previously agreed that free transport will be provided for denominational places for those children who live more than 3 miles and less than 15 miles from a qualifying school. The Committee received the relevant extract from the Council’s Home to School Transport Policy 2011/12 relating to this provision, and comparative information on the policies of other Local Authorities.
37. Members also received information on the numbers and cost to the LA of free school transport for 2010-11.

### **Findings**

38. Having considered the numbers and cost, Members noted that these were not just for the provision of free transport to children with

denominational places but also for those with special needs and for geographical distance reasons. They therefore requested a more detailed breakdown of the figures, including a comparison with the provision of free school meals – see Annex E.

39. Whilst respecting parent's choice, Members agreed that in their view the current arrangements for the provision of free school transport on a denominational basis were not fair and equitable to all pupils across the city i.e. pupils receiving a denominational place and therefore receiving free transport were at an advantage over other pupils attending the same school. They therefore agreed to investigate further the possible consequences of withdrawing that provision.
40. Firstly, the Committee requested some feedback from East Riding of Yorkshire Council on their experience of withdrawing the provision of free transport for denominational schools in 2005 – see Annex F.
41. Next, taking account of the need to still provide transport for those pupils living in rural areas on the basis of distance from school, Members requested information on the cost of a phased withdrawal of the free transport currently being provided by the LA on a denominational basis.
42. Officers provided information on a range of potential savings broken down into primary and secondary school and by transport type, on a year by year basis - see Annex G. These were calculated as much as possible based on a number of options, in turn providing a range of potential savings particularly with school buses. For the Private Hire and Buses the cost tends to step down as fewer vehicles (or smaller vehicles) are required. This is supported by the experience of East Riding of Yorkshire Council.
43. Taking into account that any withdrawal of free denominational transport could not begin until September 2013, the figures show that a maximum annual saving of £137k could be reached by 2019. Again though, East Riding's experience is that the transport was not required much earlier than thought and on that evidence it may be possible to make the saving sooner.
44. Members noted that any decision to withdraw the provision would need to be approved by the Cabinet, followed by a consultation period in the 2012 spring term. This would allow for the agreed changes to be made to the relevant documentation in time for it to be sent out in summer 2012

to parents of those pupils due to transfer to secondary school in September 2013.

### **Conclusion**

45. *Conclusions relating to Objective 2 to be included here.*

### **Recommendations**

46. Having considered all of the information provided and their findings, Members agreed that no recommendations were required in relations to the Local Authority's current oversubscription criteria.
47. However, in relation to the Council's current provision of free school transport on a denominational basis, the Committee agreed a number of recommendations based on their findings, as follows:

*Recommendations agreed by the Committee to be inserted here*

Reason: To ensure that the LA's provision of free school transport is fair and equitable to all.

### **Associated Implications**

48. **Financial** – The withdrawal of free transport on a denominational basis would realise a saving to the Council from the school year 2013-14 onwards, as shown in Annex G. This saving would change year on year dependant on the number of denominational places offered to children living more than 3 miles and less than 15 miles from a qualifying school, and based on a phased withdrawal, would grow over the first five years i.e. as each school year ends, and a cohort of year 11 pupils receiving free transport leave school.
49. **Equalities** – The Committee agreed that the provision of free transport on a denominational basis was neither fair nor equitable to all pupils in the city, and therefore agreed its withdrawal was necessary. However, in order not to adversely affect financially those families with children currently receiving free transport on a denominational basis, they agreed its withdrawal should be phased.
50. **Legal** –*info to be inserted once recommendations have been identified and associated legal implications have been considered*

51. Other – There are no other known implications associated with the recommendations arising from this scrutiny review.

### Contact Details

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**Chief Officer Responsible for the report:**

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**Report Approved**



**Date**

13 Jan 2012

**Wards Affected:**

**All**



**For further information please contact the author of the report**

**Background Papers:** N/A

### Annexes

**Annex A** – Presentation on Primary School Demographics across York

**Annex B** – National Adjudicator Determination September 2009

**Annex C** – Comparison Data for Oversubscription Criteria

**Annex D** – Regional Association Joint Policy on Home to School & College Transport

**Annex E** – Breakdown of CYC Denominational Transport Numbers & Costs 2010/11

**Annex F** – Feedback from East Riding of Yorkshire Council

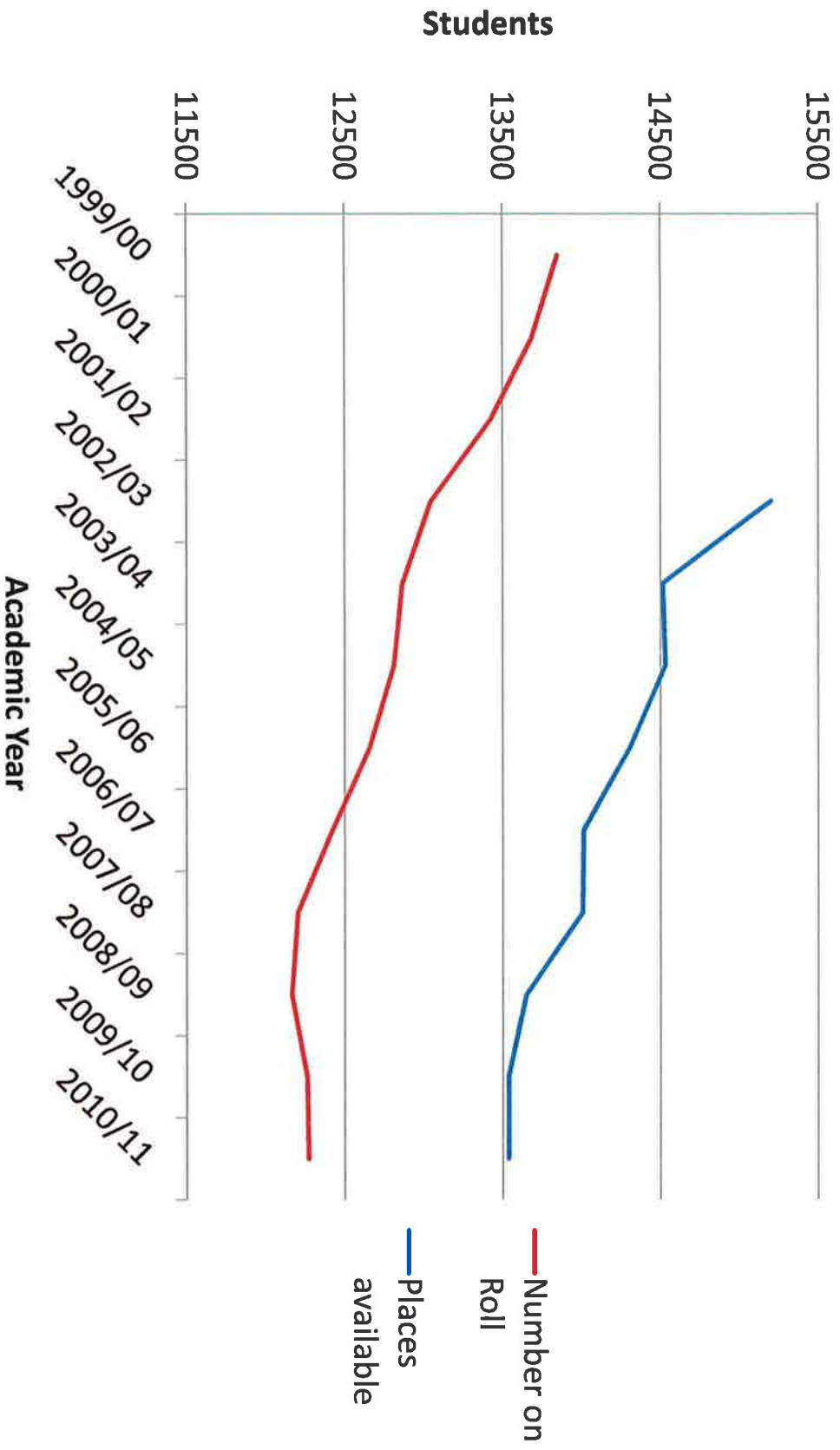
**Annex G** – Potential Savings from a phased withdrawal of the transport currently being provided by CYC on a denominational basis

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# Primary School Places

Supply and demand in context

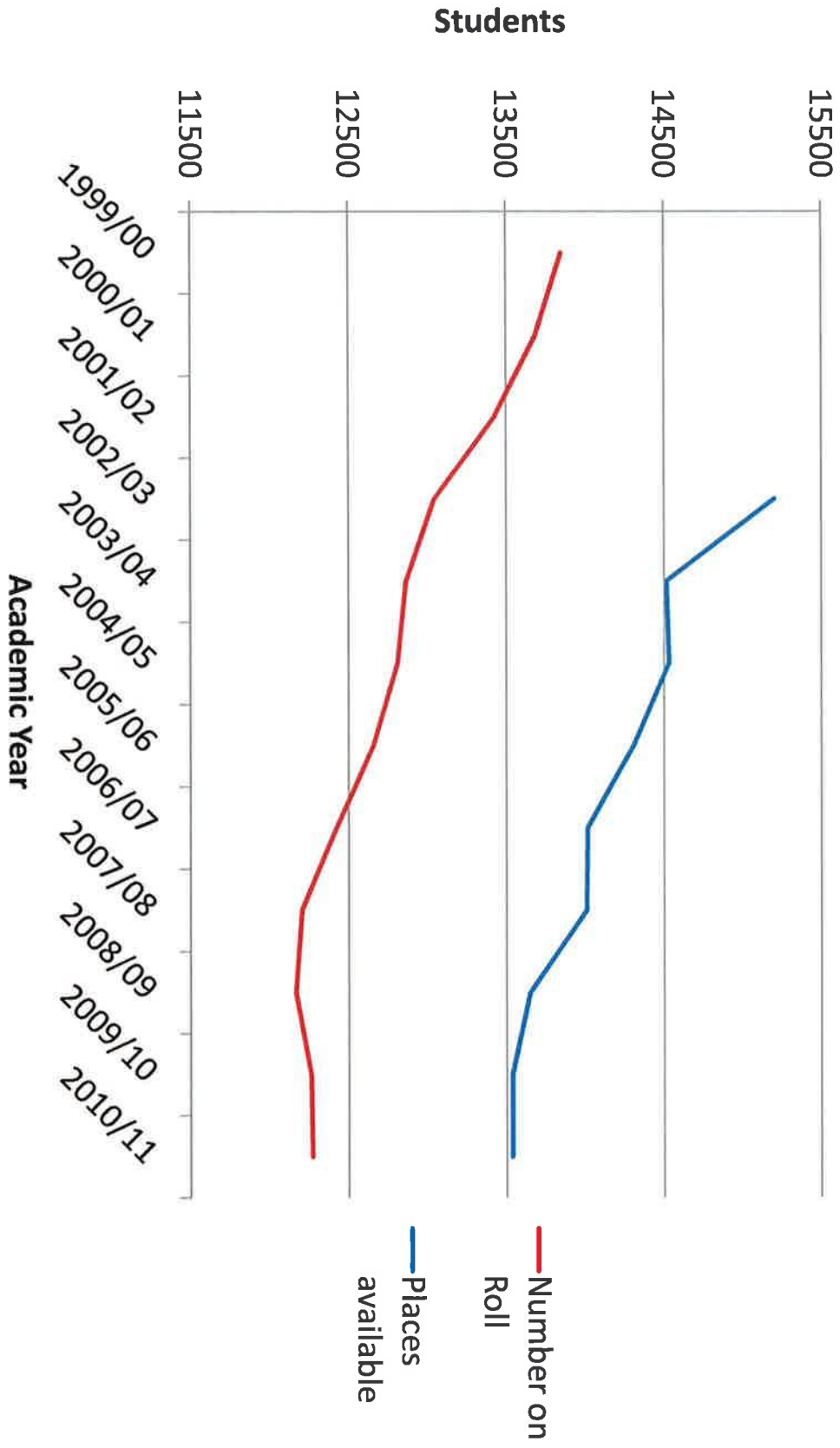
# Primary school places available vs Number on Roll



Source: Annual school census

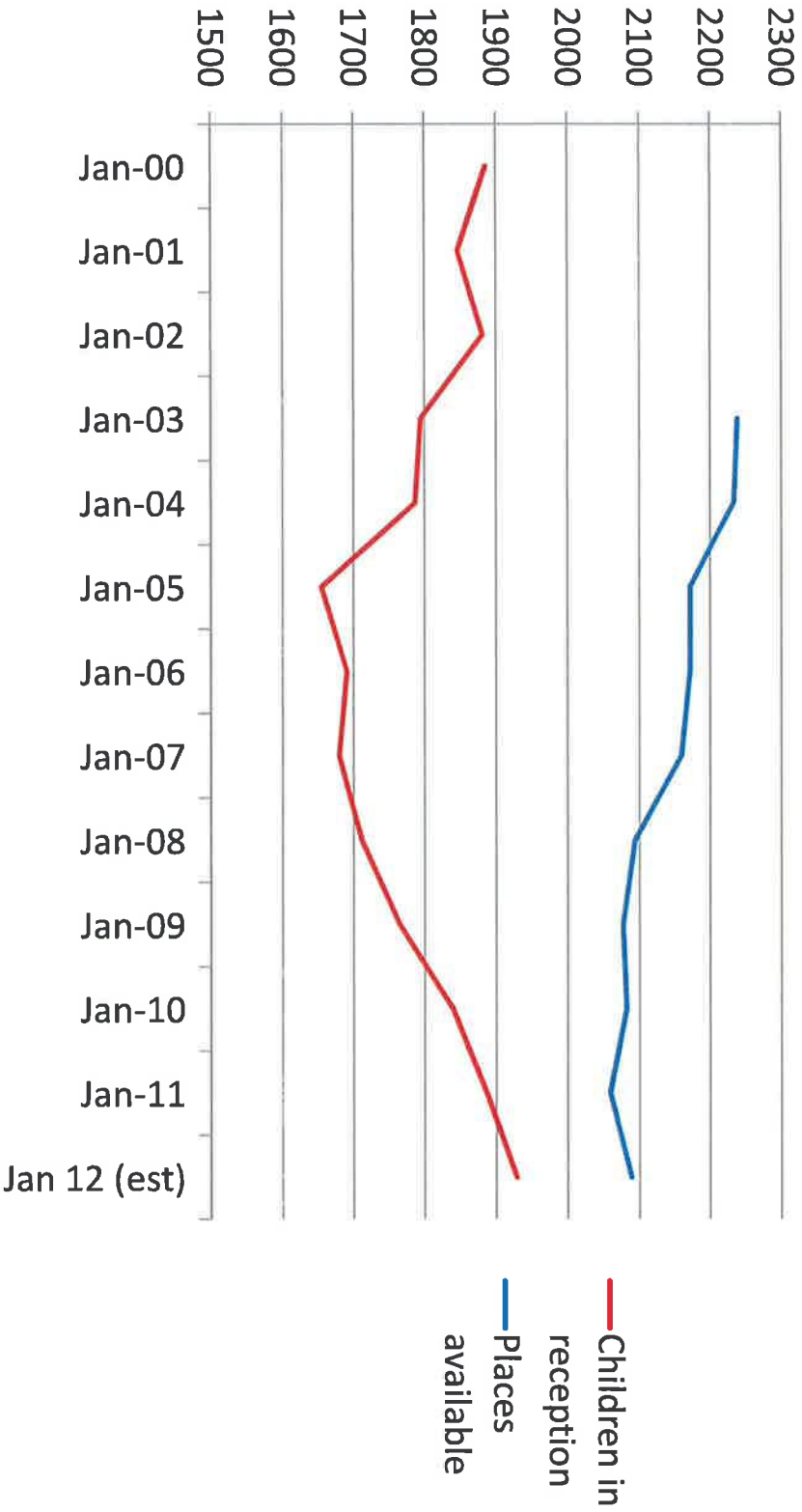


# Primary school places available vs Number on Roll



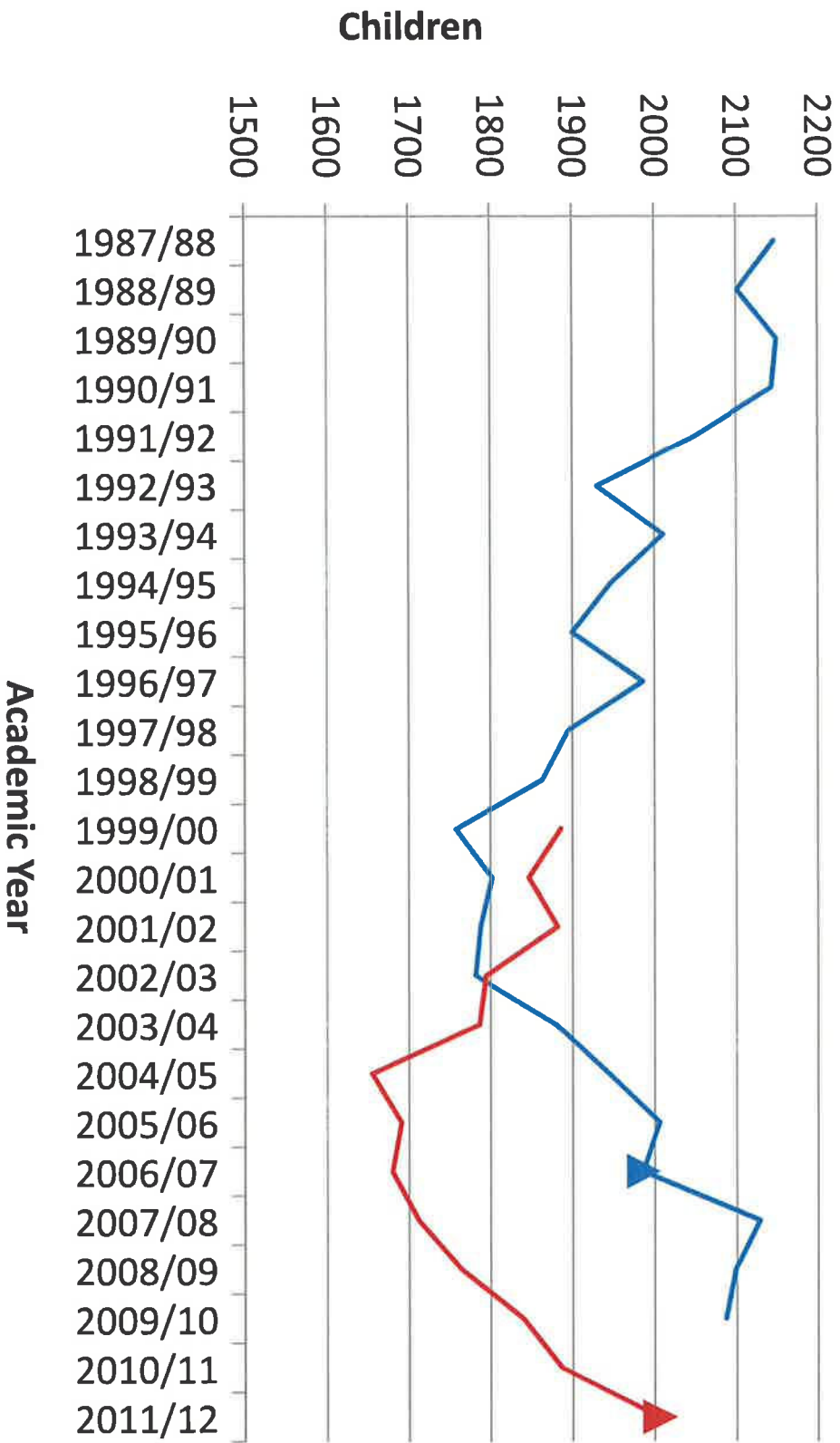
Source: Annual school census

# CYC Reception children



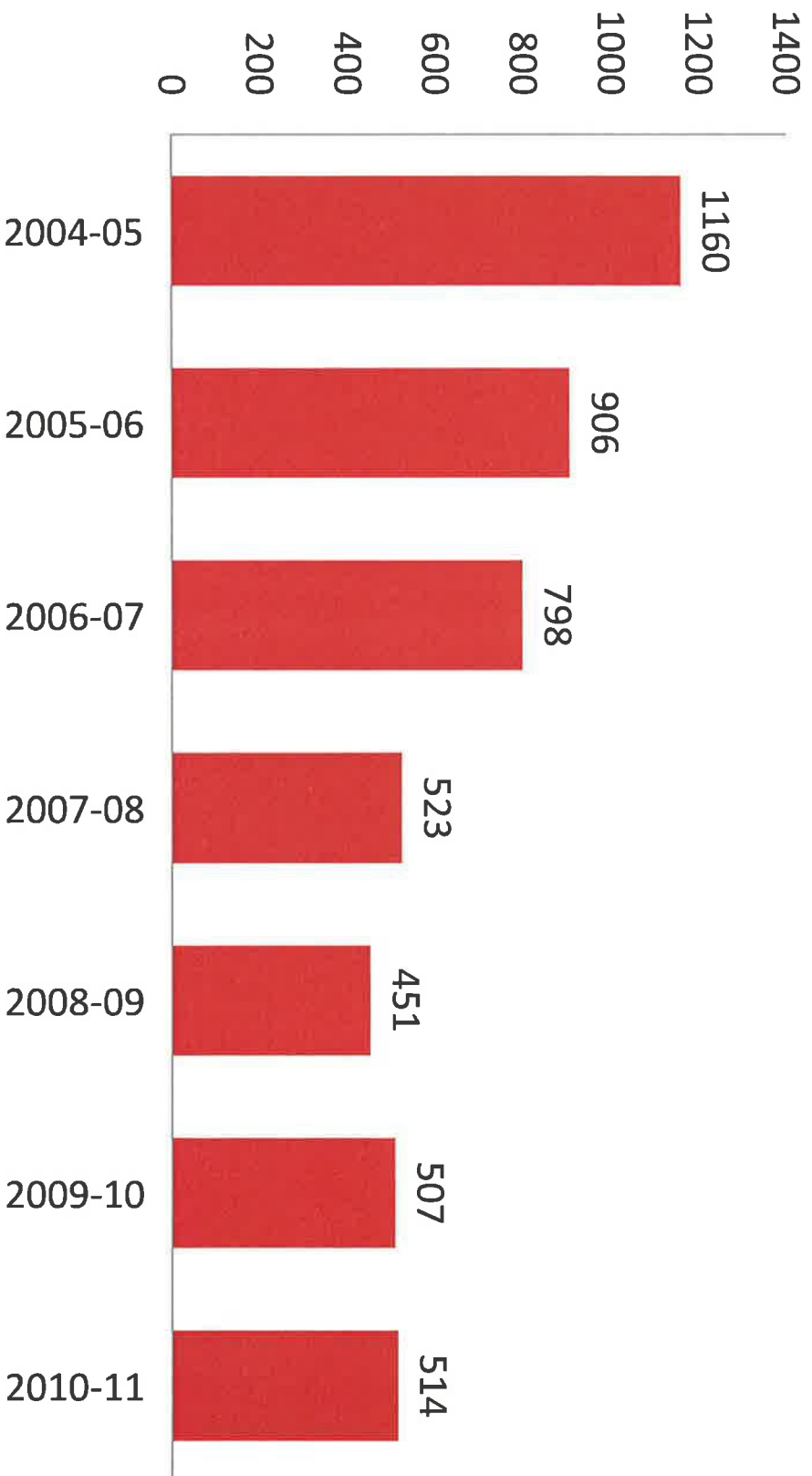
Source: Annual school census

# Cause 1: rising births



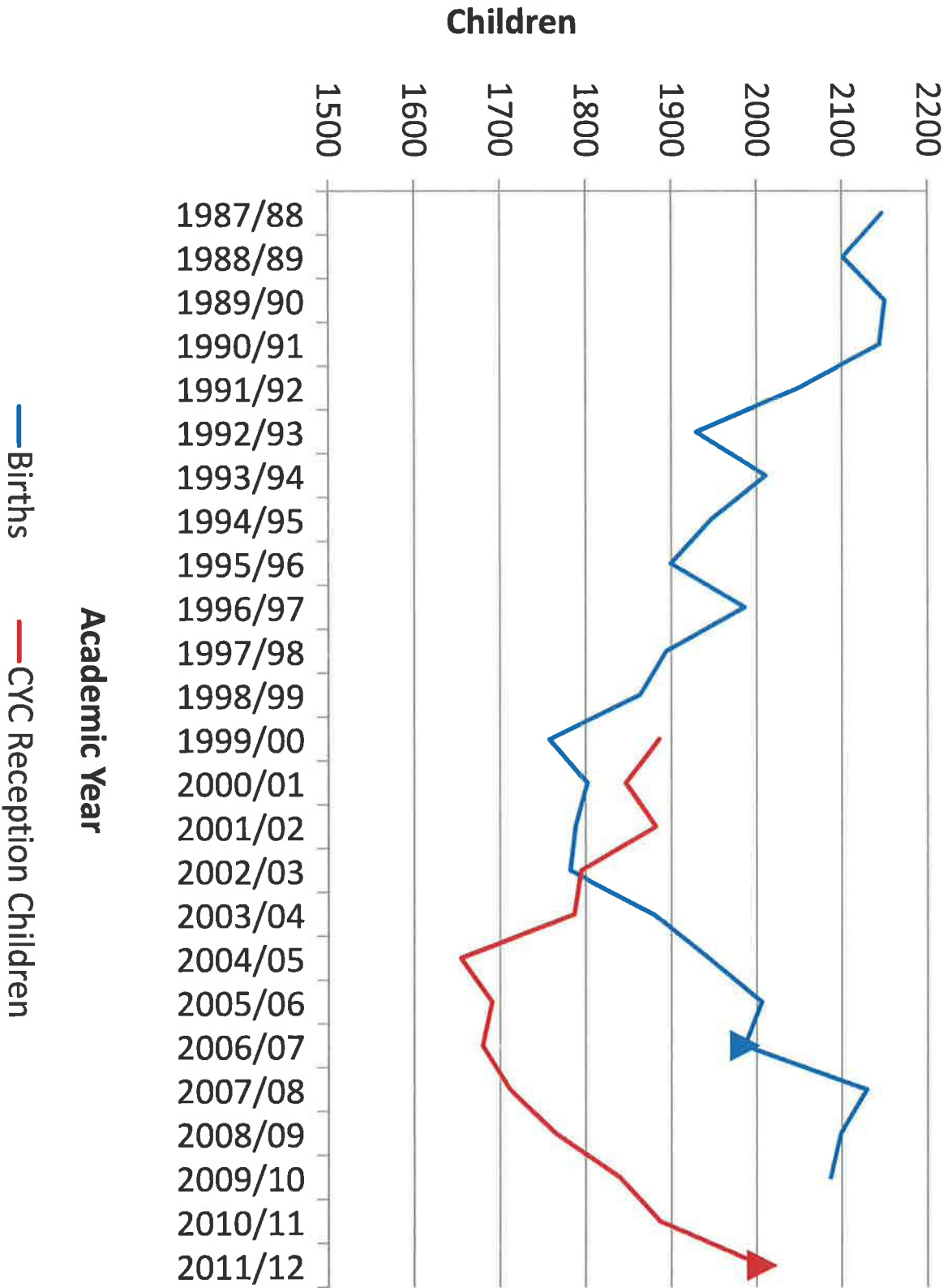
Source: ONS, annual school census

# Cause 2: New housing completions

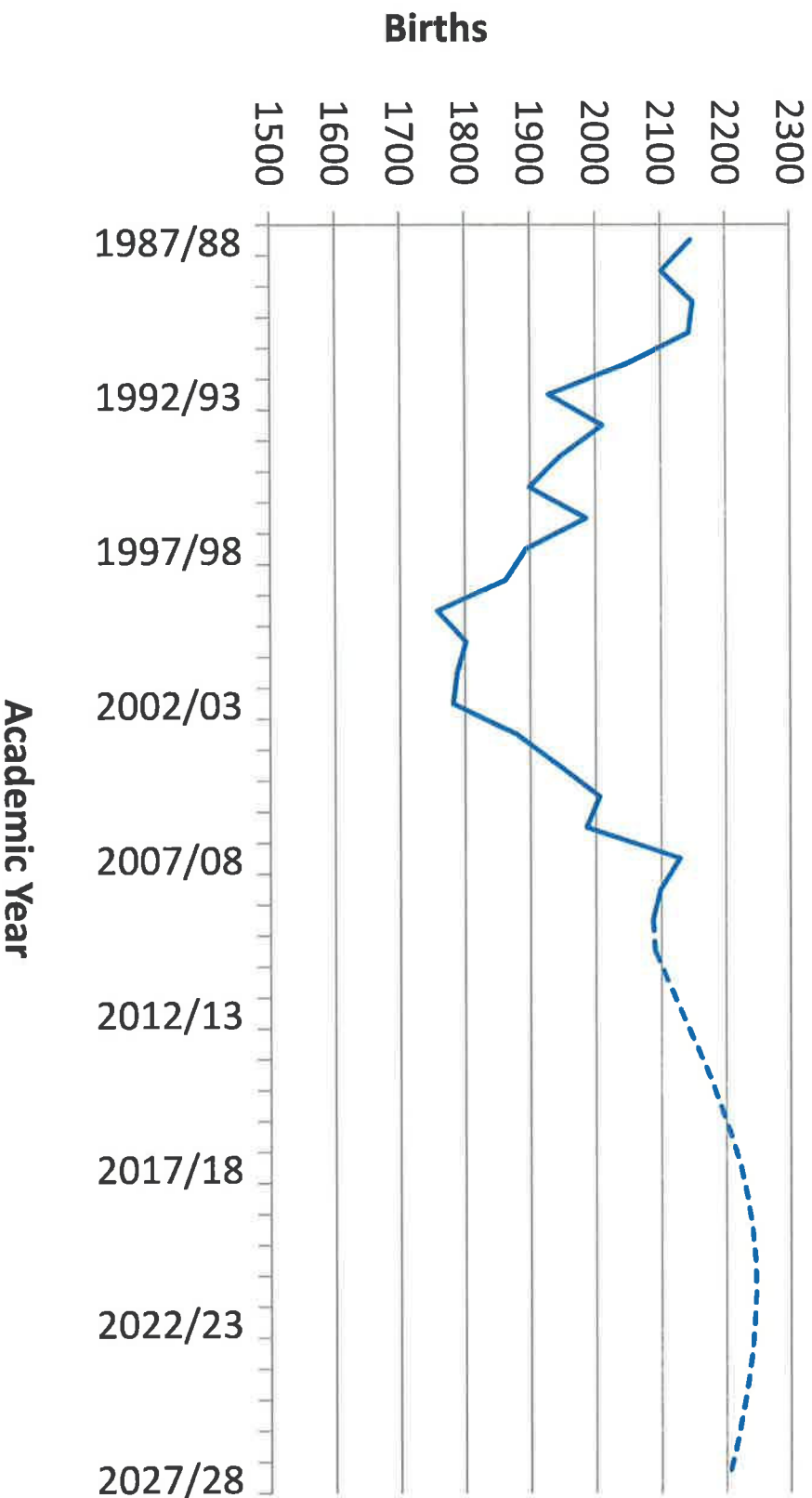


Source: City Strategy

Source: ONS, annual school census

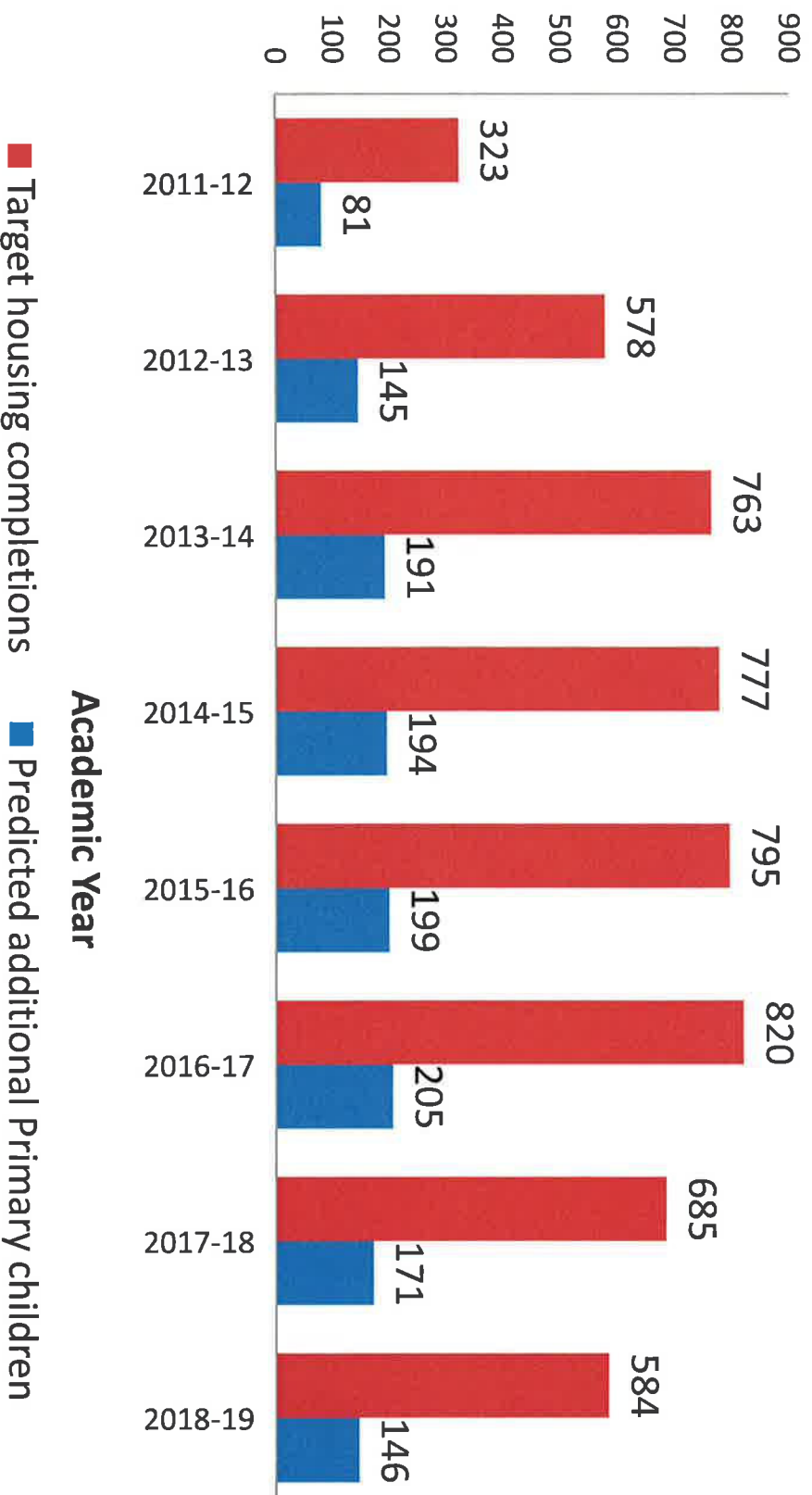


# THE FUTURE: Birth rate



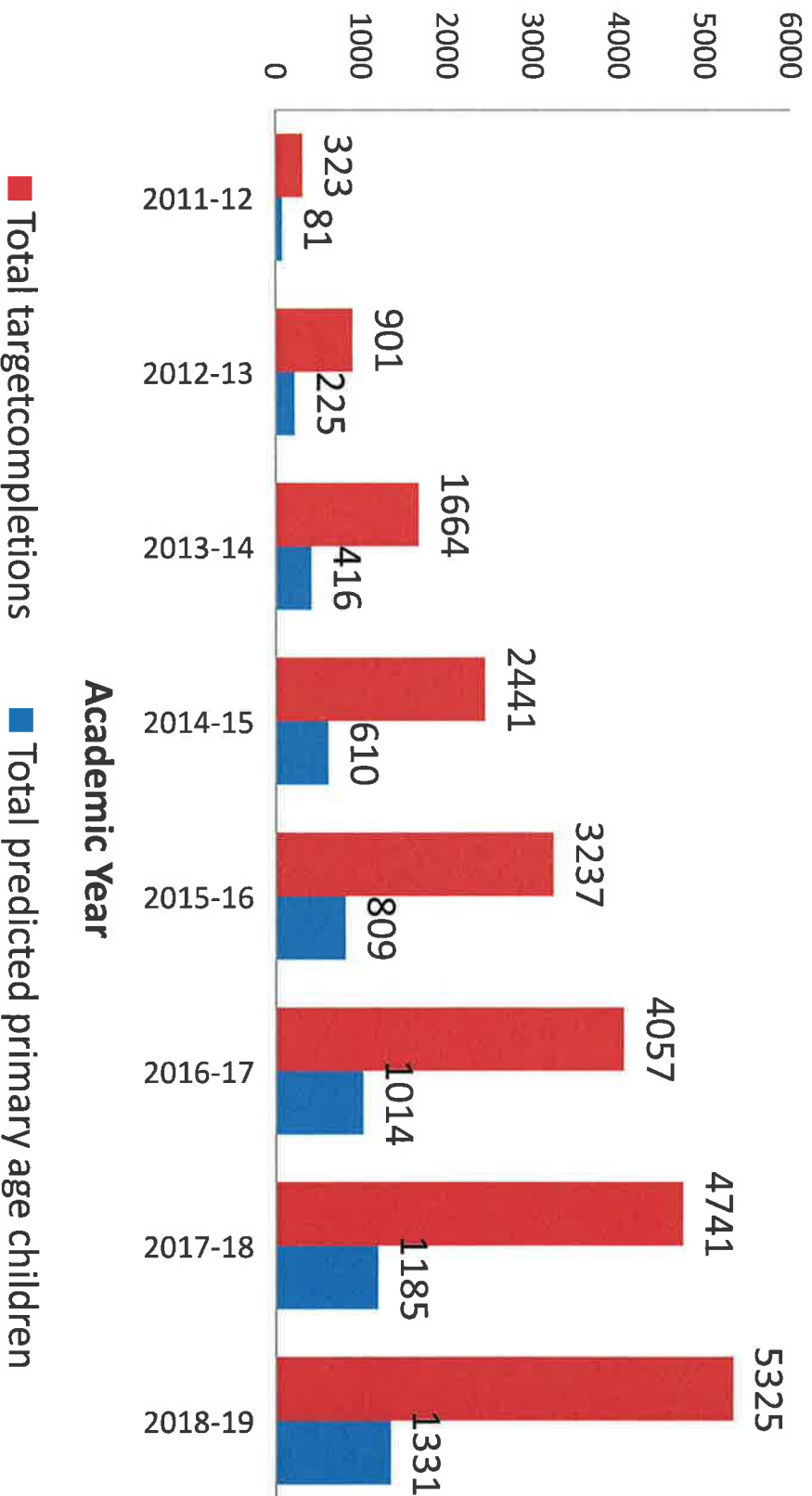
Source: ONS, CYC

# THE FUTURE: proposed new housing



Source: draft LDF, ACE

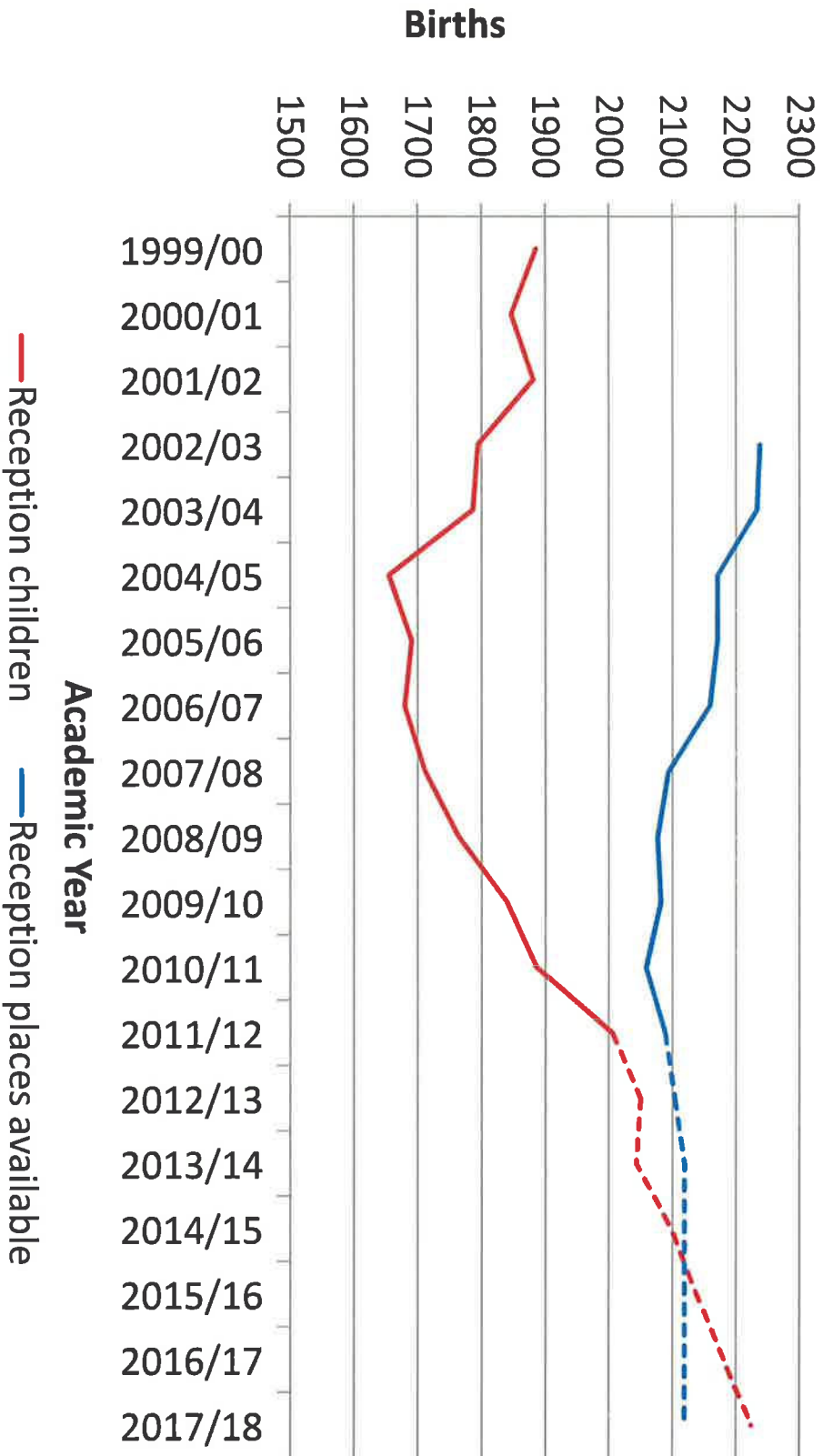
# THE FUTURE: Proposed housing (cumulative impact)



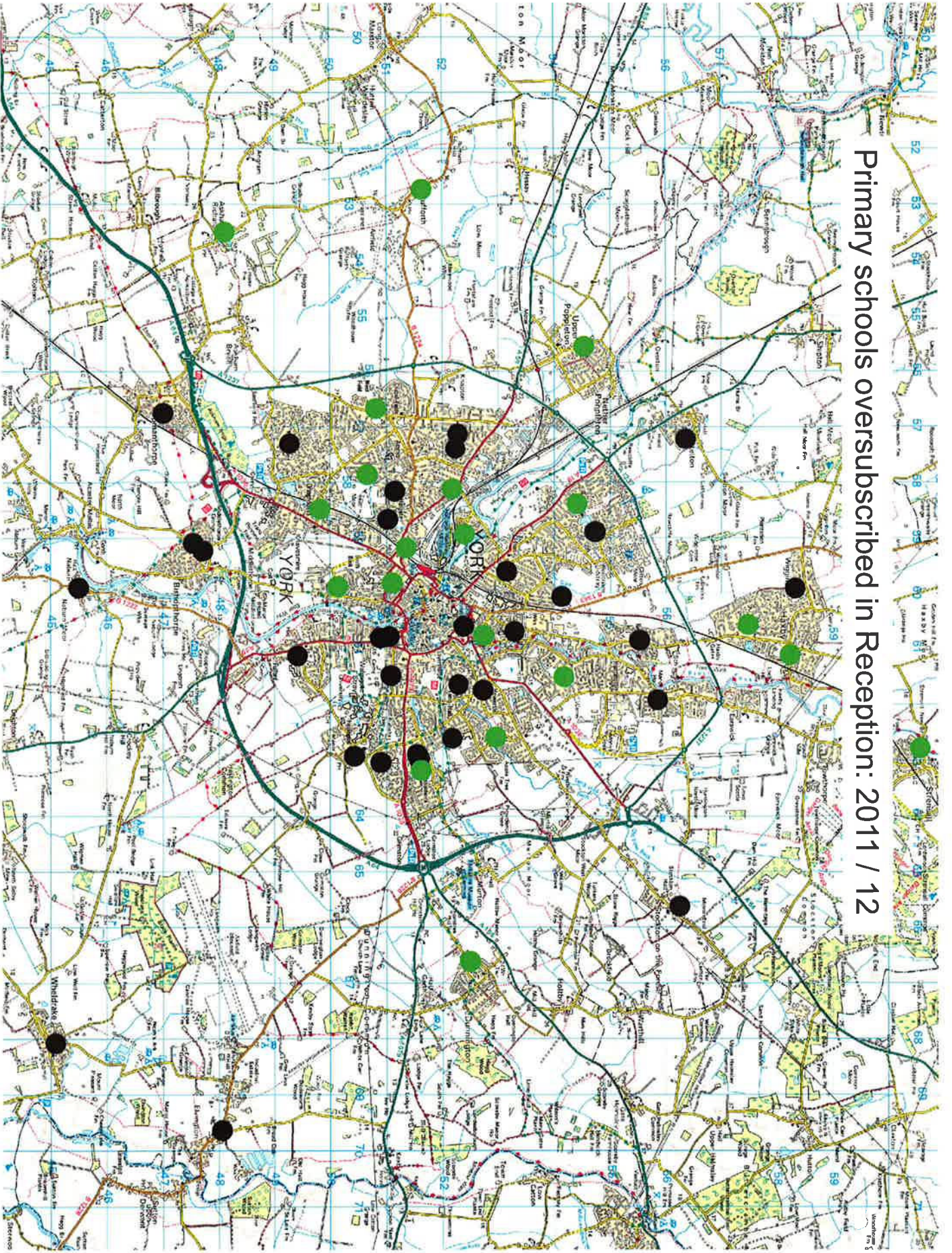
Source: draft LDF, ACE



# THE FUTURE: Impact



Primary schools oversubscribed in Reception: 2011 / 12



**DETERMINATION**

<b>Case reference:</b>	<b>ADA/001712</b>
<b>Objector:</b>	<b>Two qualified parents</b>
<b>Admission Authority:</b>	<b>City of York Council</b>
<b>Date of decision:</b>	<b>24 September 2009</b>

**Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection lodged by two qualified parents in respect of the 2010 admission arrangements for community primary schools in the City of York.**

**I determine that for September 2010 the admission arrangements shall be as determined by the City Council.**

**The referral**

1. Two qualified parents (the objectors) have referred an objection to the Adjudicator about the admission arrangements (the arrangements) made by the City of York Council (the City Council) for community primary schools for admissions in 2010, with particular regard to the relatively low priority attached to children who have siblings attending their parents' preferred school.

**Jurisdiction**

2. These arrangements were determined as required by the School Standards and Framework Act 1998 (the Act) and the School Admissions (Admissions Arrangements) (England) Regulations 2008 (the Regulations) by the City Council, which is the admission authority for community schools in the area. The objectors submitted their objection in accordance with section 88H of the Act and the Regulations. I am satisfied that this objection has been properly referred to me in accordance with section 88H of the Act, and that it

falls within my jurisdiction.

### **Procedure**

3. In coming to my conclusions I have had full regard to the Act and Regulations made thereunder, the Schools Admissions Code (the Code) and all the evidence presented so far as it is relevant to the objection. I have also had regard to the relevant provisions of the Sex Discrimination Act 1975; the Race Relations Act 1976; the Disability Discrimination Act 1995; and the Human Rights Act 1998.
4. The documents I have considered in reaching my decision include:
  - The objectors' statement of objection dated 29 July 2009
  - Comments on the objection submitted by the City Council, on 20 August with supporting documents, including a statement from the school which is the focus of the objectors' concern
  - The objectors' comments of 27 August on the City Council's statement
  - Maps of the area identifying relevant school.

### **Background**

5. The City Council first established the policies upon which its admission arrangements are based in 2002, following extensive consultation. The arrangements have subsequently been reviewed in the light of changing requirements and developing local circumstances, but the underlying policy, summarised as "local schools for local children" has been confirmed and maintained.

### **The Objection**

6. The objector makes the following points in support of their case that the arrangements are unfair and thus not compliant with the Code.
  - a. Paragraph 2.25 of the Code states that families should be at the heart of admissions systems and that the Government expects admission authorities for primary schools to take the needs of parents with young children into account in deciding which oversubscription criteria should

be used. Further, the paragraph states that admission authorities for primary schools should ensure that their oversubscription criteria enable siblings to attend the same primary school. The City Council has failed to comply with these expectations.

- b. By giving children living in a designated catchment area higher priority in the allocation of places than siblings of children already at the school, the City Council makes unreasonable demands on the parents of young children, requiring complex and onerous arrangements for accompanying their children to their schools.
- c. This has the additional adverse effect of making it more difficult for parents to play an active part in the life of their children's schools.
- d. Several Local Authorities in the area have arrangements that give higher priority to siblings. There appears to be no reason why this should not be the case in York.

### **Response by the City Council**

7. In response to the objection the City Council makes the following points.
  - a. The oversubscription criteria are fair and equitable, meet the requirements of the Code, and are appropriate to local circumstances, which include rural and urban areas.
  - b. The City Council's continuing commitment to the arrangements is based on annual reviews and consultation with the School Admissions Forum. A major consideration in this is the high proportion of families securing a place in their first preference schools (98% in 2007 and 95% in 2008).
  - c. The high priority attached to families living in designated catchment areas brings stability and predictability to the admissions process, and reinforces peer friendships.
  - d. Although some Local Authorities do operate arrangements that give higher priority to siblings, the City's neighbours in North Yorkshire and the North Riding of Yorkshire have adopted policies that are similar to those in the City of York.

## Consideration of Factors and Conclusion

8. The City Council is correct in its view that the arrangements do not contain any feature that is specifically proscribed by the Code. But there is a duty to go beyond this to ensure that the arrangements and associated policies taken as a whole are fair (paragraph 1.72 of the Code). Insofar as the arrangements operate on a consistent basis across the City, so that every family has a priority for admission to at least one local school I consider the arrangements to be fair and equitable, and therefore compliant with the mandatory requirement of the Code set out in paragraph 1.72.
9. On the important but narrower point of the priority to be afforded to siblings, it is important to note that the relevant section of the Code does not refer to a mandatory requirement, but to feature that admission authorities should seek to include. In broad terms this means that the absence of such a feature can be acceptable if the admission authority has cogent reasons for this. The arguments put in support of the arrangements by the City Council are persuasive, although not in themselves conclusive. The Code supports the City Council's aspiration that parents be as clear as possible about their chances of securing a place in a particular school; that the arrangements should be as simple as possible; and that schools should serve their local communities.
10. In circumstances where families attach the highest importance to their children attending the same primary school, whether for the reasons given by the objectors or for other reasons, it is open to them to apply for places at their catchment area school where they can be more confident that both/all their children will be offered places.
11. I note that, although higher priority is attached to children living in a school's catchment area, sibling connections are included in the oversubscription criteria. The City Council has taken this issue into account and attached some weight to it, insofar as this is consistent with its wider policy on admissions.

12. Finally I would observe that, whilst the Code does encourage priority for siblings in primary school admission arrangements, it also prohibits the use of a sibling criterion that unfairly disadvantages other families (paragraph 2.24). Where an over-subscribed school gives a higher priority to siblings than to children living in the catchment area, it can quickly reach the point where it is unable to accommodate all applicants living in the catchment area, thereby undermining the benefits of a catchment area and introducing a perception of unfairness.

### **Determination**

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection lodged by two qualified parents in respect of the 2010 admission arrangements for community primary schools in the City of York.

I determine that for September 2010 the admission arrangements shall be as determined by the City Council.

Dated: 24 September 2009

Signed:

Schools Adjudicator: Andrew Baxter

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### **COMPARISON OF OVERSUBSCRIPTION CRITERIA IN SIMILAR SIZED/NEIGHBOURING LOCAL AUTHORITIES**

In Priority Order:

LA Areas	Oversubscription Criteria						Priority given to...				Appeals		% allocated their first preference 2011/12	
	Looked After	Exceptional/ Social/ Medical	Catchment and Sibling	Siblings	Catchment	Distance (all others) - Straight Line	Distance (all others) - Safe Walking	Catchment, or Sibling	Straight Line Distance, or Safe Walking Distance	% that appealed	% appealed and successful			
Bury	1			2			3			x	x	5.4%	1.7%	93%
C West/Chester	1	2		3	4	5				x		4.5%	1.6%	*
East Riding	1			3	2	4				x		0.6%	0.2%	97.4%
Lancashire	1	2		3		4				x		3.2%	1.3%	90%
North Yorkshire	1	2			3		4				x	2.0%	1.6%	95.1%
Staffordshire	1	4		3	2	5				x		1.3%	0.3%	92.6%
Stockport	1	2	3	5	4	6				x		2.8%	1.3%	89%
Swindon	1			2	3	4				x		1.5%	0.3%	*
Trafford	1		2	4	3	5				x		2.4%	0.7%	*
Warrington	1	3		2		4					x	1.6%	0.4%	88%
Warwickshire	1		2	4	3	5				x		2.7%	1.5%	*
York	1	3		4	2		5				x	0.9%	0.3%	92.9%

Major differences

Bury - No Catchment Areas	Staffordshire - Siblings prioritised
C West/Chester - Siblings prioritised	Swindon - Siblings prioritised
Lancashire - No Catchment Areas	Warrington - No Catchment Areas

\*could not supply data

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## **HOME TO SCHOOL AND COLLEGE TRANSPORT**

A summary of the duties placed on a local authority

Published October 2011

## 1 Introduction

- 1.1 This document has been drafted in response to a request from the Yorkshire and Humberside Association of Directors of Children's Services to provide a summary of the legal framework relating to home to school transport. Officers from six local authorities (Barnsley, East Riding of Yorkshire, Hartlepool, North Yorkshire, Rotherham and Wakefield) met to draft the following summary of the duties local authorities have to carry out to discharge their statutory obligations to provide transport and support for the costs of transport to help children and young people travel to and from schools or colleges.
- 1.2 Practices vary significantly from one local authority to another. Those practices can be affected by structural, organisational, geographical and financial considerations which lead to different aspects of transport provision being grouped by different local authorities under the heading of home to school and college transport. The following document describes the consensus view of local authority officers on what constitutes local authorities' legal obligations to provide home to school and college transport.

## 2 Purpose of the document

- 2.1 Local authorities' duties to provide transport to help children of compulsory school age and students in further education to get to and from their places of learning are determined by legislation and case law. Local authorities also must have regard to statutory guidance issued by the Department for Education.
- 2.2 Financial pressures, both national and local, have led to local authorities increasingly reviewing their arrangements for the provision of home to school and college transport to identify efficiencies and savings. Rationalising transport services through more efficient planning of routes and changes in tendering arrangements can significantly increase efficiency and reduce costs. Reducing the range of children and students entitled to receive support for transport can also reduce local authority costs.

- 2.3 Given the different practices in place in different authorities, it is not always clear what transport provision is a legal obligation on a council and what is at the council's discretion. The aim of this document is therefore to provide a summary of local authorities' legal obligations and discretionary powers to provide home to school and college transport. The document is not formal legal advice but is a summary of the agreed views of the local authority representatives who contributed to its drafting. A list of the local authority officers who have contributed to the drafting of this document is shown in Appendix 1.

### 3 Legislation

- 3.1 The legislation which places a duty on the local authority to provide free home to school transport is contained principally in the Education Act 1996 as amended by later legislation including the Education Act 2002 and the Education and Inspections Act 2006.
- 3.2 Local authorities have a duty to provide free home to school transport for eligible children of compulsory school age living in the local authority's area. There is no legal obligation to provide free transport for children who are below or above compulsory school age. Compulsory school age is defined in section 8 of the Education Act 1996 and in associated regulations<sup>1</sup>. The table below shows the dates on which children reach compulsory school age.

Child's fifth birthday (inclusive dates)		Child reaches compulsory school age
From	To	
1 September	31 December	1 January
1 January	31 March	1 April
1 April	31 August	1 September

- 3.3 A child reaches the end of compulsory school age on the last Friday in June in the school year in which the child reaches sixteen years of age.
- 3.4 The principal legal reason for the duty to provide home to school transport is to ensure that the local authority can enforce school attendance. Parents are responsible for

<sup>1</sup> The Education (Start of Compulsory School Age) Order 1998 (SI 1998/1607)  
The Education (School Leaving Date) Order 1997 (SI 1997/1970)

ensuring that their child attends school regularly. However, Section 444(3B) of the 1996 Act states that the child shall not be taken to have failed to attend regularly at the school if the parent proves that:

*“... the local authority has a duty to make travel arrangements in relation to the child under Section 508(1) for the purpose of facilitating a child’s attendance at the school and have failed to discharge that duty.”*

- 3.5 Section 508B of the 1996 Act sets out the duty to provide free travel arrangements for ‘eligible children’ to ‘qualifying schools’ (see below). Where a child is eligible to free transport, no charge can be made in connection with free travel arrangements in any respect.
- 3.6 Home to school transport only has to be provided to get the child to and from their registered school for the beginning and end of the normal school day. Local authorities are not responsible for providing transport for journeys during the course of the day between educational institutions, to a work placement or to help a child attend a course outside the times of the normal school day.

### **3.7 Categories of eligible children**

Schedule 35B of the 1996 Act defines ‘eligible’ children. The following categories of children of compulsory school age are entitled to free transport to help them to get to and from school:

***Children with special education needs, a disability or mobility problem.*** These are children who are within the statutory walking distance to school, however the nature of their difficulties prevents them from walking to school.

***Children who live within the statutory walking distance to school, however there is no suitable available route.***

The statutory walking distances are set out in Section 444(5) of the 1996 Act:

- (a) for a child under the age of 8 years - 2 miles;
- (b) for a child aged 8 years and over - 3 miles.

Statutory guidance issued in 2007 (see below) states that, if a local authority assumes that a child is accompanied by a parent on the walk to and from school, any disability a parent may have which prevents them accompanying their child

must be taken into account when assessing whether or not the route is suitable.

***Children who live outside the statutory walking distances and no suitable school place is available nearer to their home.***

***Children entitled to free school meals, or whose parents are in receipt of their maximum level of Working Tax Credit.***

The following categories of children from low income families are entitled to free transport:

- (a) children aged 8, but under the age of 11 who are attending their nearest school and the distance to that school is more than 2 miles;
- (b) children who are 11 or over who attend one of their three nearest secondary schools and the school they attend is over 2 miles but under 6 miles from where they live;
- (c) secondary school children whose parents have expressed a preference for the nearest suitable school based on their religion or belief, where they live over 2 miles but less than 15 miles from that school.

### **3.8 Qualifying schools**

An eligible child must be attending a qualifying school to have a statutory entitlement to free transport. Under Schedule 35B of the 1996 Act qualifying schools are:

- community
- foundation
- voluntary
- community special
- foundation special
- approved under section 342 (non-maintained special school)
- pupil referral unit
- maintained nursery school
- city technical college
- city college for the technology of the arts
- academy

Additionally, section 444 of the Education Act 1996, as amended by the Education and Inspections Act 2006, includes provision for the parents of a child attending an independent school to have grounds for not sending their child to the school if they can show that the school is not

within walking distance and the local authority has not made arrangements for the child to become a registered pupil at a qualifying school nearer to the home. In these circumstances, the local authority would have a liability to provide free home to school transport.

### **3.9 Travel arrangements for other children**

Local authorities have discretionary powers to provide home to school and college transport. Section 509C of the 1996 Act provides a local authority with the following power to:

*“... make such school travel arrangements as they consider necessary, in relation to any child..... for the purpose of facilitating the child’s attendance at any relevant educational establishment...”*

This section of the Act gives a general power to a local authority to make travel arrangements for any child or groups of children who are not within any of the categories of ‘eligible child.’ In other words, a local authority can fund any travel arrangements it wishes for children who are not entitled to receive it under the legislation. Such transport is therefore discretionary and can be discontinued. Transport provided as a discretionary provision does not have to be free of charge. Any fares or charges made should be reasonable and equitable.

## **4 Statutory Guidance**

- 4.1 In 2007, the Secretary of State issued guidance to which local authorities have a statutory duty to have regard. This guidance has not been updated but remains in force. The guidance outlines statutory provisions and gives recommendations on good practice. Guidance is also issued by the Young People’s Learning Agency on provision for students of sixth form age.

## **5 Early Years**

- 5.1 A local authority is not under any statutory duty to provide free travel assistance for pupils below compulsory school age who are attending an early years setting. Parents have a right for their child to access early years education. This



does not have to be provided in a school and can be accessed through a number of different means including nurseries and childminders in the maintained, private, voluntary or independent sectors. In certain cases, a local authority may determine that free travel should be provided because, if it was not provided, the child would be prevented from accessing their statutory entitlement to early years education. Additionally, a child with a statement of special educational needs whose educational needs can only be catered for at a special school or at an early years setting with special facilities, may also be provided with free transport to that school or setting if they would otherwise be denied access to their entitlement to early years education.

- 5.2 A local authority is not under a statutory duty to provide free transport for a child below compulsory school age who is on roll in the Reception year group and is attending full time at a school. The obligation to provide free transport for eligible children only takes effect when the child reaches compulsory school age.

## 6 Transport to a Denominational School

- 6.1 Section 509AD of the 1996 Act places a duty on local authorities in fulfilling their duties in relation to travel, to have regard to the wish of the parent for their child to attend a school on the grounds of the parent's religion or belief. Although Section 509AD states that "*a local authority in England must have regard, amongst other things ..... to the parents' religion or belief based on preference,*" arrangements for transport under this section are discretionary and need not be implemented or can be discontinued.
- 6.2 There is a statutory duty to make travel arrangements for secondary school children from low income families who are attending the nearest suitable school preferred on the grounds of religion or belief, where they live more than 2 miles, but not more than 15 miles from that school (see paragraph 3.7).

## 7 Post 16 Transport

- 7.1 There is no statutory requirement to provide free transport for students who are beyond compulsory school age, including students with special educational needs. As noted in paragraph 3.3, a student reaches the end of compulsory school education in the school year in which they reach sixteen years of age. There is a statutory duty to ensure that students are not denied access to education because of a lack of transport. If a local authority identifies a need to provide transport for post 16 students, it does not have to be provided free of charge. If charges are to be made, they should be reasonable and applied equitably.
- 7.2 Section 509AA of the 1996 Act requires a local authority to prepare and publish for each academic year, a transport policy statement specifying what arrangements are in place for facilitating the attendance of young people of sixth form age receiving education or training:
- (a) at schools;
  - (b) at institutions of further education and higher education maintained and assisted by the local authority;
  - (c) at any institution within the further education sector;
  - (d) at institutions provided for persons aged 19 to 25 with a learning difficulty assessment.
- 7.3 Unlike the travel arrangements for children of compulsory school age, the legislation does not specify what must be provided. The decision to determine what is necessary falls to the local authority. In determining what transport or support should be provided, local authorities should note the following points:
- that the education or training a student is undertaking must be full time;
  - that the arrangements apply equally to students attending maintained schools and those attending other establishments, e.g. colleges; and
  - students of sixth form age have access to transport and financial support for transport from other sources, including the school, college or other establishment they attend.

## 8 Legislation into Policy

8.1 When determining home to school and college transport policies, local authorities have to consider and address a number of issues which are extraneous to the statutory provisions. These include definitions of terms and practices, such as: how home to school and college distances are measured; identifying the home address; how hazardous routes are assessed; journey times; and what sort of transport will be provided. A more detailed list of some of the issues and factors local authorities need to take into account is shown in Appendix 2. For many of these issues there is no single, clear answer. Each authority will need to take into account case law, guidance, best practice and their own legal advice.

## 9 Duty to Consult on Changes and to Publish Policy

### 9.1 Consultation

Local authorities have to consult on significant changes to their policies, particularly if entitlement to transport is being withdrawn. Guidance on best practice indicates that any consultation period should be at least 28 days during term time. A longer period should be considered depending on the extent and nature of the changes being proposed. Guidance also states that “all interested parties” should be consulted and legislation<sup>2</sup> requires that local authorities consult students where changes are proposed to the policy provisions for students of sixth form age.

### 9.2 Publishing Policy

Home to school transport policies for children of compulsory school age must be determined in time to be included in the information made available for parents applying for school places in the normal admissions round<sup>3</sup>. This means that the home to school transport policy for a given school year must be determined and published at least a year before the start of the school year in which the policy takes effect. For example, policies to be implemented in the 2013/2014 school year must be included in the information for the normal admissions round which is published and disseminated in September 2012. Given the lead-in time to the drafting and printing of composite prospectuses, the 2013/2014 transport policy would normally have to be determined in May 2012, with consultation having been conducted in the spring term 2012. Information about the support available for transport for students of sixth form age has to be published by the end of the May preceding the academic year to which the information relates.

### 9.3 Implementing Policy Changes

The 2007 guidance from the Department for Education suggests that policy changes should be phased in, with the changes implemented for pupils as they start at the relevant schools. However, this is not a legal requirement.

## 10 Appeals

<sup>2</sup> Apprenticeships, Skills, Children and Learning Act 2009

<sup>3</sup> The School Information (England) Regulations 2008

- 10.1 Unlike appeals for admission to school, there is no legislation providing for transport appeals. Statutory guidance states that local authorities should have in place a robust appeals procedure for parents to follow should they have cause for complaint or disagreement concerning eligibility of their child for travel support. Local authorities should be able to show that individual cases can be considered and that decisions on individual cases are rational and reasonable.

**Drafting Group**

Steve Brailsford – Barnsley  
Steve Attwood – East Riding of Yorkshire  
Paul Robson – Hartlepool and ATCO  
Cindy Grundy – North Yorkshire  
Craig Ruding – Rotherham  
Dave Atkins – Wakefield

## **Non-statutory Factors Which Affect Policy Provision**

***Distance Measurement*** – local authorities can define how they measure the distance from the child's home to the school or college they attend, including what routes are acceptable (footpaths, alleyways etc), starting and finishing points (door to door, gate to gate), what measuring systems are used etc. The same method must be used for all cases and the method should be reasonable and justifiable

***Definition of Home Address*** – the arrangements made for a child's care can be complicated and may involve a child being accommodated at more than one address. A policy would need to specify what address is used to determine a child's eligibility for transport.

***Hazardous Route*** – the policy should explain how the suitability of routes are assessed.

***Respite Care*** – local authorities should determine whether transport to and from school for children in respite care will be provided under the home to school transport policy, through other policies or by parents and carers.

***Journey Times*** – the statutory guidance suggests that best practice is for journey times to be limited to 45 minutes each way for primary school children and 75 minutes for those at a secondary school. Shortening the maximum journey times has implications for the costs of providing transport.

***Provision of Passenger Assistants*** – the transport provided by a local authority has to be reasonable and suitable for the children being carried. Local authorities have to make their own assessment of the transport provided and the needs of the children concerned to determine whether or not passenger assistants should be provided.

***Nature of Transport Provided*** – it is for the local authority to determine the most appropriate and cost effective method for transporting children to school. Issues relating to the operation of the transport organised include:

- ***seat belts***, certain forms of transport do not have to have seat belts. Insisting on seat belts being

available on all transport increases the cost of providing or contracting that transport;

- **identification for drivers and passenger assistants**, including the provision of uniforms and identification badges etc can increase costs;
- **provision of child seats in taxis**, the local authority might provide child seats or include the provision in the contract with the operator.

**Session Times** – changes to school session times can significantly increase the costs of providing home to school transport. Current provisions allow local authorities to charge any additional costs resulting from a change in session times at community, foundation, voluntary aided and voluntary controlled schools. The situation with regard to academies is unclear.



***Distances to Pick Up Points*** – local authorities can specify that children are expected to walk a reasonable distance to meet the transport organised for them. The longer the distance, the more flexibility there is in planning and organising transport. However, the distance a child has to walk must be reasonable.

***Attendance at an Establishment other than the Child's Registered School*** – transport normally only has to be provided to a child's registered school. Providing transport to alternative establishments increases costs.

***Federations*** – each of the schools in a federation retains its status as a separate school and a child will normally be a registered pupil at just one of the schools in a federation.

***Split Site Schools*** – the policy should set out how a child's eligibility for transport will be assessed when a child attends a school which is on more than one site.

***Provision of Financial Support and Mileage Rates*** – in certain circumstances, transport costs can be reduced if parents agree to transport eligible children themselves.

***Links to Other Policies and Council Services*** – transport policies have direct and indirect effects on other local authority policies and services, including:

- ***school admissions and school organisation***, home to school and college transport policies can undermine school admission arrangements (including the Fair Access Protocol) and the planned provision of school places
- ***special educational needs***, a child has to be able to attend a school which can cater adequately for their special needs
- ***behaviour management***
- ***Local Transport Plans***, including sustainable travel and transport and the arrangements for public services
- ***school travel plans***
- ***education welfare and attendance***
- ***safeguarding arrangements***
- ***arrangements for Traveller children***
- ***arrangements for other special categories of children***, including schoolgirl mothers, looked after children, asylum seekers etc



## Demographics Scrutiny Review - Denominational / SEN Transport Analysis

Secondary Schools	Provision	Number of pupils by current NC Year											
		Year 7				Year 8				Year 9			
		Pupils	Cost	of which...		Pupils	Cost	of which...		Pupils	Cost	of which...	
				FSM	SEN			FSM	SEN			FSM	SEN
All Saints RC	Bus - Public Service	16	3888	0	0	15	3645	0	0	16	3888	0	0
	Private Hire Denom	0	0	0	0	2	5065	0	0	1	2533	0	0
	Private Hire SEN	1	1520	0	1	0	0	0	0	1	2964	1	1
	Total	17	5408	0	1	17	8710	0	0	18	9385	1	1
Archbishop Holgate's CE	Bus - Public Service	4	972	0	0	1	243	0	0	0	0	0	0
	Private Hire Denom	0	0	0	0	0	0	0	0	0	0	0	0
	Private Hire SEN	1	2153	0	1	0	0	0	0	4	20011	0	0
	Total	5	3125	0	1	1	243	0	0	4	20011	0	0
Manor CE	Bus - C3	13	4348	0	0	7	2341	0	0	15	5017	1	0
	Bus - M2	10	3135	1	0	3	940	0	0	7	2194	0	0
	Bus - Public Service	2	486	1	0	2	486	0	0	3	729	0	0
	Private Hire Denom	0	0	0	0	5	7125	0	0	0	0	0	0
	Private Hire SEN	1	2897	0	1	1	3420	0	1	2	7473	0	0
	Total	26	10866	2	1	18	14312	0	1	27	15413	1	0
	Total SEN Costs	3	6570	0	3	1	3420	0	1	7	30448	1	1
	Total Denom Costs	45	12829	2	0	35	19845	0	0	42	14361	1	0

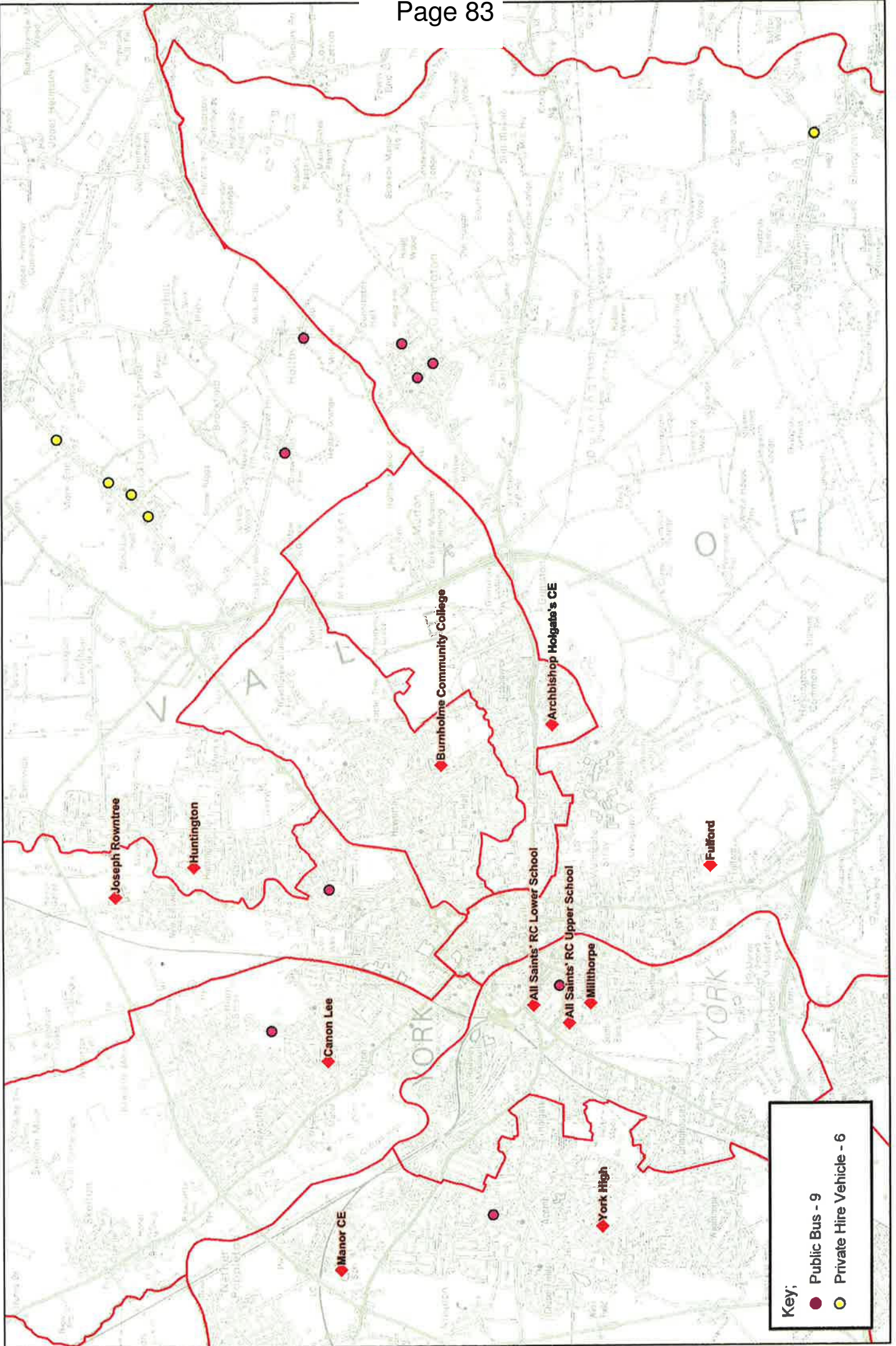
FSM - Free School Meals

Secondary Schools	Provision	Number of pupils by current NC Year											
		Year 10				Year 11				Total For All Years			
		Pupils	Cost	of which...		Pupils	Cost	of which...		Pupils	Cost	of which...	
				FSM*	SEN			FSM	SEN			FSM	SEN
All Saints RC	Bus - Public Service	15	3645	0	0	16	3888	1	0	78	18954	1	0
	Private Hire Denom	1	2533	0	0	4	10131	0	0	8	20262	0	0
	Private Hire SEN	1	2964	0	0	0	0	0	0	3	7448	1	2
	Total	17	9142	0	0	20	14019	1	0	89	46664	2	2
Archbishop Holgate's CE	Bus - Public Service	0	0	0	0	3	729	0	0	8	1944	0	0
	Private Hire Denom	2	12236	0	0	2	7372	0	0	4	19608	0	0
	Private Hire SEN	0	0	0	0	2	4053	0	2	7	26217	0	3
	Total	2	12236	0	0	7	12154	0	2	19	47769	0	3
Manor CE	Bus - C3	11	3679	0	0	7	2341	0	0	53	17726	1	0
	Bus - M2	11	3448	0	0	7	2194	1	0	38	11911	2	0
	Bus - Public Service	3	729	0	0	1	243	0	0	11	2673	1	0
	Private Hire Denom	4	7647	0	0	3	5272	0	0	12	20044	0	0
	Private Hire SEN	3	10480	0	3	1	2375	0	1	8	26645	0	6
	Total	32	25983	0	3	19	12425	1	1	122	78999	4	6
	Total SEN Costs	4	13444	0	3	3	6428	0	3	18	60310	1	11
	Total Denom Costs	47	33917	0	0	43	32170	2	0	212	113122	5	0

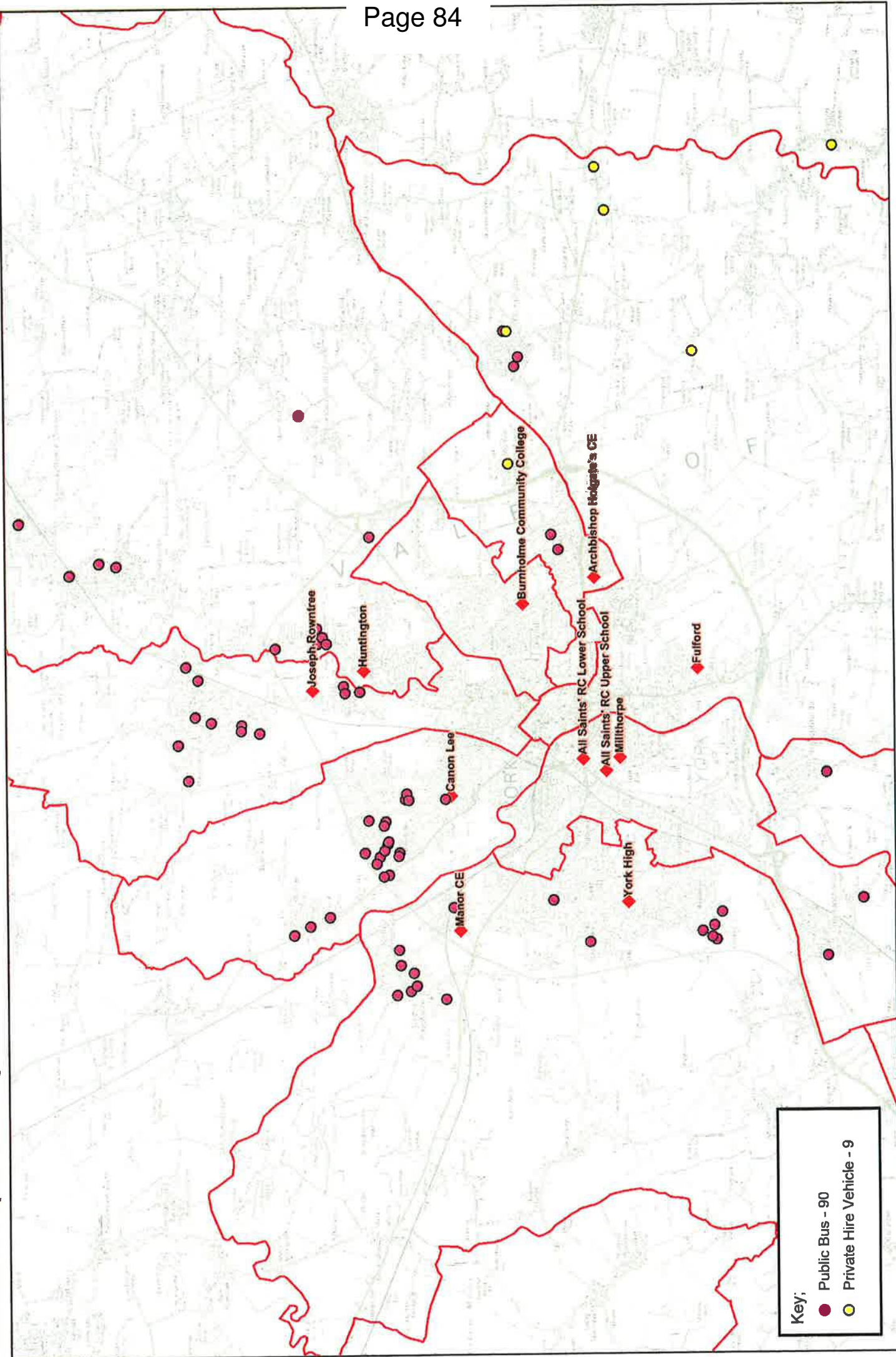
FSM - Free School Meals

Primary Schools	Provision	Reception		Year 1		Year 2		Year 3		Year 4		Year 5		Year 6		Total	
		Pupils	Cost	Pupils	Cost	Pupils	Cost	Pupils	Cost	Pupils	Cost	Pupils	Cost	Pupils	Cost	Pupils	Cost
St Wilfrid's RC	Denominational	8	5639	3	2115	8	5639	11	7753	12	8458	7	4934	8	5639	57	40177
	Private Hire SEN	0	0	1	3800	0	0	0	0	0	0	0	0	0	0	1	3800

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Location of Pupils Currently Receiving Transport to Attend All Saint's RC Secondary School

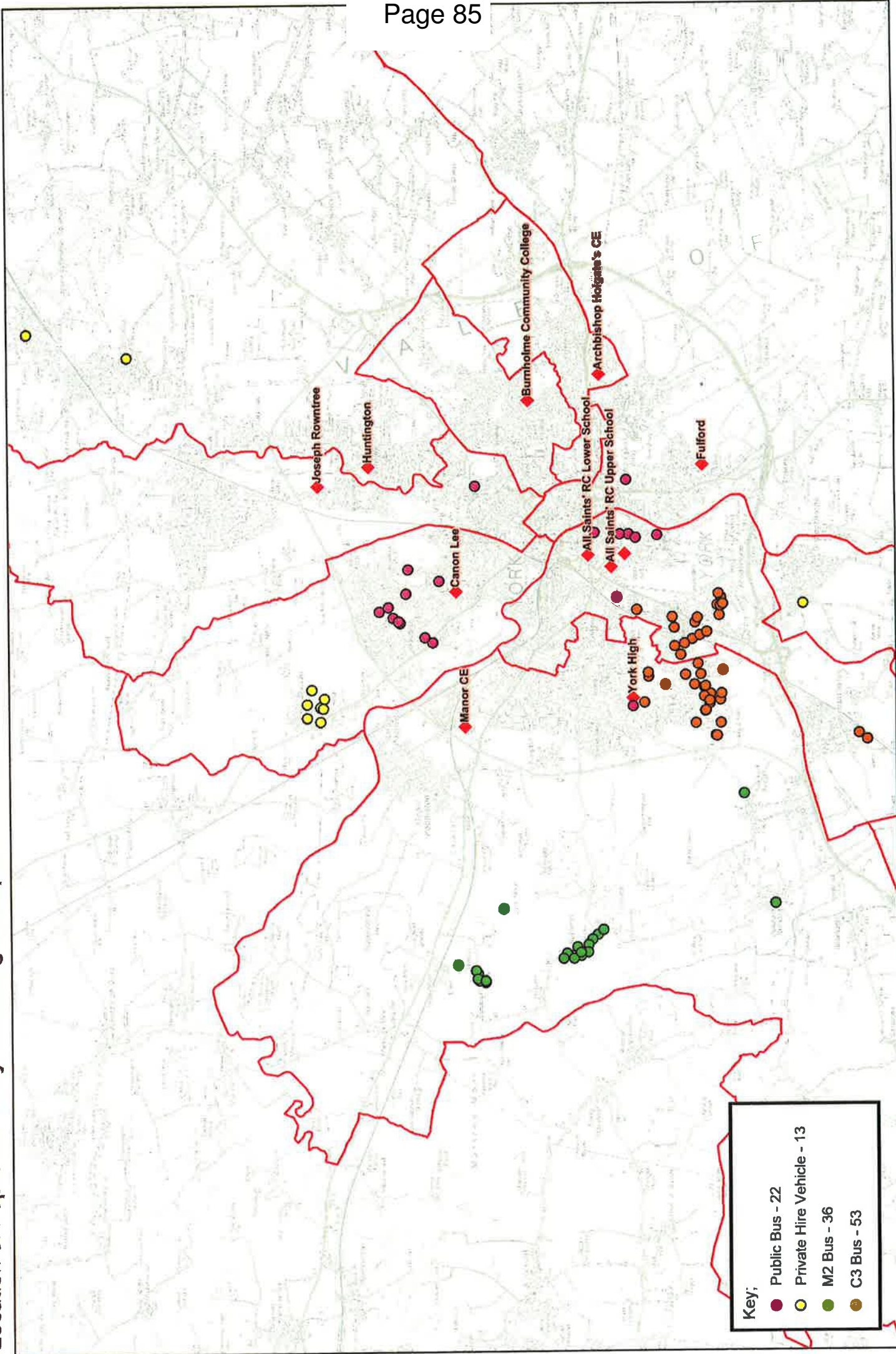


**Key;**

- Public Bus - 90
- Private Hire Vehicle - 9



Location of Pupils Currently Receiving Transport to Attend Manor CE School



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## Demographics Scrutiny Review

### Feedback from East Riding of Yorkshire Council on their Withdrawal of Free Denominational Transport

#### Question

**Did you phase denominational transport out or withdraw the assistance outright – and if so, how quickly did you withdraw it/did you phase it out – by year on year or did you keep it for certain year groups – years 10&11 etc?**

Response - We actually stopped providing free transport in 2002 when we introduced a charge of 25p each way. The Council decided to phase out support for denominational transport from September 2005 onwards. All those who were receiving support in the 2004/2005 school year continued to get support on the same basis until they left that particular school. The Council also agreed to provide support on the same basis for any younger siblings of those entitled to continue to receive support who started at the same school while the older sibling was still there. This meant that, in theory, the last child entitled to receive support would potentially not finish until 2017. However, in practice, the numbers receiving support have dropped much faster.

#### Question

**Did you continue to run school buses and recharge parents for concessionary fares, did you subsidise any withdrawn routes, or provide no further assistance? Did you provide any allowance that you would have to pay transport costs into their catchment school anyway – and thus the parent only paid the difference?**

Response - We provided transport services only for the numbers entitled to receive support. Any spare seats were then made available for fare-paying passengers to use. There was a bit of a delay in the policy change having an effect on our costs because you need a significant drop in numbers to occur before you can move from providing a bus to providing a mini-bus to providing a taxi to withdrawing transport altogether. That said, we have gone from having 380 children entitled to support in 2004/05 to only about 2 under this policy provision now. As numbers have dropped, we have withdrawn services as and when we can to achieve the savings.

I don't think there has been any knock on effects on the costs of transporting children to their catchment area schools, partly because the numbers going to denominational schools has not fallen significantly (see below) and we have enough capacity on the existing home to school services to accommodate these children anyway.

Question

**Did you see a fall in demand for denominational schools as a result of these changes or in the years afterward? Or a rise in applications for their catchment schools instead?**

Response - When we started looking at this there were 380 children receiving support costing about £280,000. In 2004/2005, the year before the policy change, there were 62 Year 7 children receiving support. For 2005/2006 Year 7 admissions round, 97 children were allocated places at out of authority denominational schools. That figure rose to 106 for 2007/08 and has been around 80 a year ever since. I can't see a fall in demand for denominational school places.

Question

**Did you find that you still ended up providing transport on the basis of distance or low income where denominational transport was withdrawn e.g. children in villages still had to be provided transport to a catchment school and so the costs were moved, rather than saved?**

Response - I think this is largely answered above. As we have withdrawn support and services, others have stepped in to fill the gap to some extent.

On a couple of routes, commercial public services have been put on by bus companies or the schools have organised their own buses. With regards to low income families, I do not have a separate figure for those receiving support for transport to denominational schools but we only support about 25 children from low income families across the whole of the East Riding.

Question

**What kind of savings did you see as a result of this change and were the realised savings in line with what was estimated beforehand?**

Response - It is difficult to put an exact figure on the savings but we have gone from running or paying for several bus services and numerous taxis to just a couple of taxis. The costs of £280,000 in 2004 would have risen substantially if we kept the policy as it was. So the real savings are probably substantially more than £280,000 but I couldn't put a figure on it.

Also - one thing to bear in mind is that there are no denominational secondary schools in the East Riding. Any parent wanting to send their child to a denominational school has to send them to schools in North Yorkshire, Hull and York. That means that, when we withdrew support, the parents faced significant transport problems in an area where the public transport network is not good. That said, parents continued to choose denominational schools and found some ways of getting the children there.

### Total Potential Savings Based on a Phased Withdrawal of Free Denominational Transport

	Sep-12	Sep-13	Sep-14	Sep-15	Sep-16
<u>Primary School Buses</u>					
Option 1 - withdraw but still transport to catchment school	£ -	£ -	£ 12,053.00	£ 12,053.00	£ 24,107.00
Option 2 - withdraw but children still choose to attend denominational school	£ -	£ -	£ 12,053.00	£ 12,053.00	£ 24,107.00
Option 3 - withdraw but charge a concessionary fare	£ -	£ 5,632.00	£ 11,264.00	£ 16,896.00	£ 22,528.00
<u>Secondary School Buses</u>					
Option 1 - withdraw but still transport to catchment school	£ -	£ -	£ -	£ -	£ -
Option 2 - withdraw but children still choose to attend denominational school	£ -	£ -	£ 13,445.00	£ 13,445.00	£ 18,495.00
Option 3 - withdraw but charge concessionary fare	£ -	£ 7,127.00	£ 14,338.00	£ 17,619.00	£ 25,102.00
<u>Public Service Bus Passes</u>	£ -	£ 4,374.00	£ 8,991.00	£ 13,365.00	£ 18,711.00
<u>Private Hire (Taxi)</u>					
Total savings based upon removing Public Service Bus Passes and Private Hire, plus...	£ -	£ 13,816.40	£ 16,370.40	£ 32,740.80	£ 40,926.00
Option 1 - withdraw but still transport to catchment school	£ -	£ 18,190.40	£ 37,414.40	£ 58,158.80	£ 83,744.00
Option 2 - withdraw but children still choose to attend denominational school	£ -	£ 18,190.40	£ 50,859.40	£ 71,603.80	£ 102,239.00
Option 3 - withdraw but charge concessionary fare	£ -	£ 30,949.40	£ 50,963.40	£ 80,620.80	£ 107,267.00

**Total Potential Savings (cont...)**

	<u>Sep-17</u>	<u>Sep-18</u>	<u>Sep-19</u>
<u>Primary School Buses</u>			
Option 1 - withdraw but still transport to catchment school	£ 24,107.00	£ 28,124.00	£ 40,177.00
Option 2 - withdraw but children still choose to attend denominational school	£ 24,107.00	£ 28,124.00	£ 40,177.00
Option 3 - withdraw but charge a concessionary fare	£ 28,160.00	£ 33,792.00	£ 40,177.00
<u>Secondary School Buses</u>			
Option 1 - withdraw but still transport to catchment school	£ -	£ -	£ -
Option 2 - withdraw but children still choose to attend denominational school	£ 32,585.00	£ 32,585.00	£ 32,585.00
Option 3 - withdraw but charge concessionary fare	£ 32,585.00	£ 32,585.00	£ 32,585.00
<u>Public Service Bus Passes</u>			
	£ 24,057.00	£ 24,057.00	£ 24,057.00
<u>Private Hire (Taxi)</u>			
Total savings based upon removing Public Service Bus Passes and Private Hire, plus...	£ 40,926.00	£ 40,926.00	£ 40,926.00
Option 1 - withdraw but still transport to catchment school	£ 89,090.00	£ 93,107.00	£ 105,160.00
Option 2 - withdraw but children still choose to attend denominational school	£ 121,675.00	£ 125,692.00	£ 137,745.00
Option 3 - withdraw but charge concessionary fare	£ 125,728.00	£ 131,360.00	£ 137,745.00

**PRIMARY SCHOOLS**

A) School Buses - St Wilfrid's School	<u>Sep-13</u>	<u>Sep-14</u>	<u>Sep-15</u>	<u>Sep-16</u>	<u>Sep-17</u>	<u>Sep-18</u>	<u>Sep-19</u>
1. Withdraw but still transport to Catchment School	£ -	£ 12,053.00	£ 12,053.00	£ 24,107.00	£ 24,107.00	£ 28,124.00	£ 40,177.00
2. Withdraw, choose to continue to attend St Wilfrid's with no transport assistance	£ -	£ 12,053.00	£ 12,053.00	£ 24,107.00	£ 24,107.00	£ 28,124.00	£ 40,177.00
3. Withdraw, but charge concessionary fare. Estimated cost is £704 per pupil on W3 to St Wilfrid's School. Current concessionary fare is £420. (Plus Administration Cost?)	£ 5,632.00	£ 11,264.00	£ 16,896.00	£ 22,528.00	£ 28,160.00	£ 33,792.00	£ 40,177.00

Yr 6 is predicted same Yr 7

Savings are cumulative

Current Price of £8185.20 per vehicle of 7 mile trip, for 190 school days, without Escort

**SECONDARY SCHOOLS**

## A) Potential savings of withdrawal of denominational transport (cumulative savings)

		BUS PASSES			
		All Saints	AHS	Manor	Total
by...	Sep-13	£ 3,645.00	£ -	£ 729.00	£ 4,374.00
	Sep-14	£ 7,533.00	£ -	£ 1,458.00	£ 8,991.00
	Sep-15	£ 11,178.00	£ 243.00	£ 1,944.00	£ 13,365.00
	Sep-16	£ 15,066.00	£ 1,215.00	£ 2,430.00	£ 18,711.00
	Sep-17	£ 18,954.00	£ 2,187.00	£ 2,916.00	<b>£ 24,057.00</b>

B) School Buses - Manor School

	<u>Sep-13</u>	<u>Sep-14</u>	<u>Sep-15</u>	<u>Sep-16</u>	<u>Sep-17</u>
1. Withdraw but still transport to Catchment School	£ -	£ -	£ -	£ -	£ -
2. Withdraw, choose to continue to attend Manor with no transport assistance	£ -	£ 13,445.00	£ 13,445.00	£ 18,495.00	£ 32,585.00
3. Withdraw, but charge concessionary fare. Estimated cost is £423 per pupil on M2 & C3 to Manor School. Current concessionary fare is £420. (Plus Administration Cost?)	£ 7,127.00	£ 14,338.00	£ 17,619.00	£ 25,102.00	<u>£ 32,585.00</u>



**Secondary Schools (cont...)**

C) Private Hire (Taxis)		<u>Sep-13</u>	<u>Sep-14</u>	<u>Sep-15</u>	<u>Sep-16</u>	<u>Sep-17</u>	<u>Saving by</u>
predicted number of pupils on roll receiving taxi transport by year							
AS	SEN	4	4	5	5	5	
	DENOM	4	3	2	0	0	
Avg 2pupil/vehicle							
Number of Vehicles Required		4	4	4	3	3	
Cost based on Current Prices		£ 32,740.80	£ 32,740.80	£ 32,740.80	£ 24,555.60	£ 24,555.60	£ 8,185.20
AHS	SEN	6	7	4	5	5	
	DENOM	2	0	0	0	0	
Avg 1.5pupil/vehicle							
Number of Vehicles Required		6	5	3	4	4	
Cost based on Current Prices		£ 49,111.20	£ 40,926.00	£ 24,555.60	£ 32,740.80	£ 32,740.80	£ 16,370.40
MANOR	SEN	3	2	1	1	1	
	DENOM	9	5	5	0	0	
Avg 4pupil/vehicle							
Number of Vehicles Required		3	2	2	1	1	
Cost based on Current Prices		£ 24,555.60	£ 16,370.40	£ 16,370.40	£ 8,185.20	£ 8,185.20	£ 16,370.40
TOTAL COST		£ 106,407.60	£ 90,037.20	£ 73,666.80	£ 65,481.60	£ 65,481.60	
Sep12 Cost £120,224			£ 16,370.40	£ 32,740.80	£ 40,926.00	£ 40,926.00	

Yr 6 is predicted same Yr 7

Savings are cumulative

Current Price of £8185.20 per vehicle of 7 mile trip, for 190 school days, without Escort

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Learning and Culture Overview and Scrutiny Committee

25 January 2012

Report of the Assistant Director – Adults, Children and Education.

## **Arrangements to improve the Attainment of Looked After Children and the role of Elected Members as Corporate Parents**

### **Summary**

1. York's Looked After Children Strategy 2012 -2015 was presented to the Leisure and Culture Overview and Scrutiny Committee on 7<sup>th</sup> December 2011. Informed by what Looked After Children and Care Leavers describe is important to them, this strategy identifies nine key priority outcomes. Following the presentation of this strategy Members agreed to focus their scrutiny review of Corporate Parenting on the following issues:
  - The attainment of Looked After Children
  - Councillors' role as Corporate Parents

### **Background**

2. To facilitate this further scrutiny Members requested the following information for today's meeting on 25 January 2012:
  - a. A response to the questions detailed in Section 2 of the "10 questions to ask if you're scrutinising services for looked after children" published by the Local Government Improvement and Development [LGID] agency – see Annex 1.
  - b. Details of the Directorate's plans to improve the academic achievement of Looked After Children.
  - c. Information as to how non-cabinet Members, can better carry out their responsibilities as a Corporate Parent (Members referenced the questions in Section 10 of the document attached above)
3. York's Virtual Head Teacher for Looked After Children has prepared a response to item (a) above - see Annex 2, and will be in attendance at this meeting to answer any further questions and to support any subsequent discussion.

4. The Head of Service with responsibility for Looked After Children has prepared a response to item (b) above – see Annex 3, and will also be in attendance at the meeting to respond to any additional questions Members may have.
5. To set all of this work in context Members will have the opportunity to view a DVD prepared by Looked After Children for Looked After Children which explains the Council's 'Pledge'. This Pledge is the City of York Council's commitment to children and young people in care, written by young people and endorsed by the Council.

### **Consultation**

6. The Looked After Childrens Strategy 2012 – 2015 has been developed through a programme of extensive consultation both with care experienced children and young people and a wide range of professional stakeholders. A diagram including all those consulted is included at page 6 of the Strategy document.

### **Options**

7. Members are invited to consider the current plans and arrangements both for improving the attainment of our looked after children and for increased member involvement in the corporate parenting role.

### **Council Plan**

8. The arrangements described to the Looked after Children Strategy 2012 - 2015 fully align with The Council Plan 2011 – 2015. In particular the Council's priority to 'protect vulnerable people' supports the ambition to achieve the best possible outcomes for those children who become looked after by the City.

### **Implications**

9. **Financial** - There are no financial implications arising from the specific issues addressed in this paper. However, the use of the Pupil Premium allocated to schools to support the attainment of Looked After Children is currently the subject of important debate and discussion between the local authority and Head Teacher colleagues.
10. **Human Resources** - There are no HR implications arising from the specific issues addressed in this paper. However, the wider Looked After

Children Strategy will seek the engagement of HR colleagues to review the work opportunities available within the Council for our Care Leavers.

11. **Crime and Disorder** - It is right to acknowledge that looked after children nationally and locally are over represented in the cohort of young people who are known to the youth offending system. The work described in the strategy seeks to tackle this issue through an holistic programme of improved care and support available to all of our Looked After Children.
12. There are no Equalities, Legal, ITT or Property implications associated with the recommendation in this report.

### **Risk Management**

13. There are no specific risks to report.

### **Recommendations**

14. That the Committee receives the responses of the Virtual Head Teacher and the Head of Service for Looked After Children to inform their further debate and scrutiny of these issues.

Reason: To progress the review.

**Contact Details**

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Tel No. 554212

**Chief Officer Responsible for the report:**

Eoin Rush  
Assistant Director, Childrens Specialist  
Services - Adults, Children and Education  
Tel No. 554212

**Report Approved**



**Date**

20 Jan 2012

**Wards Affected:**

**All**



For further information please contact the author of the report

**Annexes:**

**Annex 1** - 10 questions to ask if you're scrutinising services for looked after children-LGID

**Annex 2** - Scrutiny of attainment for children and young people who are Looked After

**Annex 3** - Looked After Children and their Corporate Parents



Children and young people

# 10 questions to ask if you're scrutinising services for looked after children

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# Introduction

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This guide has been commissioned by Local Government Improvement and Development (LG Improvement and Development) and written by the Centre for Public Scrutiny (CfPS). It follows on from a previous guide produced by CfPS for LG Improvement and Development on scrutiny of children's safeguarding services, and forms part of a suite of offers for elected members and others around children's services.

LG Improvement and Development supports improvement and innovation in local government, focusing on the issues that are important to councils by working with them to develop and implement sector led support and challenge. The leadership and development programme for councillors is a key part of this. The Centre for Public Scrutiny is an independent national charity which carries out research, supports on-line networks and provides training, development and events to promote and improve public scrutiny and accountability across government and the public sector.

The author of this guide is Jessica Crowe, Executive Director of CfPS, and valuable comments, examples and advice have been provided by Claire Burgess of LG Improvement and Development and a group of elected members, officers and looked after children. Members of this group include: Rob Davison, Adam Hadley, Rob Mack, Sarah Morris, Julia Regan, Andrea Thwaite, Suzanne Triggs, Caroline Webb, Councillor Les Lawrence, Councillor Andrea Milner, and

looked after young people from Cheshire West and Chester. Thanks are due to all those who contributed their time, experience and expertise. Any mistakes are the author's own.

The guide is one of a series of '10 Questions to ask if you're scrutinising...' guides produced by CfPS on a range of topics. The guides aim to provide clear and succinct advice for scrutiny members and officers on the key issues to cover in a scrutiny review of that topic, as well as jargon-busting, links to further information and case studies.

The ten question areas and their detailed questions can be used by overview and scrutiny committees (OSCs) to scope a review that takes an overview of all services relevant to looked after children, or to focus on an area of particular interest. The questions can also be used to gather information during the course of the review and to frame evidence sessions with witnesses.

Please note that to the best of the author's knowledge all information is correct at the time of printing. However, it was produced shortly after the election of a new government in 2010 and the new government has committed to publishing a revised set of slimmed down guidance relating to care planning in March 2011. Readers are advised to check Department for Education website ([www.education.gov.uk](http://www.education.gov.uk)) for the latest information.



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# Key points

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Children in the care of a local authority are one of the most vulnerable groups in society. The majority of children in care are there because they have suffered abuse or neglect. At any one time around 60,000 children are looked after in England, although some 90,000 pass through the care system each year.

When they are elected, all councillors take on the role of 'corporate parents' to children looked after by their local authority. They have a duty to take an interest in the well-being and development of those children, as if they were their own children. Although the lead member for children's services has particular responsibilities, the responsibility to act as corporate parents is held by all councillors, regardless of their role on the council.

Overview and scrutiny offers a key way in which councillors can fulfil this responsibility, by giving councillors the opportunity to ask searching questions of a range of service providers and assure themselves that children in the care of the local authority are being well looked after.

Overview and scrutiny also offers opportunities for councillors to hear directly from children looked after by the authority and to ensure that their voices are heard when considering the effectiveness and impact of services. This should include not just children's care services, but other areas which may have an impact on the lives of children in care (and leaving care), such as housing provision, crime and feeling safe in

the community, access to public transport, the quality of schools and leisure activities.

In March 2010 the government introduced new regulations and guidance to improve the quality and consistency of care planning, placement (where and how children are looked after) and case review for looked after children. It includes statutory guidance on independent reviewing officers, the 'sufficiency duty' requiring local authorities to ensure there is enough accommodation locally for looked after children, as well as guidance on improving their educational attainment.

This was part of the implementation of the Children and Young Persons Act 2008 and the Care Matters White Paper, and it updated and consolidated previous guidance around the 1989 Children's Act and other legislation. Slimmed down guidance is anticipated from the new government by April 2011. At time of writing the 1989 Act, 2008 Act and March 2010 guidance provide the basic statutory framework governing services for looked after children.

This document also refers to a number of performance indicators for children's services which were part of the National Indicator Set. These NIs are to be replaced with a single agreed list of 'Whitehall data requirements'. Authorities may still want to collect such information to help them manage and compare their own performance so the references to NIs have been left as they mostly capture the key performance questions.

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# Jargon-busting

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## ‘Looked after children’, ‘children in care’

The term children in care includes: all children being looked after by a local authority; those subject to a care order under section 31 of the Children Act 1989 (see below); and those looked after by a voluntary agreement with their parents under section 20 of that Act. They may be looked after by family members, foster carers or staff in a residential children’s home. Children and young people from overseas become ‘looked after’ if they have no one with parental responsibility in this country.

## Children ‘at risk’ of harm

These are children about whom there are concerns that they are or may be at risk of suffering harm through abuse or neglect. Children considered ‘at risk’ have a Child Protection Plan which should be regularly reviewed.

## ‘Children in need’

Children in need are a wider group of children and young people who have been assessed as needing the help of services to achieve a reasonable standard of health or development. They have a Child in Need Plan to address the difficulties identified in the assessment

## ‘Care leavers’

Care leavers are those who have been in public care for at least 13 weeks from the age of 14 onwards and therefore qualify for services to support them once they leave. This may be at 16 or up until 24 if they remain in full-time education.

## Care Order – Section 31 Children Act 1989

Care Orders are made by the court if a ‘threshold of significant’ harm is reached and there is no likelihood of improvement in the standard of care provided for a young person. The local authority then shares parental responsibility with the parent(s) and can make the decisions that a parent would normally make. A Care Order expires when the young person reaches 18 (or sometimes 19) years of age, or when an Adoption Order is made and the child is permanently adopted.

## Interim Care Order – Section 38 Children Act 1989

If the local authority is concerned that a child is suffering or is likely to suffer ‘significant harm’, they can apply to the court for an Interim Care Order, which is a time-limited order renewed while care proceedings for the child continue through the courts and other authorities.

## Emergency Protection Order Section 44 Children Act 1989

An Emergency Protection Order removes a child into accommodation provided by or on behalf of the local authority and is granted by the court if there is reasonable cause to believe that the child is likely to suffer significant immediate harm.

## Regulation 33 visits (now regulations 29-33)

What used to be known as 'Regulation 33' visits are the management inspections that have to be made regularly of residential care homes, and during which the visitor should speak to any staff and residents who may be present during the visit.

## The 'sufficiency duty'

This is a duty placed on local authorities under 22 (G) of the Children Act 1989 (amended by the 2008 Act) to ensure there is sufficient accommodation to meet the needs of their looked after children. Sufficient accommodation must be provided 'where reasonably practical' (lack of resources is not considered a barrier), and having 'regard to the benefit of having a number of providers and a range of accommodation'.

## Independent Reviewing Officers (IROs)

The Children and Young Persons Act 2008 requires local authorities to appoint a named IRO for each looked after child who will spend time with that child prior to any review of their care plan so that they personally establish the child's wishes and feelings and can ensure that these contribute to the review.

## The Pledge

The Care Matters White Paper envisaged the Pledge, or as young people preferred to call it, 'the promise', as a key communication tool between children and young people and the authority responsible for ensuring they receive the parenting they need. Every child and young person's care or pathway plan must reflect how the commitments made in the Pledge will be delivered for that individual child and it will be monitored by the local Children in Care Council (see below).

## Children in Care Councils

The Care Matters White Paper and the subsequent Act required local authorities to set up a Children in Care Council to enable regular, good quality dialogue and involvement in developing and delivering services. There should also be mechanisms in place for involving young people in care in the recruitment of key staff members, such as the Director of Children's Services. The local Children in Care Council will be responsible for helping develop and monitor the implementation of the Pledge to children and young people about the care they receive.

## Commissioning

The process by which an authority decides what level and type of services it wants in order to meet identified needs, and seeks providers of those services, often through a competitive process. Increasingly this is done jointly, for example with the local health service, and in the context of looked after children should be focused around the needs of individual children. Commissioned services should be monitored and evaluated, and the process of decommissioning is also important to understand.



**10 questions to ask when you're scrutinising issues and services affecting looked after children.**

## 1

## How well does your authority do in commissioning or providing services for looked after children, including in comparison with other similar authorities?

There are currently a number of national indicators of performance which enable you to assess how well your local authority is doing in comparison with others (although these are to be replaced with a smaller set of “Whitehall data requirements”). These can be useful in analysing trends and seeing if your area is significantly different from other similar areas. As corporate parents, councillors need access to this basic performance information to enable you to ask questions of those responsible, but bear in mind that scrutiny should not duplicate the work of the council’s own performance management. Ofsted reviews can provide a useful source of information on performance and trends but data needs careful interpretation as performance depends strongly on context.

- How many looked after children are there per 10,000 children?
- Who are your looked after children in terms of age, gender, ethnicity, religious or cultural background and disability, and what needs and challenges does this profile present?
- What percentage of looked after children cases are reviewed within the set timescale? (NI66)
- Do children understand what’s happening in their reviews and what’s going to happen as a result of their case review? Does anyone ask them this?

Commissioning of services is becoming increasingly important and members need to ensure that arrangements are robust and secure ‘value for money’ (particularly in the light of current and future cost pressures) and also that they work in the best interests of the children.

- How many services are jointly commissioned, either with other authorities or with partner agencies such as the Health Services?
- How will any changes in local health service structures, for example the proposed move to GP commissioning, impact on any joint commissioning arrangements?

Cost comparisons can be a good indicator of how effectively your authority is providing or commissioning services, for example:

- How much does it spend on court costs compared with other similar authorities and why?
- What level are directly commissioned foster carers’ fees set at and how much is spent on private and voluntary sector fostering agency fees?
- What is the cost of your residential provision by comparison with other areas?
- How much do you spend on out-of-area placements for looked after children? Is this rising or falling?

## 2

## How well do your children in care do at school, both academically and in terms of other kinds of achievements?

In 2008, 14 per cent of looked after children achieved five A\*-C grades at GCSE, compared to 65.3 per cent for all children. Ensuring looked after children have the right support to be able to participate fully in school life, and that their school career is not disrupted by constant placement moves can make a big difference. They may well have lost out on education because of the circumstances which led to them entering care and need help to catch up – a high proportion of looked after children see entering care as having been good for their education.

- What results are achieved by looked after children compared with other children at local schools, eg what proportion of looked after children get 5 A\*-C GCSEs (NI101)?
- What plans does the council have to raise the educational attainment of looked after children?
- Are looked after children able to attend homework clubs and what support is provided to gifted children as well as those who may need to catch up? What difference is this support making?
- Do you know how well looked after children do at school if they are in placements outside your local authority area and attend non-local schools?
- How do schools' admissions policies treat looked after children, for example are they able to attend the same school as other children in their foster family, and how

many looked after children get into the highest performing schools?

- How do the admissions and other policies of any local academies, foundation schools or new 'free schools' treat looked after children?
- Do you have a 'virtual school head' (a post designated to look after all looked after children in schools across the local area, as if they were in a single school), designated teachers and designated school governors in place? How effective are these arrangements?

In one authority looked after children often missed out on after school activities and trips because of delays in getting permission from social services. As a result of the scrutiny review which brought this to light, social workers signed blanket permissions, enabling foster carers to sign permission slips for individual activities and ensuring looked after children could take part.

Celebrating the non-academic achievements of children in care and enabling them to benefit from all the opportunities school can offer is also important. Children in care should be cared *about* and not just cared *for*.

- Are looked after children able to participate in after-school activities and enjoy learning and achievement in all its forms? If not, what are the barriers?

- Does your council have a way to celebrate the achievements (whether sporting, academic, musical, attendance, personal bests) of looked after children, and are councillors given regular updates?
- What do looked after children and young people themselves say about school?

In one authority a young person was unable to attend an after school photography course because for two years no-one would buy her a camera: when this came to light during a scrutiny review, councillors intervened and got action taken to sort it out.



## 3

## How good is the health and wellbeing of children in your care?

Looked after children and young people share many of the same health risks and problems as their peers, but they frequently enter care with a worse level of health due to the impact of poverty, abuse and neglect. Evidence suggests that looked after children are nearly five times more likely to have a mental health disorder than all children. Local authorities, primary care trusts and strategic health authorities must currently have regard to statutory guidance issued in November 2009 on promoting the health and well-being of looked after children, which requires children in care to have a personal health plan.

- Are looked after children a priority group for getting access to Child and Adolescent Mental Health Services (CAMHS) and how long are waiting times for referrals?
- As an at risk group, what access do looked after children and young people get to services to help with substance misuse, sexual health and teenage pregnancy?
- What support is given to foster carers and young people themselves about promoting healthy lifestyles?
- What do looked after children and young people themselves say about their health needs and priorities and how well they are met?





# 4

## How stable and secure are the lives of your looked after children while they are in your care?

When children and young people enter care and are placed either with foster carers, in residential homes or even at boarding school, they often lose regular contact not only with their family members but also with other familiar friends, teachers etc. This is exacerbated if the 'placement' has to be out of the area, perhaps because of a lack of local foster families or places in residential homes. If the placement breaks down, they may have to move again, causing yet more anxiety and disruption. Ensuring placements are stable and work well for children and young people is therefore key to their well-being. There are a couple of indicators that your council currently has to measure its performance against but also other issues to explore.

- What percentage of looked after children move placements three or more times during a year ie how stable are your placements? (NI62).
- What percentage of children live in the same placement for 2 or more years? (NI63).
- What choice and information do children and young people have about their placements, eg do they get to meet potential foster carers or visit children's homes before they go to live there?
- If children have to move placement, what arrangements are made to keep them at the same school, for example transport?

As a result of one authority's scrutiny review, a looked after children and care leavers' drop-in centre was developed, to provide a safe space for looked after children and young people to go to find out information and meet support workers and others in one place.

## 5

How well does your authority do at finding appropriate adoptive families for children for whom it is decided this is the right option?

If a child or young person's birth family relationships have completely broken down then the best option for a long-term stable family environment may be permanent adoption. Nationally, however, there is a mismatch between the profile of children looked after and prospective adopters. The law governing adoption is in the Adoption and Children Act 2002, which aligned adoption practice with the 1989 Children Act, making the welfare of the child the paramount consideration.

- What percentage of children are placed for adoption within 12 months of the decision to adopt and are subsequently adopted? (NI61).
- How long does it take to make the decision to place a child for adoption, particularly for new-born babies?
- What is the profile of the children in care compared with prospective adoptive families, and if there is an imbalance, what steps are being taken to address this, eg to recruit more adopters by emphasising the positive messages about the process and value of adopting?
- How are sibling groups treated and what steps are taken to ensure they stay together, whether in adoption, fostering or residential care?
- What cross-border arrangements are there for adoption, including overseas?
- What do children and young people, for example in your local Children in Care Council, say about adoption processes?



## 6

## How well do your foster care arrangements work?

Nationally, the proportion of children in care placed with foster parents as opposed to residential homes has risen to about two-thirds. This is partly due to the comparative costs of the two options but also due to a changed policy approach, as fostering enables children and young people to live in a family environment rather than an institutional one.

Foster carers can play a hugely valuable role in stabilising and caring for children from disrupted home environments for both short and longer periods of time, but nationally there is a shortage of people willing to take on the role. In the 1990s, independent / private fostering agencies developed, which placed pressure on local authority budgets as their fees were higher than those paid directly to councils' own foster carers. Issues around support for foster carers, the rate of fees and allowances and their access to information may all play a role in ensuring they can support the children they look after in the most effective way.

An area of growing concern is around private or kinship fostering, where children stay with extended family or friends in a private, often informal, arrangement, as this is an under-regulated area. Teachers or the local GP may realise that a child is no longer living at home with their parents but often the information is not passed on and there is no way of knowing whether the arrangement is in the child's best interests.

- Do you have a sufficient pool of suitable foster carers locally to meet the needs of and match the children needing placements? If not, what steps are being taken to address this?
- What support is given to your foster carers and how easily can they access it, for example therapeutic support and help?
- What do foster carers themselves say about the support they receive, including out-of-hours support and about their relationships with social workers and other professionals?
- Is there more 'in-kind' support that would facilitate and make the fostering role easier, such as bus passes, access to leisure centres etc?
- What do looked after children and young people themselves say about their experience of fostering?
- What does the authority or other agencies know about any kinship fostering arrangements and are people encouraged to share information or concerns?

Dreamwalls project in Southampton provides 'time-out' breaks for foster carers and has reduced by 95 per cent the proportion of foster carers leaving fostering. The cost equated to £674.43 per child per year, and 182 children received the service. Using the social return on investment (SROI) method of calculating value and benefits as well as costs, there was a £1.63 return for every £1.00 invested in the project.

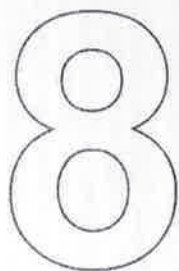
## 7

## How good is the standard of any residential care provided or used by your authority?

Despite the move away from large residential institutions, many authorities have retained smaller residential units which may be suitable for children and young people who find it difficult to cope with family-based life as a result of their experiences. Councillors have said that taking part in what are known as 'Regulation 33' visits or other arranged visits to homes can really bring to life what it is like to live in residential care, although they have to be carried out with sensitivity. Ofsted inspects residential homes and these reports (along with the reports from Regulation 33 visits) should provide a source of information and assurance to scrutiny about the standard of care provided there.

- If children and young people are placed in residential homes out of your area, particularly if they have to go to schools under a different education authority, what information do you get about how well they are doing or about the standard of the homes where they live, and what influence do you have to improve things?
- What do looked after children and young people themselves say about their experience of living in residential care?
- How are any complaints about standards of care in residential homes and issues such as bullying dealt with? How many are there and what happens as a result?

In Kirklees, looked after children can access the Kick (Kids in care Kirklees) website. From here they can go on a virtual tour of all the residential homes by watching a video made and narrated by looked after young people who live there, to tell them what it's like. The website also enables them to 'rate' their reviews and foster placements on-line, as well as read, listen to and watch first hand accounts of children and young people's experiences of care.



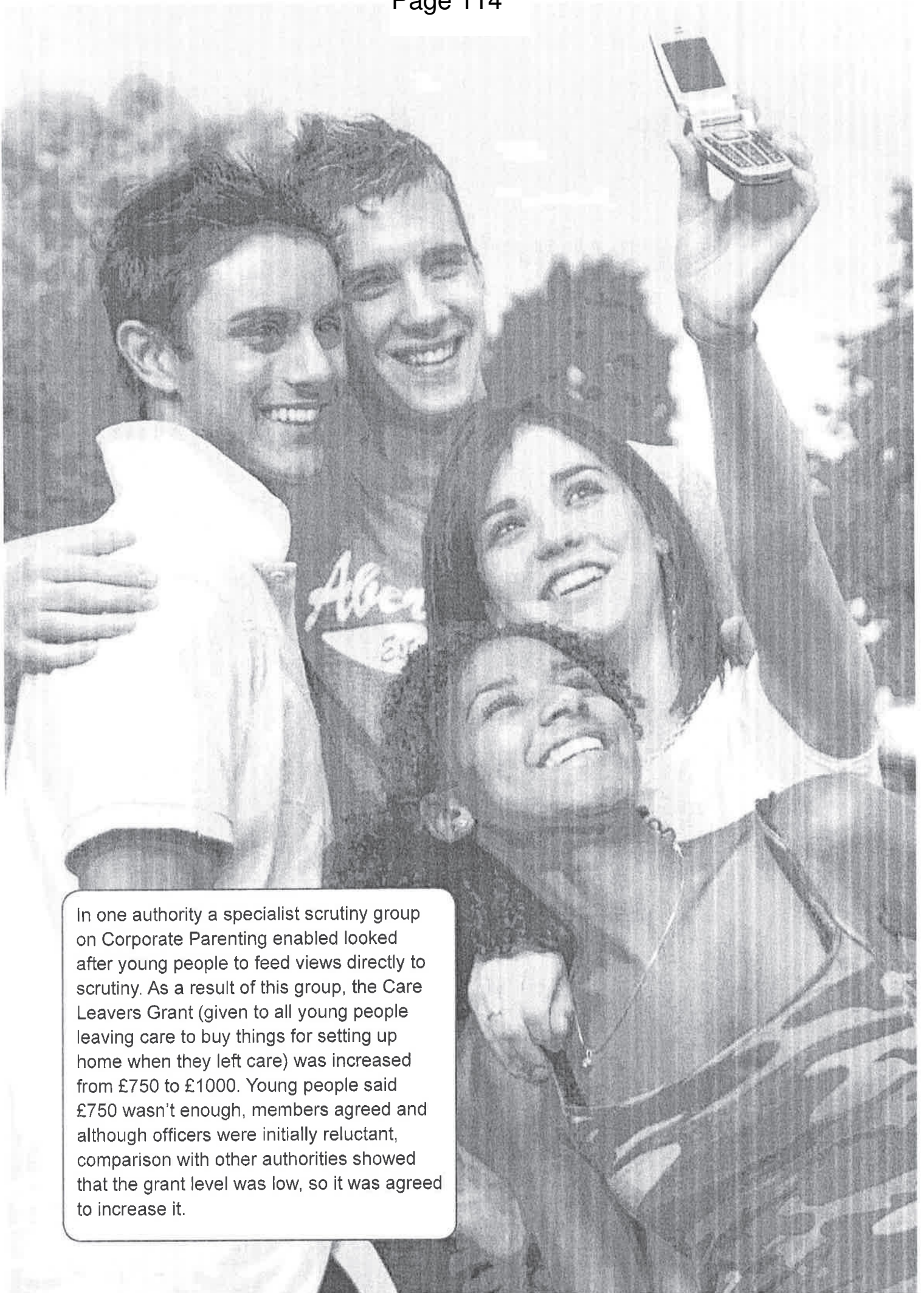
## What support does your authority provide to young people leaving care and how effective is it?

For many young people, leaving care can be daunting and confusing. The Children (Leaving Care) Act 2000 sets out local authorities' responsibilities to help children leaving care develop a 'pathway plan' to independence, with the help of a personal adviser. While care can end at the age of 16, it will continue until age 18 if the child remains at school. Continuing assistance with education or training continues to the end of the agreed programme, even if it takes some past the age of 21.

Care leavers are still over-represented in prison populations and the unemployed, demonstrating that the experience of being in – and leaving – care still does not prepare young people well for adult life. If looked after children followed the same paths as other children into further education, training and jobs, it could save the economy £50 million each year.

In Rotherham, scrutiny called representatives from Job Centre Plus, the council's Revenues and Benefits and Care Leavers Services to a hearing following concerns expressed by care leavers about distress caused by late payments of benefits. The NCH Bridges Project reported that since the intervention of scrutiny, delays in processing benefits for care leavers were much reduced. As well as reducing the further risk of social and financial exclusion to vulnerable care leavers, there was also a reduction in the number of emergency payments to care leavers.

- How many care leavers is your authority still in touch with a year after they have left the care of the authority? How many are they in touch with after three years?
- Are former looked after children ever asked to help children currently in care by talking about their experience or giving advice?
- What do you know about the life outcomes of the children who were formerly in your authority's care?
- How many formerly looked after young people are NEETs (not in education, employment and training)?
- What support do young people leaving care receive around access to housing, tenancy support, employment, access to benefits, further and higher education and training? For example, does the local authority offer apprenticeships to care leavers or support with CV writing and interviews? What happens as a result?
- What do former looked after children and young people themselves say about their experience of leaving care and the support that is / was provided?



In one authority a specialist scrutiny group on Corporate Parenting enabled looked after young people to feed views directly to scrutiny. As a result of this group, the Care Leavers Grant (given to all young people leaving care to buy things for setting up home when they left care) was increased from £750 to £1000. Young people said £750 wasn't enough, members agreed and although officers were initially reluctant, comparison with other authorities showed that the grant level was low, so it was agreed to increase it.

## 9

## How effective is your professional workforce of social workers and others responsible for running services for and working with looked after children?

Many authorities have struggled to recruit and retain sufficient numbers of suitably qualified social workers to manage their workload and do the difficult job of working with vulnerable children. This can be a key cause of poor performance around reviewing cases on time and picking up and acting on issues raised by children, foster carers and others. While senior officers are responsible for managing staff and services, members can play an important role in checking that officials beyond social services departments are aware of their responsibilities to looked after children, for example in housing departments, environment and leisure services, education, legal services and the health service.

- Do they have time for therapeutic work with looked after young people or do they get bogged down in paper work and what management action is taken to address this?
- What do looked after children and young people, foster carers and prospective adopters say about their experience of engaging with social workers and other professionals?
- Are looked after children and young people involved in recruitment and development of services?
- What are levels of social work staff vacancies, turnover, stress-related sickness, use of agency staff and ratios between newly qualified and experienced social workers and what action are management taking to address these? Are they learning from innovative schemes elsewhere to manage staff resources most effectively?
- What continuity of social worker support is there for looked after children and what are the case loads carried by social work staff?
- Is there evidence that staff from across the authority and other partners are working together to deliver what looked after children need?
- What attitude do social workers have to their work? Do they enjoy working with children and young people?

## 10

## What more could be done to fulfil the council's responsibilities as a 'corporate parent'?

It may be impossible to expect all elected members to share the same level of commitment to the issue of looked after children. However, they do share the same level of responsibility and so there are certain basic expectations of the systems, processes and support that should be in place to enable them to fulfil that role. As former Secretary of State Frank Dobson MP's original letter to all councillors about their role as corporate parents, launching the Quality Protects Programme in 1998, said:

"Elected councillors have a crucial role. Only you can carry it out. You can make sure that the interests of the children come first. You bring a fresh look and common sense. As councillors you set the strategic direction of your council's services and determine policy and priorities for your local community within the overall objectives set by Government."

Crucial to fulfilling this role is ensuring councillors can hear directly from looked after children about what matters to them. This could be through informal discussions, visits by elected members to residential homes or involving looked after children and young people when reviewing services of interest to them.

It is not only councillors who are corporate parents. Council officers across the council (not just in children's services departments) share in the responsibility and other partners also have a duty to cooperate to ensure looked after children's needs are met.

- Do looked after children and young people know who their 'corporate parents' are? What do they say about what they expect from local councillors and others acting as their 'corporate parents'?
- Do all members receive mandatory training on their roles and responsibilities as corporate parents when they are elected and is this refreshed during their term of office?
- Are there appropriate opportunities for elected members to meet and listen to looked after children and young people, and to celebrate and praise their achievements when they do well?
- Is there an active Children in Care Council which regularly meets with elected members and others in authority (across the council and other partners) to express the views and needs of looked after children locally?
- How are children and young people's complaints responded to and what is learnt from them?

One authority has encouraged councillors to 'adopt' a residential home in order to encourage greater responsibility for and interest in each home by elected members and provide continuity between visits. These members could be important witnesses to any scrutiny inquiry.



**Cheshire West & Chester Council  
Every Child Matters Select Panel**

Our Children Matter – 39 steps to help bring some normality into their lives – a review which won the CfPS 2010 Good Scrutiny Award for Innovation due to the depth and extent of its active involvement of looked after young people in gathering evidence for the review. They spent days out at Go Ape and the zoo, and are now involved in other scrutiny reviews and activities influencing the council. The report is available in the CfPS library: <http://tiny.cc/fcoge> and a summary can be found in Successful Scrutiny 2010, available here: <http://tiny.cc/7xj56>



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# Case studies

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**LB Camden****Corporate Parenting Scrutiny Committee**

Children Looked After by Camden – early scrutiny pilot examining Camden’s performance as a corporate parent. The review took written and oral evidence, members visited children’s homes and other consultation events, and sent questionnaires to LAC, care leavers and foster carers.

Report available on LB Camden website:

<http://tiny.cc/jsntm>

**Rotherham Metropolitan Borough Council Scrutiny Review Group**

The Role of Councillors as Corporate Parents – a review that compared Rotherham’s performance with other authorities. It heard from looked after children and young people, foster carers and others, and recommended a clearer focus and commitment, including more regular opportunities for members to meet looked after children. Report available in CfPS library: <http://tiny.cc/6pfck>

**Derby City Council Children & Young People Commission**

Looked After Children – a cross cutting review for which evidence-gathering was conducted in one intensive week of interviews and meetings, and with a follow-up meeting to finalise the report and recommendations. These cover social work, fostering and residential placements, adoption, health, leaving & aftercare and education. Report available in CfPS library:

<http://tiny.cc/uzda5>

**Buckinghamshire County Council Children’s Services Overview and Scrutiny Committee**

Maximising the Potential of Looked After Children – a review examining issues affecting educational attainment of looked after children in the county, including post-16 and their ability to participate in other aspects of school life. Recommendations focus on support at transition stages and support for foster carers to enable them to better support the children they look after. The report is available in the CfPS library:

<http://tiny.cc/g1dt6>

**Sandwell Metropolitan Borough Council Children & Young People’s Scrutiny Panel**

Looked After Children & Young People – a review to examine whether all agencies in Sandwell were continuing to improve in relation to corporate parenting support. Young people from the Looked After Children Board acted as strategic advisers to the scrutiny review and closely informed the findings and recommendations. The report is available in the CfPS library:

<http://tiny.cc/9yvno>

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# References and further information

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*Example of Good*

## **Key Legislation**

Children Act 1989

<http://tiny.cc/qrzro>

Adoption and Children Act 2002

<http://tiny.cc/lf98m>

Children and Young Persons Act 2008

<http://tiny.cc/951i3>

## **Care planning, placements and case review regulations (England) 2010 and statutory guidance**

These documents specify the current requirements for care plans, including health and education plans, placement decisions and monitoring, and case reviews. They consolidate previous regulations and guidance, providing a central source of reference for local authorities' work with looked after children and can be found on the old Every Child Matters website:

<http://tiny.cc/7xt9g>

The government has committed to publishing a revised set of slimmed down guidance relating to care-planning in March 2011. See the new Department for Education website for information on the policy reviews underway: <http://tiny.cc/7xt9g>

## **Welcome to Corporate Parenting – a Councillor Development Learning Resource**

A booklet and audio CD produced by Kirklees, Bradford and Calderdale Councils working with a group of looked after young people.

Contact: Angie Aspinall, Councillor Development Officer, Kirklees Council, [angie.aspinall@kirklees.gov.uk](mailto:angie.aspinall@kirklees.gov.uk) or 01484 416 930

## **Improving Educational Outcomes for Looked After Children and Young People, and Improving the Emotional and Behavioural Health of Looked After Children and Young People**

2 useful Knowledge Reviews containing detailed evidence of what works, produced by the Centre for Excellence and Outcomes in Children's Services (C4EO), September 2010, available on [www.c4eo.org.uk](http://www.c4eo.org.uk)

Putting Corporate Parenting into Practice, Developing an effective approach.

A useful guide for scoping a review on corporate parenting, by Hart, D and Williams, A (2008) National Children's Bureau [www.ncb.org.uk](http://www.ncb.org.uk)

*Practice*

*Penny  
Bunker*

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## Scrutiny of attainment for children and young people who are Looked After

### Attainment from the Virtual School 2011

The work of the School Improvement Partners for the last three years has provided pupil level data on vulnerable groups which has been used to track pupil progress as part of the School Improvement Partner meetings with Heads. This has helped to ensure that the profile of LAC has been raised in all schools. There have been changes to the KS4 curriculum and accreditation routes which have helped to narrow gaps between students who are LAC and their peers.

### Comparisons 2009-2011

**Key Stage 1.** The strength is in mathematics which has seen the gap narrowed for two years.

L2+	Maths	LA	GAP
2009	25%	92%	-67.3%
2010	80%	91%	-11.0%
2011	85.7%	91%	-5.5%

### Key Stage 2 significant strength in English and maths

L4+	English	LA	GAP
2009	55.6%	81%	-25.6%
2010	30%	84%	-53.5%
2011	66.7%	83%	-16.3%

L4+	Maths	LA	GAP
2009	55.6%	80%	-24.1%
2010	30%	83%	-52.7%
2011	55.6%	83%	-27.4%

**Key Stage 4** has seen a significant improvement across all indicators. (Cohort 17) The gap over three years is narrowing over three of the four indicators and especially in the headline 5A\*-C En &Ma.

<b>5 A*-C En&amp;Ma</b>		LA	GAP
2009	0	59.1%	-59.1%
2010	5.6%	59.1%	-53.5%
2011	23.5%	61.9%	-38.4%

<b>5 A*-C (GCSE)</b>			
2009	0	72%	-72%
2010	11.1%	80.5%	-69.4%
2011	29.4%	85%	-55.6%

<b>5A*-G(GCSE)</b>			
2009	50%	95.2%	-45.2%
2010	50%	95.9%	-49.9%
2011	47.1%	96.5%	-49.4%

<b>1A*-G(GCSE)</b>			
2009	58.3%	97.9%	-39.6%
2010	77.8%	98.3%	-20.5%
2011	82.4%	99.3%	-16.9%

### **Action Plan to raise attainment**

There is an annual action plan to raise the attainment and the achievement of children and young people who are looked after. This is written in consultation with the senior leaders of the virtual school. The action plan is derived directly from the Local Authority strategy for looked after children. The priorities include:

- Communication of an annual report to Heads and Strategic Partners which analyses the educational performance of LAC students including attendance and exclusion information enabling schools to inform their practice for the next academic year.
- Tracking the progress of children and young people termly enabling the accurate allocation of resources.

- Quality assurance of the Personal Education Plans ensuring the targets are meaningful and have an impact.
- Supporting and delivering a Designated Teacher training programme enabling schools to understand the issues of being looked after.
- Encouraging our able students to aspire to post 16 and higher education through taster sessions and mentoring.
- Research to consider the good practice available in establishing a 0-5 strategy
- Developing a sustainable rewards programme for the virtual school that students value.

The plan is monitored by the Assistant Directors for Children and Families and School and the Assistant Director for Education. The virtual school also has a School Improvement Partner to provide appropriate challenge to the school.

### **Additional support for homework, gifted and talented and its impact.**

Individual schools offer homework support and make decisions about who requires that support. Our specialist teacher for Looked After students does address this issue with targeted individuals in liaison with schools.

Green Apples, AimHigher and mentoring are programmes that encourage targeted students to aspire to higher education. They are co-ordinated for students who are looked after by our specialist teacher. Mentoring has been beneficial to those students who have engaged with it.

The Independent State School Partnership offers enrichment sessions for all students in York. Participation in these activities is through individual and teacher nomination.

The impact of the above is seen at an individual school level and through the achievement of students.

## **Progress of children and young people in more specialised settings out of the local area.**

We have received some very positive reports on the progress of students who have complex and challenging needs and are placed out of authority. This is due to the multi -agency work from admissions officer, connexions, educational psychologist, social workers and the virtual head to secure educational programmes and residential settings that benefit students. We have visited educational and residential establishments to ensure that we are happy with the provision and the educational outcomes offered to students.

## **Schools admissions policy**

Looked after children and young people are given first priority in the admissions process. They receive the school they ask for and are able to attend the schools alongside their foster siblings. This is true of both the Academies in the local authority, who support and uphold the Local Authorities admissions policy.

## **Structure of the Virtual School**

The virtual school is led by Siân Rees, Deputy Head at Fulford School. It has a multi-agency senior leadership team of very experienced practitioners. The school has a school improvement partner, Maxine Squire, who provides additional support and challenge to the school. The school is directly accountable to both Assistant Directors of Education and Children and Families.

## **Participation in after school activities and the wider community**

The recent OFSTED report Oct 2011 of the fostering services in York state that children and young people are actively encouraged to be involved in activities they enjoy in their local community. Provision of a max card offering free leisure access was very valuable. The All Together Active initiative has been developed to support children and young people who find partaking in these activities alongside non-looked after children and young people challenging. Children under 5 are taken to baby groups and children's centres to get involved in stimulating activities. Children and young people develop friendships, enjoy activities and social events.



**Celebration of the achievement of children who are Looked After.**

A priority for 2012 is the development of a sustainable rewards programme which all children and young people value. This will be discussed with the Show Me That I Matter and I Matter Too on the 6<sup>th</sup> February 2012.

**What do children and young people say about school**

We know that young people and children value school and that 87% believe that they receive a good education. They have raised concerns about how young people will be involved in the consultation of how the Pupil Premium will be spent. This is a question raised at the Personal Education Plan meeting and one I will address with Heads on 19<sup>th</sup> January 2012.

Siân Rees

Headteacher of the Virtual School for Children Looked After.

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## Learning and Culture Overview and Scrutiny Committee

January 2012

Responses to questions in section 10

### Do Looked After Children and young people know who their corporate parents are?

A relatively small group of our Looked After Children could name or describe their corporate parents. Given the diverse age range and circumstances of these children and young people it is not surprising that many more can not. There are systems in place to ensure that this information is shared with all of our Looked After Children and increasingly we see and promote opportunities for members to meet and interact with this group.

A representative group of Looked After Children and Young People who form the children in care council Show Me That I Matter Panel [SMTIMP] meet regularly with two elected members (Cllrs Looker and Brooks) to discuss their views concerns and ideas. This Panel also invites senior officers from the Council and in other organisations to hold them to account on the quality and delivery of the services they receive.

### What do they say about what they expect from local councillors and others acting as their corporate parents?

Members will have the opportunity to hear first hand through the DVD produced by a group of our Looked After Children what they expect from those responsible for their care. The DVD will be presented to the meeting.

### Do all members receive mandatory training on their role as corporate parents and is this refreshed during their term of office?

A pre council briefing was undertaken twice during 2010-11 and this was refreshed in autumn 2011. This will be timetabled in the autumn of each year for elected members, who may have missed preceding events.

### Are there appropriate opportunities for elected members to meet looked after children and young people and to celebrate their achievements when they do well?

Whilst there has been a variety of events and individual contacts with Looked After Children both from senior officers and Members to celebrate various achievements our strategy recognises that we need to be more systematic in how we approach this issue.

There is planning for a celebration event for looked after children in Spring/Summer 2012 to which elected members will be invited.

Is there an active Children In Care council with elected members and others in authority (across the council and other partners) to express the needs and wishes of looked after children locally?

Yes. Our Show Me That I Matter Panel is a highly successful forum that brings together Looked After Children and Young People and elected members. Partners from other parts of council and beyond attend regularly of chief executive, community dentist, education transport provider, head of virtual school, paediatrician, Child Adolescent and Mental Health Service professionals.

How are children in care's complaints responded to and how are lessons learnt?

York has a complaints manager, who oversees the investigation of complaints. All matters are taken very seriously and dealt with promptly to ensure that safeguarding of children and promotion of their welfare is paramount. There is a proportionate approach so that lower level issues are dealt with by a problem solving and conflict resolution approach at social worker or first manager level. Ongoing complaints, which are not resolved, and allegations against carers and other professionals are dealt with by independent people to ensure full investigation.

The complaints manager undertakes an annual review of all complaints and ensures that the general messages from the complaints are addressed, as well as specific action related to the individual matters raised.

H.S. Lovelady

Head of Service , Children's Social Care

18-1-12



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**Report of the Assistant Director IT & Governance****25 January 2012****York Museums Trust – Additional Briefing Report****Summary**

1. This report presents an additional briefing on the formation of York Museums Trust, as requested at the last meeting of this Committee. Based on this additional information and all the information previously provided, the report asks Members to decide whether or not they wish to proceed with a scrutiny review of the topic proposed by Cllr Watson.

**Background to Report**

2. In 2002 City of York Council entered into a partnership agreement with the newly constituted York Museums Trust (YMT) in order to ensure the long-term stability and prosperity of the City's museums and collections. The background to the decision to create YMT (a company limited by guarantee with charitable status) was the need to turnaround the business performance of the museums which had been losing an average of 37,000 visits every year over the previous ten years and were costing an extra £120k each year.
3. In November 2011, this Committee received a topic assessment report presenting a York Museums Trust scrutiny topic proposed by Councillor Watson, together with background information on the formation of the Trust and its performance. The report asked Members to decide whether or not to proceed with the review.
4. At that time, the Committee requested an additional briefing paper providing information on the Trust's relationship with the council and the structures in place, and the original Executive report from July 2002 setting out the purpose of the Trust - see Appendix A.

**Consultation**

5. The additional information set out below has been provided by the Assistant Director Lifelong Learning & Culture.

### **Additional Information / Update Provided**

6. The Executive agreed on 26 July, 2002 to transfer operation of the museum service to the York Museums and Gallery Trust (YMT). By that date, YMT had already been formed, by a group of York citizens, as a company limited by guarantee with charitable status, governed by a board of trustees comprising a chair and ten to twelve members including two Councillors, a nominee of the Yorkshire Philosophical Society (YPS), and an individual nominated by the unions in consultation with the staff. YMT also has a trading company which covenants all profits back to the parent charity.
7. The key principles of the transfer were:
  - YMT would manage the Art Gallery, Castle Museum, St Mary's Church, and the Yorkshire Museum and Gardens.
  - The Council would retain ownership of the buildings and collections. It would loan these to YMT through formal agreements. In the case of those assets that are subject to existing trust deeds the Council would be the custodian trustee and YMT the managing trustee.
  - TUPE would apply to the transfer of staff.
  - YMT would continue to provide the residents of York with free entry to the main collections.
  - Agreements between the Council and YMT would ensure that the Council's expectations and outcomes would be met.
8. The key agreements that govern the legal relationship between YMT and the Council are as follows:
9. **The Memorandum of Association:** This document describes the Trust, its reasons for existing and its charitable objects. It is based on a standard model and is intentionally broad in order to give the Trust all necessary powers to be able to function as an independent organisation. (See Annex 2 to Appendix A)
10. **The Articles of Association:** These prescribe how YMT operates as an organisation. With regard to the appointment of trustees it sets out that in every notice for an annual general meeting, the Board shall set out its requirements for the skills, qualities and experience which it needs from its members. The notice shall state the extent to which those requirements are met by those Trustees continuing in office and those retiring and intending to re-offer themselves for election.

11. In exercising their powers to nominate, appoint, reappoint, elect, re-elect, approve and dismiss Trustees, both the members and trustees shall seek to ensure that the Board of Trustees is representative of the local community and users of the services and facilities offered by the Company and also comprises persons with a broad range of skills and who are likely to contribute to the Company's success. The specific way that YMT will carry out its business is also covered in the Partnership Delivery Plan at paragraphs 10 –19 (See current PDP at Appendix B).
12. **The Funding Agreement:** This sets out how the Council funds the Trust. The 'Partnership Delivery Plan' (PDP) section sets out what YMT and the Council agree will be delivered, the targets it will reach and the reporting arrangements that are proposed. (See Appendix B for the current PDP).
13. **The Transfer Agreement:** This document formally transferred to YMT the activity of providing museum and gallery services together with the staff and the assets.
14. **The Leases:** Separate leases were agreed in respect of the Art Gallery, the Castle Museum, St Mary's Castlegate Church, the Fulford store and the Birch Park store. The term is 35 years from 1 August, 2002 and the rent is a peppercorn. A licence was granted for the Darnborough Street store which was subsequently surrendered by YMT. YMT subsequently entered into a lease in its own right for the James Street store.
15. **The Collections Loan Agreement:** The agreement provides for a loan period of 25 years and sets out the Trust's obligations. A collections management protocol forms a schedule of the Funding Agreement and sets out how the collections are to be managed. YMT collects only on behalf of the Council. A new Acquisition and Disposal policy was agreed with the Council in 2005.
16. **The Scheme for the Yorkshire Museum and Gardens Charity:** The Yorkshire Museum and Gardens were originally owned and operated by the Yorkshire Philosophical Society (YPS). In 1960 the YPS formed a charity, the Yorkshire Museum and Gardens Charity, vesting the assets in York City Council as sole trustee. The scheme governing the charity provided for the City Council to administer the assets but gave the YPS a significant oversight role within the management arrangements. Trusteeship subsequently passed to North Yorkshire County Council. When it returned to City of York Council in 1996 the Council attempted to fulfil the terms of the scheme through its newly formed, unified

museums service. This caused significant tension with the YPS. It was clear that a new scheme was needed.

17. Once YMT was up and running a new scheme for the Yorkshire Museum and Gardens Charity became imperative. Unfortunately it took 7 years to negotiate this new scheme with the YPS and the Charity Commission during which time YMT had to operate the assets under a licence from CYC.
18. The new scheme and heads of agreement are attached at Annex C. Under the new scheme the Yorkshire Museum and Gardens Charity forms part of York Museums Trust for the purposes of registration and accounting. This means that YMT only have to file a single set of accounts rather than a separate set for YMT and the Yorkshire Museum and Gardens Charity respectively.
19. **The Kirk Deed:** The Charity Commission required that this be updated (See Annex D).

### **Options**

20. Based on the information provided at the last meeting, Members agreed it would not be appropriate to scrutinise the work of the Trust and their internal processes as suggested in Cllr Watson's topic registration form.
21. However, having taken into account the additional information provided above, Members may choose to scrutinise whether the grant allocated by the Council is delivering the outcomes that have been requested. This could include looking at the measures and indicators in place to ascertain whether the use of the grant matches the council's priorities and is achieving value for money.
22. Alternatively, it may be possible to do this via the bi-annual performance update reports this committee continues to receive from the York Museums Trust, making it unnecessary to proceed with a scrutiny review at this stage.

### **Council Plan 2011-15**

23. The success of the Yorkshire Museum Trust and its business plan contributes to the council's priority to create jobs and grow the economy, through its investment in the tourism infrastructure. It also provides opportunities for learning, for young people across the city.



## Risk Management

24. If a decision is taken not to proceed with this review, and the concerns of Cllr Watson about the collections prove to be correct, there is a risk to the council that the cataloguing of those collections may not be completed in line with the Partnership Delivery Plan. If a review of this topic were to go ahead, this risk could be mitigated. Members need to take into account whether the balance of evidence available for Cllr Watson's concerns is sufficient to warrant allocating Council and YMT resources to undertaking a scrutiny review.

## Recommendations

25. Members views are sought on whether to proceed with a review. Should Members decide to go ahead with the review, Members are recommended to:
- i. Agree a suitable review remit and identify a timeframe for the review's completion.
  - ii. Revise the Committee's workplan accordingly

Reason: To ensure compliance with scrutiny procedures and protocols.

## Contact Details

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### Chief Officer Responsible for the report:

Andrew Docherty  
Assistant Director of ITT & Governance

**Report Approved**



**Date**

9 Jan 2012

### Wards Affected:

**All**



For further information please contact the author of the report

### Background Papers:

YMT Performance Update Report dated 28 September 2011  
Topic Assessment Report dated 7 December 2011

### Annexes:

**Appendix A** – Executive Report July 2002

**Appendix B** – Current Partnership Delivery Plan 2008-13

**Appendix C** – Scheme for the Yorkshire Museum and Gardens Charity

**Appendix D** – The Kirk Deed

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**Executive**

26 July 2002

Report of the Assistant Director (Lifelong Learning and Leisure)

## **ESTABLISHMENT OF THE MUSEUMS TRUST**

### **Purpose of Report**

- 1 This report updates members on the establishment of the York Museums and Gallery Trust and asks them to:
  - Approve the key principles of the founding legal agreements:
    - ⇒ The Transfer agreement
    - ⇒ The Funding Agreement between the Council and the Trust
    - ⇒ The “Partnership Delivery Plan” setting out how the Council and the Trust will work together to deliver a museum service of excellence
    - ⇒ Leases to be used for the various museum premises
    - ⇒ The Collections Loan Agreement
  - Agree the level of funding of the Trust
  - Agree to ask the Charity Commission to draw up new charitable schemes for the Yorkshire Museum and Gardens and the Kirk Collection
  - Approve 1 August as the date on which to transfer the operation of the Council’s museum services to the Trust

### **Background**

- 2 In June 2001 members agreed in principle to the transfer of the Museums Service to a charitable trust. The background to this decision was:
  - The increasing decline in visitor numbers – an average of 37,000 visits per year lost over the last ten years.
  - The increasing gap between income and expenditure with the service costing an extra £120k every year – this is not sustainable.
  - A large backlog of inadequately catalogued objects and poor storage conditions

- Buildings requiring extensive maintenance and upgrading including full access for people with disabilities
- A need to modernise the display methods at all sites
- A need to improve the effectiveness of the management of the service

3 Attempts in recent years to address these problems within existing structures have failed. The Trust option was identified as having best potential to achieve a turnaround through:

- A structure involving trading companies with greater freedom to operate entrepreneurially within the highly competitive visitor markets
- Longer term funding arrangements providing a more stable basis for business planning and development
- More opportunities to increase income from commercial activities
- The potential for more active fund-raising with the ability to attract more grants and sponsorship from the private sector
- Likelihood of an HLF award to address the buildings issues
- Greater scope for external borrowing
- Tax benefits leading to savings capable of being reinvested in the service
- Greater potential for productive partnerships within the city.

4 The principles of transfer previously agreed by members were:

- The Trust will comprise the Art Gallery, Castle Museum, St Mary's Church, and the Yorkshire Museum and Gardens. It will be formed as a company limited by guarantee with charitable status. It will also include a trading company which covenants all profits back to the parent charity.
- The Trust will be governed by a board of trustees with a chair and ten to twelve members whose skills reflect the significance and range of the collections. This will include two Councillors, a nominee of the Yorkshire Philosophical Society (YPS), and an individual nominated by the unions in consultation with the staff.
- The Council will retain ownership of the collections. In the case of those assets that are subject to existing trust deeds it will be the custodian trustee. It will loan the collections to the Trust through a formal agreement.

- The Trust will continue to provide the residents of York with free entry to the main collections.
  - The Council will at the outset make a ten year financial commitment to the Trust with a rolling 5 year forward plan.
  - Funding will be based on present levels with inflation and a triennial 'dowry' will be provided to meet at least 80%, and no more than 90%, of the funding gap between the Trust's predicted expenditure and the existing cost of the Service.
  - The Council will provide partnership funding for an HLF application (£1.9m is included in the current Capital Programme).
  - Agreements between the Council and the Trust will ensure that the Council's expectations and outcomes are met.
  - TUPE will apply to the transfer of staff.
- 5 An "Initiation Group" was established to take forward the necessary work. This group, comprising Robin Guthrie (Chair), Mike Allen, David Rayner, and supported by Councillors Jones and Bradley, together with an officer group including financial, legal and human resource specialists, was tasked with the following:
- Consulting with all stake-holders.
  - Establishing the legal entity of the Trust, appointing Trustees, and obtaining charitable status for the company.
  - Commissioning the necessary legal documentation to transfer the operation of the museums service to the trust.
  - Confirming financial costs and preparing a funding agreement.
  - Recruiting the Chief Executive for the Trust.
  - Making all necessary arrangements in conjunction with Council officers for the Trust to be ready to operate the Council's museums services from 1 August, for example setting up accounting, financial and other support services.
  - Consulting with UNISON and staff on transfer arrangements, and developing the Trust's HR policies.

### **Progress**

- 6 The Company has been formed and application made for charitable status. The Charity Commission sees no difficulty in this regard, but a new Scheme is required to carry the 1960 agreement with respect to the Yorkshire Museum and Gardens into the new situation and to deal properly with the rights of the YPS. Charitable status will be made

effective retrospectively from 1 April 2002. Draft schemes have been drawn up to vary the existing trust deeds in relation to the Yorkshire Museum and Gardens and the Kirk Collection. It is intended that the former be put to the Charity Commission jointly with the YPS. (Draft Heads of Terms in respect of the Yorkshire Museum and Gardens are at Annex 6).

- 7 An interim arrangement will be needed since the new schemes will not be in place by 1 August. The Charity Commission will agree to a "temporary delegation" of day-to-day management of the two charities to the company pending the settlement of the schemes as long as this does not delegate any duty, discretion or responsibility of the Council as trustee. It will also need to provide for regular reporting back to the Council by the company. The Charity Commission have suggested that there be a cap on individual items of expenditure and on the total expenditure after which the company is automatically required to seek further authority for expenditure from the Council. The formal leases will not come into force until the new schemes are in place.
- 8 A maximum of 15 and a minimum of 11 trustees are envisaged in the Memorandum and Articles of the new Trust. A widespread search for trustees has been mounted over the past 6 months, including public advertisement in local and national newspapers, personal contact, and recommendations from staff and members. An interview was held with Robin Guthrie in November under the chairmanship of Barbara Woroncow, Chief Executive of the Yorkshire and Humberside Museums Council, as a result of which Mr Guthrie was invited to be Chair Designate of the new Trust. This decision is expected to be confirmed by the Trustees at their first meeting on 4 July. There were no other candidates.
- 9 The Board of Trustees will at the outset consist of: 2 Councillors, Robin Guthrie, Mike Allen and David Rayner (previously of the Initiation Group), 1 YPS nominee, 1 trades union nominee, Peter Addymann (YAT), John Cherry (British Museum), Ron Cooke (York University), Denise Jagger (Company Secretary, ASDA), David Pocknell (Director, Pocknell Design Studio), Terry Suthers (Director, Harewood House Trust), Dianne Willcocks (York St John).
- 10 Meanwhile, two key appointments have been made. Janet Barnes has been appointed Chief Executive and Michael Woodward Finance Director. Janet Barnes was formerly Director of the Crafts Council and worked before in the Museums and Galleries service of Sheffield City Council and subsequently in the Trust that now runs that service.

Michael Woodward joined the Trust on 8 April from the Museum of Science and Industry in Manchester where he was Finance Manager.

- 11 TUPE regulations lay down a duty for both the transferor and transferee employers to inform and consult with affected employees and their appropriate representatives. This is being achieved through a consultation strategy incorporating fortnightly meetings of the Museum's Consultation Group, team briefing sessions, regular news sheets and a 'hot box' and telephone help line system.
- 12 This strategy has been effective so far and will continue to meet the communication needs up to the transfer date. It is intended that the strategy is then modified to ensure a well informed workforce within the Trust and agreed consultation mechanisms with the recognised trades unions.
- 13 There are many practical tasks to be completed before the Trust will be ready to go operational from 1 August 2002. Council officers are currently providing guidance and help to the Trust to:
  - Adopt a robust set of financial regulations and ensure that the key aspects of the Council's regulations are adopted, especially those aimed at good financial control and value for money.
  - Set up its own budgets and budget monitoring. It is assumed that the Trust will continue to use the Council's financial ledger for its first year of operation. Key staff will need to be trained and Trust finances will need to be isolated on the ledger.
  - Set up its own bank account and creditor payment routines.
  - Negotiate service level agreements and payment arrangements with those Council's support services which the Trust will continue to buy into.
- 14 Officers are working on a comprehensive action plan of tasks which need to be completed before 1 August and will co-ordinate this with the Trust's Chief Executive and Finance Director.

### **Basis of Transfer**

- 15 The following are the key components that need to be agreed in order to effect a transfer of the Council's museums service to the Trust. The legal documentation has been drafted by Lawrence Graham, experts in the field of trust law:
  - **The Memorandum of Association:** This document describes the Trust, its reasons for existing and its charitable objects. It is based

on a standard model and is intentionally broad in order to give the Trust all necessary powers to be able to function as an independent organisation. (See Annex 2)

- **The Articles of Association:** This prescribes how the trust will operate as an organisation. With regard to the future appointment of trustees it sets out that in every notice for an annual general meeting, the Board shall set out its requirements for the skills, qualities and experience which it needs from its members. The notice shall state the extent to which those requirements are met by those Trustees continuing in office and those retiring and intending to re-offer themselves for election.

In exercising their powers to nominate, appoint, reappoint, elect, re-elect, approve and dismiss Trustees, both the members and trustees shall seek to ensure that the Board of Trustees is representative of the local community and users of the services and facilities offered by the Company and also comprises persons with a broad range of skills and who are likely to contribute to the Company's success. (The Articles of Association are available to members on request). The specific way that the Trust will carry out its business is also covered in the Partnership Delivery Plan at paras. 10 – 19.

- **The Funding Agreement:** This sets out how the Council will fund the Trust. The 'Partnership Delivery Plan' section sets out what the Trust and the Council agree will be delivered, the targets it will reach and the reporting arrangements that are proposed. (Attached as Annex 1).
- **The Transfer Agreement:** This document formally transfers to the Trust the activity of providing museum and gallery services together with the staff and the assets. The schedules list staff and their present terms and conditions (part of the TUPE requirements), any contracts with third parties, and equipment). With respect to operation of the museums shops a subsidiary transfer agreement will transfer stock and equipment only (i.e. not staff) to the trading company.
- **The Leases:** A generic lease has been prepared to be used for the 5 key sites: the Art Gallery, the Castle Museum, St Mary's Church, the Yorkshire Museum and Gardens and associated buildings, and Birch Park Store. A 25 year lease is proposed which will fit with the capital funding arrangements of major potential funders such as the Heritage Lottery Fund. The rent will be a peppercorn.
- **The Collections Loan Agreement:** Ownership of the collections will not change – the Council will remain owner / custodian trustee.



The agreement provides for a loan period of 25 years and sets out the Trust's obligations. A collections management protocol (attached at Annex 4) which will form a schedule of the Funding Agreement sets out how the collections will be managed and ensures that the Trust will operate the collection according to the standards required for a registered museum adopting the Council's current collection policy. This will preclude the Trust or the Council from inappropriately disposing of items, e.g. by selling them.

The Trust will take on the administration of 3 trust funds which were established by donors for specific purposes. (The Edward Lamb legacy for the maintenance of the James Cox Automaton Clock, the William Read Trust Fund for the purchase of British fossils and books for the Yorkshire Museum, and the Ismay legacy, for the maintenance and development of the Ismay Collection).

The Trust will also administer the various Donation Funds which will be transferred to the Trust. (The Castle Museum fund is the only substantial one, having a balance at 31 March of £163,642. Final balance will be agreed on transfer). They will be required to administer these in line with the current terms.

- 16 These documents form the foundations of the arrangement. As such, they are relatively fixed and would not be expected to change significantly (although the attached schedules, notably the Partnership Delivery Plan will be regularly updated). They aim to strike the necessary balance between on the one hand ensuring that the Council as the Trust's main funder sees results in line with the agreed outcomes and can be satisfied as to the proper use of public funds, and on the other that a genuinely independent organisation is established capable of achieving business turnaround and of pursuing its charitable objectives.
- 17 In addition, an annual process of negotiation on funding is proposed which will include updating of objectives and targets. The Trust will also develop and maintain its own business plan which will describe the totality of its activities and will submit this to the Council.

### **Issues:**

#### **The Funding Agreement**

- 18 The Funding Agreement reflects the agreed objective of giving the Trust a 5-year planning horizon. The Agreement will guarantee a base level of funding, which is equal to the current Council budget for the Museums Service (with some adjustment for those budgets which the Council will need to retain, for example Asset Rentals).

- 19 This base level of funding will increase each year in line with the Council's agreed allowance for inflation and pay rises assumed in the annual budget. This arrangement has the benefit of ensuring that, in real terms, base Council funding will not increase over the current budget level. It will also ensure that the Trust has enough funding to meet the requirements of nationally agreed pay rises for its employees. The rate which will be used for 2002/3 is 2.7%.
- 20 The agreement on core funding will run from 1 August 2002 to 31 March 2008. The Trust will submit an application to the Council for the further five years of core funding in April 2005. This will be supported by a Business Plan for the next five years and Members will have the opportunity to comment on and approve further core funding and to approve a revised Partnership Delivery Plan.
- 21 The Trust will receive its base funding each quarter in advance, paid from the Council into the Trust bank account. This will have some cash flow implications for the Council, as currently expenditure on the Museums service is withdrawn from Council Funds over 12 monthly periods (mainly to pay staff salaries and wages). The need to withdraw in four quarterly instalments will reduce the amount available for investment in the Council's bank account. It is estimated that this will cost the Council approximately £15k per year. However, the Trust will benefit from being able to invest their surplus cash, which should yield an equivalent amount, to be reflected in the base level of funding agreed with them. And the Trust will be able to invest the Castle Museum donations fund.
- 22 The base budget will not meet the needs of the Trust to invest in attracting visitors, care and maintenance of the collection and taking a more commercial approach to earning income. As such, there will need to be an amount of top up funding (referred to as the "dowry") agreed in the Funding Agreement. As the Trust is looking to invest to yield returns over the medium term, it is vital that there is some future guarantee as to how much the dowry will amount to. For this reason, the Funding Agreement asks for an initial three year dowry to be agreed (from 1 August 2002 to 31 March 2005). If the Trust needs to apply for a further dowry beyond 2005, the case will be made to the Council in June 2004. This will allow time for discussion and negotiation with the Council, coming to an agreement by February 2005. The initial dowry shall be no less than 80% and no more than 90% of the additional running costs projected for the Trust compared to the base level of funding which is to be transferred.

- 23 Agreeing the level of the dowry up to 31 March 2005 is key to the Funding Agreement and is dependent upon the Council agreeing the assumptions made in the Trust's Business Plan. The Initiation Group has presented its Business Plan for the first three years of operation and has put forward proposals as to the level of dowry needed. This is discussed in detail in paragraphs 29 to 35.
- 24 The Council will monitor performance of the Trust regularly via a set of agreed performance indicators (see below) and the Trust will provide the information to enable Council officers to evaluate performance in line with the funding. The Trust will produce its own statutory accounts, as required by the Charities Commission. These will be available for inspection by the Council and the taxpayers. The Council has the right to suspend, reduce or withdraw funding from the Trust during the year if there is any wilful breach of the terms of the Funding Agreement or improper use of the funding. It is proposed that the Trust adopts a robust set of financial regulations in agreement with the Council.
- 25 The Funding Agreement will need to reflect the fact that, for the first year of operation, there will only be part year funding by the Council (from 1 August). It is proposed that Accountants set up the Trust budget agreed in the Funding agreement as if for a full financial year. All costs and income will be coded to this budget by Council staff up to 31 July. The Council will then need to close down the Trust Account at that date, reflecting all outstanding expenditure and income commitments. Once agreed, the remaining level of funding will be transferred to the Trust for the remainder of the 2002/3 financial year. If there are significant over or underspends during the period 1 April to 31 July 2002, there will need to be separate negotiations with the Trust before the transfer.
- 26 Whilst the funding agreement provides for the possibility of varying funding during the year it is based on the objective of the Trust doing everything it can to manage within the agreed funding framework and becoming increasingly less dependent on the Council's funding over time. Whilst the initial dowry is calculated on the basis of meeting a percentage of the identified funding gap there will no expectation that the Council will automatically increase its funding if the Trust's shortfall increases – in the first instance it will be for the Trust to find ways of reducing its expenditure.

### **The Partnership Delivery Plan**

- 27 This is a key document setting out the Council's expectation for outcomes over the next five years, the monitoring mechanisms and the performance indicators to be provided. It is attached as Annex 1.

- 28 The main features of the Partnership Delivery Plan are that it:
- Describes a partnership arrangement in which the Trust provides museum services delivering outcomes within the Council's key corporate objective areas. It sets out the obligations of both parties in making this partnership work
  - Covers a 5 year time-frame and will be renewed at the end of that period
  - Sets out the key targets for the trust in delivering Best Value
  - Sets out Performance Indicators
  - Sets out monitoring arrangements
  - Sets out management arrangements for Museum Gardens
  - Provides for the Trust continuing to represent the Council at city level in delivering museum services and continuing to advise members on museums issues

### **The Trust's Proposed Business Plan**

- 29 The key assumptions made in the Initiation Group's business plan in order to meet the Partnership Delivery Plan are as follows:
- stabilising visitor numbers at the 2001 level, with ticket income rising at 2.5% from 2003 onward
  - increasing income from retail and catering profits (retail income rising at £50k per year and catering income at 5% per year)
  - increasing income from temporary and touring exhibitions (by £100k over a five year period)
  - increasing school visits to the Museums, by appointing a new schools liaison assistant, to redesign and market the service to schools
  - achieving income from new sources, particularly from Premises and Garden lettings (to £50k pa by 2006/7)
  - much needed investment in conservation and cataloguing of the collection, by appointing a new Collections Manager and 1.5 fte conservators, making full use of the conservation facilities in the Museums Service
  - preparing the Heritage Lottery Fund bid, to obtain an investment of £8m in the infrastructure of the Museums.
  - investing in key management resources of the Chief Executive, Commercial Director and Director of Finance

- investing in key areas of marketing and exhibitions, to ensure that the downward trend in visitor numbers is reversed and income generated from temporary and touring exhibitions (to £300k in total by 2006/7)

30 These are ambitious objectives for the Trust and the key is to ensure that investment is used wisely in order to gain the full benefits and transformation which are the Trust's and Council's objectives. A summary of the Trust's three year business plan is shown at Annex 3. The assumptions made in the plan have been checked by Council officers to ensure that they reflect current achievable spending plans in the Museums budget at present. The comments of the Head of Financial Services on the business plan are attached at Annex 5. The Trust will be funded by the Council as follows:

- a base budget (equal to the current Museums Service budget) will be transferred to the Trust. For 2002/3, this will total £1.279m and thereafter will increase annually by inflation as set out in the funding agreement;
- Members have also set aside an initial three year dowry of £345k and have made available a further £255k to the Trust to fund set up costs.

#### **Set Up Costs:**

31 The provisional out-turn for 2001/2 shows that the initiation group have spent £110k of the set up costs budget. This has funded expert legal, financial and pensions advice. The Trust plans to use a further £50k of this budget in funding one-off expenditure in 2002/3, particularly to fund further legal fees and financial software. This will leave £95k of the budget remaining, which the Trust intend to set aside to meet any future pensions, early retirement or redundancy costs which may be incurred over the coming years. This is similar to the contingency set aside by the Council for such eventualities.

#### **Dowry:**

32 The Council will undertake to make available top up funding for the Trust in the form of a "dowry" to cover the first three years of operation and payable in advance on 1 August 2002. Based on the business plan produced by the Initiation Group and plans for utilising the remaining set up costs funding, the dowry for the first three years is calculated as follows (further details are provided at Annex 3):

	<b>02/03 £000</b>	<b>03/04 £000</b>	<b>04/05 £000</b>
<b>Trust Expenditure</b>	3,412	3,665	3,751
<b>Trust Income</b>	1,980	2,147	2,280
<b>Net Expenditure</b>	1,432	1,518	1,470
<b>Council Funding (base budget transfer uplifted by inflation each year)</b>	1,279	1,323	1,357
<b>Funding Gap</b>	153	195	113
<b>90% of funding gap</b>	138	175	102
<b>Dowry at 90%</b>	415		

- 33 The dowry of £415k should be viewed in the context of the projected financial position if the Council were not to transfer the services to the Trust and were not to invest. If the projected annual decline in visitor numbers were to materialise at a rate of 2.5% p.a., it is estimated that this would cost the Council approximately £470k over a 5 year period.
- 34 The ultimate aim of the Trust is to be in a position where no further dowry is needed from the Council. However, there may be a need to agree a further level of dowry for at least a 2 year period beyond 2004/05. Indications in earlier reports to Members have estimated this at £320k. If the Trust meets the targets it has set itself in the first three years, the second dowry will be much lower than this estimate. The Trust aim to complete a rigorous financial plan once up and running and with appropriate staff in place after August 2002. It is recommended that the Trust present this to the Council in October 2002.
- 35 The first three year dowry of £415k which is being put forward by the Trust amounts to £70k more than has been set aside in the budget provision of £345k. If agreed, the additional £70k would need to be funded from Council reserves. Members have already been alerted to the need to be cautious in utilising reserves, as part of the Budget process. The key reason for the need for a higher dowry than the £345k that was originally envisaged for the first three years is the faster rate at which the Trust would wish to invest in development activities aimed at reversing the declining visitor trend and exploring new opportunities for generating income, particularly expenditure on marketing. In return, however, the future dowry requirement will be reduced by at least this amount.

## **Assets to be leased to the Trust**

36 **Land and buildings** - The following are included - (plans are at Annex 7):

- **The Castle Museum** – with a boundary line drawn at the gable wall of the north western end of the Museum because of possible requirements for the Coppergate II development. The Eye of York is excluded.
- **The Art Gallery** - with the exception of the land behind the Art Gallery. It is proposed that the land behind be operated by the Trust under a short-term agreement until such time as clearer plans are developed for the site. This will keep all options open whilst the Council considers the development possibilities. The Trust may also in due course bring forward proposals for a museums development which may be able to generate income and so reduce the Trust's reliance on Council funding. Should a partnership proposal be agreed a new, longer-term agreement could then be entered into.

The Archive is also excluded (it will be leased back to the Council). However, the Trust has formally indicated that should these premises become vacant in the future they will wish to bring forward a business case for their use as they could significantly enhance the performance of the Art Gallery particularly in respect of retail, catering and education facilities.

- **The Yorkshire Museum and Gardens** – including Tempest Anderson Hall, St Mary's precinct, the Bowling Green, the Hospitium, part of the remains of St Leonard's Hospital, the Lodges (St Mary's and the Gardens), the Boat House, the Observatory and ancillary buildings as well as the railings. (The toilets are excluded not being part of the gardens as are the walls, the Multangular Tower and the riverside path – current arrangements for these will remain in place.)
- **St Mary's Church, Castlegate**
- **Birch Park Store**
- **Fulford Cross Store** - A licence up to 2004 is proposed for this building recognising that the Council may develop proposals for the surrounding land. It should, however, be noted that in the event of the licence being terminated the Trust would have no revenue with which to make alternative arrangements. It is therefore proposed that should a development scheme arise involving this property then the Council should assist the Trust with the cost of obtaining

alternative premises. This intention is reflected in the Collections Protocol within the Funding Agreement.

- **Lower Darnborough Street Store** - This is a Housing property and is currently the subject of a capital programme scheme. It is therefore proposed that it is let on a licence that can be terminated with 6 months' notice. Again, as no rent is currently payable, the Trust will have no revenue budget with which to make alternative arrangements. (No provision has been made within the Housing capital scheme for alternative premises for the Museum store.) It is therefore proposed that should a scheme proceed the Council assist the Trust in the cost of obtaining alternative premises.
- **James Street Store** - The lease here is due for renewal. It is proposed that a new lease is taken in the name of the Trust.

37 The leases will prescribe free entry for York citizens to the Museums and to the Museum Gardens together with minimum opening hours based on current levels. In the case of the Museum Gardens their continued availability free of charge for civic and ceremonial use and for Council supported events will also be prescribed. The existing rights of the self-managed bowlers will also be protected. It is not proposed to place restrictions on uses of the buildings. Sufficient controls are available through the Trust's Memorandum and Articles of Association, which place parameters around the activities of the Trust, and through the Funding Agreement and Partnership Delivery Plan. There is also a specific section in the Partnership Delivery Plan relating to the management of Museum Gardens.

38 The leases will not allow for assignment of the whole or any part of the premises. Landlord's consent will be required for sub-lettings if the sub-lease creates an interest in land for more than 12 months.

39 A key issue is that of repairing liability. The initial proposal was that the Trust take on full repairing leases. However, recent building condition surveys have confirmed that there are a number of potentially significant problems with the buildings. Any failures arising in these areas would be beyond the immediate capacity of the Trust to deal with. On transfer it will have within its funding only amounts equivalent to the small day to day repair and maintenance budgets currently available within the Museums Service. In the early days the Trust will not be able to raise the significant funding that would be required to deal with major building failures. It is therefore proposed that the lease requires the Trust to use "reasonable endeavours to keep the premises in repair".



- 40 Clauses in the Transfer Agreement will define the extent of “reasonable endeavours”: In the first instance it is proposed that the Council should retain liability for any major failures to roofs and external walls. Major failures will be defined as those where the cost of the repairs is greater than £25k and which prevent the tenant from reasonably carrying on their business at the premises. All other categories of repair and maintenance will be responsibility of the Trust. This provision will apply only to the 4 main museum buildings.
- 41 It is envisaged that this repairing liability will be reduced by buildings being put in order as part of a capital improvements programme which will be the subject of a Heritage Lottery Fund bid (members have already made £1.9m provision for partnership funding). The targets in the Partnership Delivery Plan help to ensure that the Trust aims to address the most significant problems first in order to limit the Council’s liability.
- 42 Under this provision the Council would only be required to deal with problems that interfere with the operation of the service. This is broadly similar to the current position whereby, in the event of a major buildings failure, the Council would have to decide whether to use its reserves to address the problem in order to reduce loss of income from disruption to the business. Over time it can be expected that the Trust will be able to achieve capital investment in the buildings which will reduce the liability that the Council currently faces.
- 43 The Council will continue to insure the premises and the tenants will be responsible for the premium. The various legal agreements ensure that the Trust takes out other essential insurance including, for example, maintaining the current level of cover for the collections.
- 44 There are break options in the leases allowing either party to give notice to terminate the lease (albeit these cannot be exercised in the first 5 years of the agreement).
- 45 Members are asked to approve the above principles and give officers delegated approval to conclude individual leases / licences prior to 1 August.

### **Human Resources Issues**

- 46 Under these proposals all Council Staff will transfer to the new organisation on 1 August under TUPE provisions. They will retain their existing terms and conditions on transfer. New contracts will be issued on the day of the transfer incorporating all existing HR policies, practices and agreements subject only to process changes agreed

with the Trade Unions prior to transfer. Changes will be limited to those rendered necessary to ensure effective application of policy / procedure from day one e.g. the disciplinary appeals process needs amendment to ensure that any appeal will be heard within the Trust.

- 47 On-going links with City of York Council will be retained where mutually beneficial or economically advantageous e.g. training programmes, and some service contracts.
- 48 In line with national policy the Trust will agree with the recognised trades unions (Unison and the GMB) a union recognition agreement which will include consultation and negotiation on all matters falling within section 178(2) of the Trade Union and Labour Relations (Consolidation) Act 1992. The Trust and the unions have also agreed to enter into a 'fair employment' agreement. This will draw upon a proposal put forward by Unison and in essence is concerned to ensure that there will be not be a two-tier workforce. Although these agreements will formally be concluded once the Trust is employing the staff interim arrangements have been agreed for example with regard to facilities time. Work is also well advanced on agreeing the Trust's personnel policies with the trades unions.
- 49 The unions in consultation with the staff have put forward a nominee for the Trust board as set out in the Trust's Articles of Association.

### **Pensions**

- 50 The Trust has been granted admitted body status to the North Yorkshire Pension Fund (NYPF). Currently, of the 117 staff who will transfer from CYC to the Trust, 77 are already members of the pension scheme. Their pensions will not be affected by the transfer. Those staff who have opted not to join the NYPF will be reminded of the benefits of joining the scheme before the transfer takes place. However, the key assumption being made in the admitted body agreement with the NYPF is that all Trust staff, both existing and future employees will have the option of joining the NYPF. It will also assist with recruitment and retention, as most of the new appointments will come from a public sector background and will wish to transfer their pensions into the North Yorkshire scheme.
- 51 There are various tasks which need to be completed to ensure that full admitted body status is achieved for the Trust. The most significant step is obtaining the actuarial valuation which determines the employer's contribution rate which the Trust will need to pay, to ensure that all staff have the option of joining the scheme. This information has now been received from the actuaries who are proposing a contribution

rate from the Trust as employer of 11.9%. The Council's contribution is currently 15.3% for 2002/3. It has been assumed that the current full budget for employer's superannuation is to be transferred to the Trust, which is consistent with the principles of the core funding agreement (i.e. transfer of the full current budget for the Museums Service). It does mean that the Trust will save on employer's contributions with having the lower rate. This could amount to £40k per year.

- 52 One of the key requirements of admitting the Trust to the North Yorkshire Pensions Scheme is that CYC provide a written form of guarantee. This is usual practice and was used to assist the transfer of museums in Sheffield. The aim of the guarantee is to indemnify the North Yorkshire Pensions Fund against all losses, claims, expenses or payments that may be incurred as a result of any failure by the Trust to meet its obligations under the Admission Agreement to the Pensions Fund. The draft guarantee has been sent to the CYC Legal team for checking, who have confirmed that the wording of the guarantee is acceptable to CYC.
- 53 The Trust will take decisions related to staff which may affect liabilities to the Pensions fund. In order to limit any potential liabilities, the Trust will be asked to adopt the Council's draft new pensions policy, aimed at taking a reasonable and responsible approach to early retirements and redundancies.

### **Support Services**

- 54 The Council will transfer to the Trust, as part of base funding, a budget of £295k to purchase support services. The Trust is seeking "Public Body" status from the Secretary of State so that the Council may continue to provide services for it.
- 55 These services are currently provided to the Museums service by Council departments (HR, Finance, IT etc). However, the Trust will not need to purchase some of these services, mainly due to providing direct resources to deal with issues such as Finance and HR.
- 56 The intentions of the Trust as regards Support Services are set out below:

<b>Service</b>	<b>Charge e £</b>	<b>Potential Impact</b>
ODU (including District Audit)	44,350	The Trust will not buy this service from 1 August
Accountancy	27,351	The Trust will purchase £7k of the

		service up to 31 March 03, but will then no longer purchase this. Still undecided on £20k of the charge, but will definitely opt out from 1 April 03.
Payroll	4,547	Trust will continue with this service
Creditor Payments	2,709	Trust will continue with this service
Debt Collection	6,103	Trust as yet undecided
Cashiers	1,737	Trust will not buy this service from 1 August
IT	144,200	Trust will continue to buy in in the short term, but will be market testing and negotiating on this service area and may pull out of all or part of the service in the medium term.
Legal Services	1,956	Trust intend to appoint their own solicitors, but may buy into a part of the service.
Internal Audit	4,640	Trust will continue with this service
Marketing and Comms	42,100	The two staff covered by this charge are transferring as directly employed staff of the Trust.
York Consultancy	11,089	Trust may continue with a more limited service but will carry out their own building cleaning contract monitoring, so income to York Consultancy may reduce.
Grounds Maintenance Client Management	3,934	Trust will no longer require this service. Grounds Maintenance staff are transferring to the Trust from Commercial Services and will be managed directly.
<b>Total Charge / Income to Council</b>	<b>294,716</b>	
Definite Loss in Short Term	50,021	ODU, Grounds Maintenance Client, Cashiers
Definite Loss in Medium Term – additional:	27,351	Accountancy
Potential Loss in Medium Term – additional:	152,259	IT, Debt Collection, Legal
<b>Total Potential</b>	<b>229,63</b>	

<b>Loss</b>	<b>1</b>	
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- 57 In summary, in the short term (i.e. in 2002/3), there is definite loss of support services income of £50k. Over the medium term, this may rise to as much as £230k. Those services affected will either be expected to reduce their costs by the same amount as the lost income, seek other business and income or absorb the loss within their budgets. This will not be possible in all services. Where there are budget deficits on trading accounts that cannot be balanced by a reduction in expenditure, the Council will need to provide funding, either from contingency or as part of future budget rounds.

### **Commercial Services**

- 58 Commercial Services currently provide Building Cleaning, Grounds Maintenance and Commercial Waste collection services for the Museums Service. The Trust have indicated that, in the short term, they will continue to buy Building Cleaning and Commercial Waste collection from Commercial Services. They will look to market test both services in the longer term. The intention is that Grounds Maintenance staff will be transferring under TUPE arrangements to the Museums Trust and will be directly managed. There is, therefore, no significant impact on the profitability of Commercial Services in the short term. However, if, in the longer term, the Trust do decide to buy cleaning and waste collection services elsewhere, there may be an impact on the overheads of Commercial Services and therefore profitability.

### **York Consultancy**

- 59 York Consultancy will lose a small amount of income as a result of no longer charging for clienting the building cleaning contract on behalf of the Museums Service. However, this should be a minimum amount and indications are that this can be managed within budgets.

### **VAT Issues**

- 60 The Trust have indicated that they will probably apply for VAT exempt status for the non-trading part of their operations (i.e. Cultural Exemption). This means that they would no longer need to charge VAT on tickets and admissions. Assuming the price to visitors remains the same, the Trust would gain additional income. However, they would not be able to reclaim VAT on purchases, which produces an additional cost. As the Trust pays over more VAT than it reclaims on this part of the operation, there would be a net financial benefit. Accurate calculations have not yet been performed, but it is estimated exempt

status could result in the Trust achieving further income of between £100k and £150k per annum.

- 61 This additional income has not been assumed in the Trust business plan. This is because, if the Trust were successful in obtaining Heritage Lottery funding and embarked on a project to refurbish and modernise the current museum buildings, the VAT incurred on this expenditure would not be reclaimable from Customs and Excise. Over the medium term it is feasible that the Trust will only break even on VAT.
- 62 There is only one key impact on the Council if the Trust does decide to take exempt status. Councils are one of very few categories of organisation that can reclaim VAT on exempt services (e.g. Crematorium, Commercial Property). However, we must incur no more than 5% of our total annual expenditure on exempt services. If the Council breaches this percentage, then the total exempt VAT claimed in that financial year must be repaid and can be as much as £500k. If the Council does fund any major repairs for the Trust, which will have exempt status, care must be taken that the 5% limit is not breached. This means that there will need to be even more careful monitoring of the exempt limit by Corporate Accountancy. Members should note that the Trust's trading operation will charge full VAT on its transactions. There is still some debate as to whether the Trust will charge the Council VAT on the quarterly core funding amounts, which the Council would then reclaim from Customs and Excise. Both the Council and the Trust are taking advice on this from Customs and Excise. Council officers will be seeking reassurance that this is allowable, in the interests of protecting the Council from any future VAT penalties.

#### **“Client” Arrangements**

- 63 Responsibility for managing the arrangements with the Trust on behalf of the Council will rest with the Education and Leisure Department. As part of the restructuring of Lifelong Learning and Leisure a new post has been established of Head of Libraries and Heritage which will undertake this responsibility. This has been achieved at no additional cost.
- 64 This post will ensure that the relationship with the Trust develops as a partnership as well as overseeing all matters of performance and reporting to members. The postholder will not be a museums professional as officers of the Trust will still be expected to advise the Council on matters of national, regional and local museums policy. Where, however, the Council wishes to take independent advice it will be possible to buy this in as necessary.

## **Consultation**

- 65 A considerable amount of consultation has taken place prior to formulating these proposals for the Trust. We have asked opinions of residents through existing research activities and through special focus groups as part of the Best Value review of Leisure. The results of these exercises have influenced the way targets for the trust have been shaped, for example the importance placed on preserving our history, providing educational opportunities, and developing better exhibitions.
- 66 We have also consulted with key partners in the cultural heritage sector within the City, regionally and nationally including strategic bodies such as the regional museums council, as well as operating companies. These discussions highlighted the potential for a trust to take forward a widely owned agenda.
- 67 It is now timely for the Council and the Trust together to consult widely on the key elements of the forward plan. To facilitate this it is proposed to conduct a consultation centred around the Partnership Delivery Plan and the key proposals that it contains for future development, its targets, etc. This consultation with citizens and stakeholder groups will take place over the summer as the new Trust is launched and will be designed to facilitate a wide input of views, ideas and aspirations. The results of the consultation will be fed back to the Executive Member for Leisure & Heritage Advisory Panel and to the Trust Board and will be used to shape a final version of the Partnership Delivery Plan which will be agreed between the Council and the Trust in October.

## **Legal authority**

- 68 Public Libraries and Museums Act (1964).

## **Financial implications**

- 69 To summarise, the financial implications for the Council are as follows:
- A base funding amount to be provided to the Trust each year at a level of £1.279m (current Museums service budget).
  - This will be increased each year in line with the inflation assumptions made in the Council's budgeting process.
  - A dowry guarantee for a 3 year period. Based on the Trust's business plan, this amounts to £415k for the initial 3 year period, which is £70k above the provision of £345k already made in the Council's budget. This reflects the need to invest at a faster rate in marketing the Museums Trust services, in order to stem the decline in visitor numbers (as explained paragraph 35).

- If the dowry is agreed at more than the £345k provision, the Council will need to make this funding available from its reserves.
- There should be no financial implications for the Council associated with the establishment of the Trust as a separate body admitted to the North Yorkshire Pensions scheme i.e. the Council's employer's contribution rate will not increase as a result of the transfer. However, there is the need to provide a written guarantee which will indemnify the pensions fund against the Trust not being able to pay pensions contributions (for example, if the Trust were to fold).
- The Trust intend to continue to buy some of the Council's Support Services, but will definitely pull out of some provision, resulting in a definite loss of income of £50k in the short term and a further £27k in the medium term. There is a potential further loss over the medium term of £152k, taking the total potential lost income on support services to £230k. If support services providers cannot reduce costs or increase income elsewhere to balance trading accounts, there will be a need for the Council to fund these losses.
- There should be no financial impact on the Council from the Trust obtaining VAT exempt status, as long as the 5% limit is not exceeded. Members should note the need for careful monitoring by Corporate Accountancy to ensure the Council is not exposed.
- £1.9m is included in the current capital programme as the Council's contribution to a lottery bid.

### **Recommendations**

70 Members are asked to agree to transfer the Council's museum services to the Trust with effect from 1 August. Specifically they are asked to:

- Approve the principles of the:
  - ⇒ Transfer agreement
  - ⇒ Funding agreement
  - ⇒ Partnership Delivery Plan; and
  - ⇒ The Lease and the schedule of exceptions
- Approve the levels of funding of the Trust:
  - ⇒ the annual core funding of £1.279m, uplifted by the Council's budget inflation assumptions each year
  - ⇒ the first dowry (up to 31 March 2005) of £415k
  - ⇒ the transfer of the Castle Museum donations fund of £163k



- Delegate to officers authority to conclude:
  - ⇒ Leases / licences for each building
  - ⇒ The Funding Agreement amended to reflect the agreed start date
  - ⇒ The Transfer Agreement including its schedules of staff, contracts and equipment
  - ⇒ The Collections Loan Agreement
  - ⇒ The new charitable schemes
  - ⇒ A scheme of financial regulations for the Trust
  - ⇒ Negotiations on support services to be provided to the Trust
  - ⇒ An interim management arrangement from 1 August up to the point when all the legal agreements are concluded

### **Annexes**

1. Partnership Delivery Plan
2. Memorandum of Association
3. Summary of the Trust's draft business plan
4. Schedule to the Collections Loan Agreement
5. Comments of the Head of Financial Services
6. Draft Heads of Terms for Scheme
7. Plans of the sites

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### **Background Papers:**

1. Future options for Leisure Best Value review of the Museums Service — preliminary options, Executive, 1 June 2001
2. Museums Service Best Value: Implementation arrangements, Executive, 27 July 2001
3. Future options for Leisure Best Value review: Museums Service Continuous Service Improvement Plan, Leisure and Heritage Chief Officer in consultation with the Executive Member, 11 September 2001

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## PARTNERSHIP DELIVERY PLAN

### Introduction

- 1 The Partnership Delivery Plan is a joint agreement between the Council and the Trust and is an annex to the 'Funding Agreement'. It sets out:
  - the key objectives of the partnership
  - performance targets and indicators to be met by the Trust and Council
  - performance information to be provided
  - review and reporting procedures
  - partnership arrangements between the Council and the Trust
  - arrangements for the operation of the Yorkshire Museums Gardens
- 2 The Trust is an independent organisation working in partnership with the Council with the aim of delivering a Museums and Gallery service that will over the next five to ten years become recognised as one of the very best in the country.
- 3 This plan covers the first five years of the Trust. It may, however, be updated by the Council and the Trust during that period in the light of changing circumstances. The Funding Agreement provides a process whereby the Plan will formally be reviewed by the Council and the Trust towards the end of the 5 years in order to create a new plan for the next 5 years.

### Key Objectives

- 4 The key objectives of the partnership are drawn from 2 sources. Firstly from the Council's core objectives, principally to:
  - Maintain and develop York Museums as a Service of pre-eminent importance locally, regionally, nationally and internationally through the care, display and interpretation of and access to its collections
  - Improve educational opportunity and achievement for everybody in York
    - ⇒ increase achievement of pupils at every stage of their education
    - ⇒ improve range and quality of opportunities for adults to learn

- ⇒ improve the level of life skills of York residents
- ⇒ develop the range and quality of cultural opportunities
- ⇒ create a more vital and vibrant city through innovation and creative expression
- Strengthen York's economy
  - ⇒ attract additional investment
  - ⇒ meet future skills needs and create wider employment opportunities for all York residents
  - ⇒ attract Tourists to the City
- Ensure that all residents can take part in the life of the City
  - ⇒ increase opportunities for people to be involved in decision making in their communities
  - ⇒ ensure that people in minority and vulnerable groups can take part in the life of the City
- Promote the quality of York's environment
  - ⇒ protect and enhance the building and green features that make York unique
- Ensure that the City of York Council is a well managed Council
  - ⇒ ensure continuous service improvement and high quality in the delivery of services
  - ⇒ ensure sound financial management.

And secondly from the Trust's principal objects:

- The advancement and support of scholarship, scientific enquiry, education and the arts for the benefit of the citizens of York and of the public in Yorkshire and elsewhere, especially in the fields of antiquities, social history, painting, the decorative arts and the natural sciences
- To provide opportunities for the citizens of York and visitors to the City to learn the history of the City and its region in terms of its people, culture and history together with its scientific, artistic and industrial development
- The maintenance for these purposes and the benefit of the public of the Yorkshire Museum and Gardens, the Castle Museum, the York City Gallery, St Mary's Church and any other premises together with the care, enhancement (by acquisition or other means), management and display of the collections within these institutions

and display of collections from any other body which will promote the objects of the Company

- 5 The Partnership will ensure that the service is operated in accordance with the Museums Association Code of Ethics and will take all necessary steps to maintain the Registered status of the Museums and Gallery, and the Designated status of their collections

### **Targets**

- 6 The agreed key targets for the Partnership for the next five years are:
- stabilise the service:
    - ⇒ visitor numbers to be maintained at 480,000 a year
    - ⇒ total numbers of hours open a year, for all sites, to be no less than in 2001/02: 7,689 hours
    - ⇒ secure at least an £8M development across the Service to meet the basics of making the buildings safe and secure, and able to meet the expectations of 21<sup>st</sup> century visitors and the Disability Discrimination Act, and alleviate the highest priority maintenance problems
  - deliver new income streams:
    - ⇒ setting-up a trading company which covenants all profits back to the parent charity
    - ⇒ generate additional income, from sources other than admissions, which must be used to enhance the services provided for customers and citizens
    - ⇒ prepare and implement a Marketing Plan designed to increase levels of footfall, improve visitor satisfaction levels and increase visitor income
    - ⇒ identify a complementary Retail Plan, designed to improve the financial performance of present facilities and develop new sources of income
    - ⇒ define and implement a strategy for the greater utilisation of the Museum Gardens, the Tempest Anderson Hall and the Hospitium
    - ⇒ achieve as soon as possible an uplift in income from the hire and sub-letting of premises
  - deliver new permanent exhibitions and continued development of interpretative services

- ⇒ create a Gallery Improvement Plan for each institution, identifying display and interpretation needs, and justifying the resultant costs of implementation
- ⇒ devise and implement a programme of temporary exhibitions, designed to appeal to a wide cross section of local and specialist interests, and where appropriate be financially viable as touring exhibitions
- ⇒ determine the future for St Mary's Church within the curatorial framework
- create a strategy for a comprehensive educational service meeting the needs of the schools, colleges and universities:
  - ⇒ increase visits from these sources by 300% by 2007: from 12,000 to 48,000
  - ⇒ accommodate a diversity of learning needs in the design and operation of the exhibition areas
  - ⇒ develop an education programme as an instrument of change to develop new audiences, and enhance the capabilities and enjoyment of the visitors
  - ⇒ achieve partnership funding
- increase use and involvement by local people:
  - ⇒ use by residents to increase from 50,000 to 70,000 visits a year
  - ⇒ an increased awareness, from 40% to 80%, of residents' free-access with the YorkCard
  - ⇒ 5,000 people taking advantage of events and workshops
  - ⇒ double the number of active participants, e.g. volunteers, working with the Trust on a range of projects
  - ⇒ increase the number of 'friends' or other support groups
  - ⇒ broaden audience profile so that it is significantly closer to the city's demographic profile
- achieve high visitor satisfaction
  - ⇒ so that by 2007 over 90% (from 60%) of all visitors are either satisfied or very satisfied
- ensure cataloguing of the collection, keeping artefacts safe and providing full access to knowledge:

- ⇒ pursue virtual access to the catalogued parts of the collections and all exhibited material
- ⇒ pursue a strategy aiming to clear 40% of the collections backlog by 2007
- ⇒ produce a storage strategy by 2003
- ⇒ identify conservation needs and priorities, and implement a 5-year strategy that ensures the reasonable preservation of the collections
- re-structure so that the different functions of the Museums Service are promoted to the full, including attracting the public, curating and managing the collections, enhancing the commercial potential and strengthening the internal organisation:
  - ⇒ becoming a learning organisation that is outward looking, challenges its ways of doing things, compares itself to others, competes well and actively seeks and uses customers' view and perceptions to improve services
  - ⇒ providing evidence of continual improvement
  - ⇒ involving staff in the detail of developing new organisational systems
  - ⇒ appoint a Chief Executive Officer and senior management team
  - ⇒ identify and implement a sound management structure and system of governance
  - ⇒ define and manage successfully a business plan and annual budgets, consistent with agreed Council and other funding arrangements
  - ⇒ create a buildings maintenance strategy and a programme of prioritised remedial works, agreed with the Council
  - ⇒ prepare a Human Resources strategy, using it as a framework for reviewing pay and conditions, staff training and development, and career advancement
  - ⇒ agree a "Fair Employment Agreement" with the recognised trades unions
  - ⇒ implement a system of Key Performance Indicators applicable to senior staff, linked to Trust objectives, plans and budgets, and consistent with arrangements for reporting to the Council

- 7 The above are joint objectives, though the balance of responsibility for their delivery will fall on the Trust's side. The Council, for its part, will take a generally supportive attitude and will, in particular :
- Take a lead in promoting awareness of the museum education service
  - Take a lead in promoting awareness of the free opportunities provided by the museums for local people
  - Make available, free of charge, its Procurement services so that the Trust may benefit from bulk purchasing and interest rates negotiated with third parties
  - Provide basic advice through the "client officer"

### **Performance Information**

- 8 Information will be provided by the Trust in the following areas (as a minimum):
- total number of visits to the Trust's sites and temporary exhibitions— to be provided monthly
  - the number of uses of the Trust's services by residents (actual and as a % of all users and segmented into demographic groups)
  - the number of hours the collections were available to the public during the financial year at the 4 main sites
  - touring exhibitions created and to whom hired
  - the number of school children, in school groups, using the Trust's services: (a) actual numbers of all school users, and % as compared to all visits; (b) numbers of local school users and % of total city catchment
  - number of local people taking up life-long learning opportunities offered by the Trust
  - general satisfaction index from visitors (aggregate over the year and by site)
  - level of external investment secured (actual and as compared to planned)
  - number of meetings of resident advisory panel and young people's advisory panel (actual and compared to planned)
  - number of residents who are members of the various 'friends' groups, (actual and as % of total membership)
  - number of exhibitions, events and educational activities delivered (actual and as a % of planned)

- copies of management accounts – quarterly
- acquisitions and disposals from the collections – quarterly
- number of uses of the Yorkshire Museums Gardens for activities and events
- quality of the gardens in terms of comparison with the agreed specification

The Council will provide information in the following areas (as a minimum):

- % of residents aware of free-access to core collections (as measured by 'Talk About' — the Council's annual residents' survey)
- The number and nature of positive promotional mentions of the Museums in material aimed at local residents
- The number and nature of positive promotional mentions of the Museums in material aimed at local schools and colleges
- The number and nature of educational initiatives in which the Museums have been included

### **Review and monitoring**

9 The following procedure will be apply. There will be:

- Twice yearly review of performance between the partners:
  - ⇒ the Trust will provide performance information as set out above
  - ⇒ senior managers from the Trust (i.e. the Chief Executive and/or the Finance Director) and the Council (i.e., the "Client Officer" and/or the Assistant Director for Lifelong Learning and Leisure) will meet to review performance against the agreed indicators
  - ⇒ meetings will be set a year in advance and will normally be held in November and May
  - ⇒ performance will be reported to the Council's Executive Member and to the Trust Board
- annual agreement to Council funding by the Council's Executive Member as set out in the Funding Agreement
- an annual scrutiny process
- officers of the Trust will submit the Trust's Annual Report and other agreed performance information to a Council scrutiny body and attend to respond to members' questions



## **Partnership Arrangements**

- 10 The Council and the Trust will through this partnership ensure the delivery of Best Value and its principles in order to deliver continuous service improvement.
- 11 The Trust and the Council will continue to explore options for further partnerships:
  - the Council being mindful of the potential of the museums and art gallery to provide a positive contribution to its cultural, educational, economic, social and environmental agenda
  - the Trust being mindful of the experience and specialist services that the Council can offer
- 12 The Trust will represent the City on museums issues at international, national, regional and local level and continue to advise members of the Council on museums policy. The Trust will provide this service to the Council without charge provided that the work is broadly in furtherance of the objectives of this partnership. (Otherwise a fee can be negotiated).
- 13 The Trust will continue to play a role in the civic life of the city. It will provide facilities for hosting civic events (subject to operational availability) charging for them at cost. The Council will treat the Trust on same terms as an internal Council department with respect to the use of rooms at the Guildhall.
- 14 The Council and the Trust agree to the application of the 'Nolan principles' (The seven principles of public life) to their operations and the partnership working between the two organisations.
- 15 The following objectives will underpin the conduct of partnership business - to:
  - ⇒ demonstrate responsible governance of the Trust to its principal beneficiaries, the citizens of York, having regard for the extent of funding by the Council
  - ⇒ involve the community in key decisions affecting the objectives, policies and delivery of the services managed by the Trust, making the processes of decision-making as transparent as possible
  - ⇒ work to published standards of collections accessibility and customer care, and to routinely make public the resulting performance attainment
  - ⇒ encourage, and respond to, ideas and suggestions from the community in regard to the display and interpretation of the

permanent collections, the subject matter of temporary exhibitions, and the scope of outreach activities

- ⇒ respond openly and constructively to complaints, demonstrating that they have been adequately investigated
- ⇒ take such steps as are necessary to be satisfied that the Trust is, as far as is reasonably practicable, meeting the expressed aspirations of the community in regard to museum services.

16 The partnership will support the governance arrangements set out in the founding legal documents as follows:

- ⇒ governance of the Trust is overseen by the Board of Trustees, meeting regularly
- ⇒ the composition of the Board attempts to reflect knowledge and experience of the major activities and responsibilities of the Trust
- ⇒ community interests are expressly represented by two City of York Councillors being Trustees
- ⇒ when vacancies occur on the Board, the Trust will seek community candidates for consideration by advertising in local media. The Council will assist in this by advertising for example in the Council newspaper and in Ward Committee newsletters
- ⇒ the Trust publishes details of trustees appointed, their professional qualifications and experience, and a register of their business and public interests
- ⇒ below the board, the management of the Trust is vested in the Chief Executive, working within delegated authorities from the Board
- ⇒ the Chief Executive is supported by a team of senior managers, each responsible for a designated area of activity

17 The following principles will underpin the conduct of business:

- ⇒ the minutes of the meetings are available for inspection on request at each of the three museum / gallery locations, and are made available by the Council using its normal mechanisms [and available on the YMGT web site (when available)]
- ⇒ strategic plans of principal areas of activity of the Trust, once endorsed by the Board, are also placed on deposit at the Central Library
- ⇒ other Board papers, unless they are specifically deemed to be confidential, may be inspected by members of the public on request to the Chief Executive's office at St Mary's Lodge

- ⇒ Board meeting agendas will normally be available for inspection at the three museum / gallery locations and on the YMG T web site a week in advance of each meeting
- ⇒ a report of recent business is included in the quarterly CYC newspaper
- ⇒ the Trust publishes a public Annual Report, and a mid-year performance update
- ⇒ the AGM is held in public, and details are promulgated in local media
- ⇒ an annual 'Meet the Trustees' event is held, giving the public the opportunity to question the Board on performance and future plans

18 The Trust will also aim to:

- ⇒ extend the concept of the Friends of the Art Gallery to embrace the other two museum locations
- ⇒ establish a number of advisory bodies to work with groups and individuals in specific / specialist areas of activity. Representation from appropriate local groups, etc. will be sought
- ⇒ establish a Young People's Panel, meeting two or three times a year, which seeks a young view on specific aspects of the trusts services and future plans. Representatives of the City's Youth Forum and other groups will be invited to join the panel

19 Public consultation will be carried out on any issue of major public impact. Mechanisms of effective consultation with the public appropriate to the issue in question will be discussed with the Council, who will assist the Trust in carrying out consultation.

20 In order to ensure accountability to customers:

- ⇒ the Trust will produce a 'Customer Charter' setting out standards of service and care that customers can expect
- ⇒ all customer complaints and representations are logged, specifically investigated and replied to, and the Board sees a summary of these at each Board meeting
- ⇒ the Trust is committed to achieve a recognised customer service standard, such as the Government's Chartermark, as soon as possible

### **The Yorkshire Museum Gardens**

21 The Council and the Trust acknowledge the importance to the City of the Yorkshire Museum Gardens as a unique and special facility of the people of York and its visitors. The quality and importance is

recognised by its listing in the English Heritage register of historical parks and gardens.

- the partners agree to develop jointly a management plan that covers the use of the gardens
- the management and development of the gardens needs to reflect its foundation as a botanic garden, its registration with English Heritage and its designation as a Scheduled Ancient Monument, and the strategic plan will form the basis of this
- the plan will be developed over the first year of operation of the Trust and needs to incorporate the views of a range of organisations and individuals, and especially those of the Yorkshire Philosophical Society
- the plan will aim to achieve the Civic Trust “Green Flag” award for the Gardens by 2005
- the plan will contain an updated maintenance specification
- within the framework of the strategic plan, the Trust will be looking to develop partnerships with others, including the Council, for the development of a sympathetic cultural events in the Gardens
- the plan will include provisions for the management of and charging for events
- it will include provision that free access to the gardens will be maintained for civic and ceremonial events and additionally that
- and it will include provision for 10 free days for activities supported by the Council as having city-wide importance (to be free of charge other than the recovery of costs)

### **The Eye of York**

21 The Eye of York is not leased to the Trust and remains under the operational control of City of York Council. In determining the nature and timing of events that will be allowed to take place on the Eye of York the Council will, however, consult with the Trust to ensure that activities are sympathetic to the Castle Museum and will not interfere with the effective operation of the Museum.

**COMPANY LIMITED BY GUARANTEE AND NOT HAVING A SHARE  
CAPITAL**

**THE COMPANIES ACTS 1985 AND 1989**

**MEMORANDUM OF ASSOCIATION of YORK MUSEUMS AND  
GALLERY TRUST**

1. The name of the association (hereinafter called 'the company') is YORK MUSEUMS AND GALLERY TRUST
2. The registered office of the Company will be situated in England
3. The Company's Objects ('the Objects') are:
  - (a) the advancement and support of scholarship, scientific enquiry, education and the arts for the benefit of the citizens of York and of the public in Yorkshire and elsewhere, especially in the fields of antiquities, social history, painting, the decorative arts and the natural sciences; and/or
  - (b) to provide opportunities for the citizens of York and visitors to the City to learn the history of the City and its region in terms of its people, culture and history together with its scientific, artistic and industrial development; and/or
  - (c) the maintenance for these purposes and the benefit of the public of the Yorkshire Museum and Gardens, the Castle Museum, the York City Gallery, St Mary's Church and any other premises together with the care, enhancement (by acquisition or other means), management and display of the collections within these institutions and display of collections from any other body which will promote the objects of the Company; and/or
  - (d) such other charitable purposes consistent with the main Objects and beneficial to the community as the Trustees shall in their absolute discretion determine
4. In furtherance of the said objects, but not further or otherwise, the Company shall have power:
  - (a) to lend any items, groupings, displays or collections on such terms as the Trustees shall in their absolute discretion determine provided that such loans shall not contravene any conditions attaching to such items, groupings, displays or collections;

- (b) to write, print or otherwise reproduce by any means of recorded audio and/or visual information whether now or hereafter invented and circulate, gratuitously or otherwise, periodicals, magazines, books, leaflets or other documents about any aspect of the objects of the Company;
- (c) to hold exhibitions, meetings, lectures, classes, seminars, workshops, courses or other events either alone or with others;
- (d) to promote greater understanding of any aspect of the objects of the Company through exhibitions, displays, lectures and demonstrations and through research, experimental work, scientific investigation and development into any aspect of the objects of the Company and to disseminate the useful results of any such research for the public benefit;
- (e) to co-operate and enter into arrangements with any authorities, national, local or otherwise;
- (f) to accept subscriptions, gifts, donations, devises and bequests of any real or personal property maintain and alter any of the same as are necessary for any of the objects of the Company and (subject to such consents as may be required by law) sell, lease, mortgage or otherwise dispose of any such property;
- (g) to issue appeals, hold public meetings and take such other steps as may be required for the purpose of procuring contributions to the funds of the Company in the shape of donations, subscriptions or otherwise;
- (h) to issue cheques and other financial instruments, and to operate bank and other accounts in the name of the Company;
- (i) subject to such consents as may be required by law, to borrow and raise money for the objects of the Company on such terms and conditions and on such security as may be thought fit;
- (j) to construct, maintain and alter buildings or erections;
- (k) to carry on trade in so far as either the trade is exercised in the course of the actual carrying out of a primary object of the company or such trade is temporary and ancillary to the carrying out of the said objects;
- (l) to take and accept any gift of money, property or other assets, whether subject to any special trust or not, for any one or more of the objects of the Company;
- (m) to subscribe for either absolutely or conditionally or otherwise acquire and hold shares, stocks, debentures, debenture stock or other securities or obligations of any other company;

- (n) to invest the monies of the Company not immediately required for its objects in or upon such investments, securities or property as may be thought fit;
- (o) to make any charitable donation either in cash or assets for the furtherance of the objects of the Company;
- (p) to establish or support any charitable institution and to subscribe or guarantee money for charitable purposes calculated to further the objects of the Company;
- (q) to lend money and give credit to, take security for such loans or credit from and to guarantee and become or give security for the performance of contracts or obligations by any person or company as may be necessary or expedient for the work of the Company;
- (r) to purchase indemnity insurance to cover the liability of the Board which by virtue of any rule of law would attach to them in respect of any negligence, default, breach of duty or breach of trust of which they may be guilty in relation to the Company provided that any such insurance shall not extend to any claim arising from any act or omission which the Board knew to be a breach of trust or breach of duty or which was committed by the Board in reckless disregard of whether it was a breach of duty or not and provided also that any such insurance shall not extend to the costs of an unsuccessful defence to a criminal prosecution brought against the Board in their capacity as Trustees of the Company;
- (s) to employ and pay such staff (who shall not other than as provided for in the Articles of the Company for Employee Nominated Trustee be Trustees ) to supervise, organise, carry on the work of and advise the Company;
- (t) to purchase insurance to cover the officers, staff, voluntary workers and those of its members from and against all such risks incurred in the course of the performance of their duties, as may be thought fit;
- (u) to pay reasonable annual sums or premiums for or towards the provision of pensions for staff for the time being of the Company and their dependants;
- (v) to purchase insurance to cover any buildings or other property to their full value;
- (w) to amalgamate with any companies, institutions, societies or associations which are charitable at law and have objects altogether or mainly similar to those of the Company and which

prohibit the payment of any dividend or profit to and the distribution of any of their assets amongst their members at least to the same extent as such payments or distributions are prohibited in the case of members of the Company by this Memorandum of Association;

- (x) to pay out of the funds of the Company the costs, charges and expenses of and incidental to the formation and registration of the Company;
  - (y) to establish where necessary local branches (whether autonomous or not);
  - (z) to do all such other lawful things as shall further the above objects or any of them.
5. The income and property of the Company shall be applied solely towards the promotion of its objects as set forth in this or her Memorandum of Association and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise howsoever by way of profit, to members of the Company and no Trustee shall be appointed to any office of the Company paid by salary or fees or receive any remuneration or other benefit in money or money's worth from the Company provided that nothing herein shall prevent any payment in good faith by the Company:
- (a) of reasonable and proper remuneration to any member, officer, employee or consultant of the Company not being a Trustee for any services rendered to the Company;
  - (b) of interest on money lent by any member of the Company or of its Board at not less than 2% below the minimum lending rate of a clearing bank selected by that Board;
  - (c) of reasonable and proper rent for premises demised or let by any member of the Company or the Board;
  - (d) of fees, remuneration or other benefit in money or money's worth to a company of which a Trustee may also be a member holding not more than 1/100th part of the capital of that company;
  - (e) of out-of-pocket expenses to any Trustee;
  - (f) of any premium paid for insurance to cover the liability of the Board as provided for in Clause 4(r) of this Memorandum;
  - (g) of reasonable and proper remuneration paid to an Employee Trustee in respect of his or her appointment by the Company notwithstanding that he or she is a Trustee: PROVIDED THAT the Employee Trustee complies with the provisions set out in the Articles requiring the Employee Trustee to withdraw from any



meeting whilst his or her appointment, remuneration or other terms of employment or the appointment, remuneration or other terms of employment of any Employee or Employees which might affect the Trustee is being discussed and PROVIDED FURTHER that at no time shall the majority of the Trustees be Employee Trustees.

6. The liability of the members is limited.
7. Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up whilst being a member, or within one year after ceasing to be a member, for payment of the debts and liabilities of the Company contracted before ceasing to be a member, and of the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding one pound.
8. If upon the winding-up or dissolution of the Company there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Company, but shall be given, subject to the consent of the Charity Commission and with regard to any property of the Yorkshire Museum and Gardens following consultation with the Yorkshire Philosophical Society to the custodian Trusteeship of the City Council or with regard to any property of the Yorkshire Museum and Gardens such other arrangements comparable to the scheme dated 13 December 1960 or transferred to some other charitable institution or institutions having objects similar to the objects of the Company, and which prohibit the distribution of its or their income and property to an extent at least as great as is imposed on the Company under or by virtue of Clause 5 hereof, such institution or institutions to be determined by the members of the Company at or before the time of dissolution, and in so far as effect cannot be given to such provision, then to some other charitable object.
9. (a) Subject to the following provisions of this clause, the Memorandum and Articles may be altered by a resolution passed by not less than two thirds of the members present and voting at a general meeting. The notice of the general meeting must include notice of the resolution, setting out the terms of the alteration proposed

- (b) No amendment may be made to clauses 1, 3, 5 or 8 of the Memorandum of Association without the prior consent of the Charity Commission.
- (c) No amendment may be made which would have the effect of making the Charity cease to exist at law.
- (d) The Charity should promptly send to the Charity Commission a copy of any amendment made under this clause.

We, the subscriber to this Memorandum of Association wish to be formed into a company pursuant to this Memorandum.

## Summary of Museums Trust Business Plan

	<b>02/03</b>	<b>03/04</b>	<b>04/05</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
<b>INCOME</b>			
Ticket Income	1,234	1,320	1,373
Retail Income	423	473	523
Catering Income	34	36	37
Exhibitions Income	257	282	307
Rental Income	32	36	40
<b>TOTAL INCOME</b>	<b>1,980</b>	<b>2,146</b>	<b>2,281</b>
<b>EXPENDITURE</b>			
Salaries	1,784	1,934	1,953
Premises	432	441	445
Transport	25	26	27
Supplies	895	938	947
Marketing& Exhibitions	50	125	175
Support Services	226	190	192
Legal/Audit	0	11	12
<b>TOTAL EXPENDITURE</b>	<b>3,412</b>	<b>3,664</b>	<b>3,751</b>
<b>NET EXPENDITURE</b>	<b>1,432</b>	<b>1,518</b>	<b>1,470</b>
CYC base funding	1,279	1,323	1,357
Funding Gap	153	195	113
<b>Dowry at 90%</b>	<b>415</b>		

## The Management of the Collections

The following points describe the responsible management of the collections and their maintenance as a public collection to be preserved for future generations to enjoy and use:

- The Council will retain custodian trusteeship / ownership of all objects within the collections
- Any new objects will be vested into the ownership of the Council — the Trust will not collect items for its own benefit, but for the citizens of York and beyond
- The Trust will continue to act as managers of excavated archaeological material and archives currently in its care and of such similar material as may subsequently come into the ownership of the Council as a result of future archaeological excavations
- The Trust will initially operate according to the City of York Council Museum Service's Collections policy. This will be revised in agreement with the Council to reflect the Trust being an operator rather than an owner of the collections
- This policy will then be reviewed at least every five years, in accordance with good practice guidance, and the advice of the Resource, the Museums Association and the regional museums council and in agreement with the Council
- Any disposal from the collections will follow the museum profession's codes of practice and the Council's Collections policy. Should the Trust intend to dispose of any item from the collection under the Council's policy it will inform the Client Officer of its intention in advance. The Council may veto disposals if it does not consider that they fall within the terms of the agreed policy
- The Council will be informed of acquisitions through a quarterly report
- The Trust and the Council will act in accordance with best practice and will abide by the ethical codes of practice expected by the museum profession:
  - ⇒ The Museums Association's Code of Practice for Museum Governing Bodies
  - ⇒ The Museums Association's Code of Ethics

- ⇒ Guidelines on Acquisition, Disposal, Access and Trading and Commercial Activities; and
- ⇒ *Re:source's* security and conservation guidelines
- ⇒ Compliance with the national registration scheme for museums
- The Trust will be the Council's agent for all matters concerning the collections and their management
- The Trust will endeavour to meet all appropriate collections management standards within ten years and will aim to surpass them.
- The Trust will initially operate according to the City of York Council Museum Service's Collections Management policy. This will be revised in agreement with the Council to reflect the Trust being an operator rather than an owner of the collections.
- This policy will then be reviewed at least every five years, in accordance with good practice guidance, and the advice of the Resource, the Museums Association and the regional museums council and in agreement with the Council.
- The Council can request to take on loan items from the collections for a public display and such loans will be treated in exactly the same as any other loan, with the same conditions and provisions applied for the safe keeping of the objects.
- The Trust will negotiate on behalf of the Council, as the owners of the collections, with other organisations, or individuals, on the development and management of the collections, e.g. the submission of grant applications, major donations, or bequests, the loaning of material from the collections
- The Trust will take all necessary steps to maintain the Registered status of the Museums and Gallery, and the Designated status of their collections
- Both partners are committed to the long-term development, preservation and conservation of the collections including appropriate storage. The Council agrees that if it requires the Trust to vacate a Council-owned store under the terms of the appropriate licence then the Council will assist the Trust with securing suitable alternative premises and addressing any costs arising from such changes.

**COMMENTS OF THE HEAD OF FINANCIAL SERVICES**

1. Members requested that officers in the Finance Department take a further look at the financial projections that the Trust have made in their draft business plan. The purpose of this is to try to give additional reassurance with regard to the proposals, given that in the past a £1m development fund was provided to the Castle Museum and this was in effect used to shore up the museums revenue position in the face of declining visitor numbers rather than for the development of the facility.
2. The draft business plan and other documents have been reviewed. Clearly Finance staff are not experts in marketing or the operation of this type of business but an attempt has been made to:
  - check the realism of the figures
  - make clear to Members any key assumptions
  - identify any gaps or outstanding issues
3. As a result of the above, the following is brought to members attention:
  - (a) a draft of the business plan (draft 4) was reviewed. This needs to be finalised and some of the outstanding issues referred to in it clarified and resolved
  - (b) The business plan has what appear to be realistic estimates of income from visitors and this is supported by the fact that income has exceeded budgeted income in 2001/2. Clearly such figures do get significantly affected by outside events (e.g. September 11<sup>th</sup>, Foot and Mouth, floods) but seem realistic in normal circumstances. The main comment to be made is that the Business Plan is clear on target / visitor numbers for citizens, school pupils etc but will need to analyse more fully the paying visitor numbers and the expected level and income from each main category of paying visitor.
  - (c) Forecasts of income from lettings, sales, catering and other available activities seem very achievable given the current poor utilisation of these potential income sources. In fact it seems possible that with the right sort of investment, a more detailed set of proposals (e.g. action plan, timescales, targets

etc) and successful implementation, even more could be achieved.

(d) Asset issues:

(i) There are well equipped conservation laboratories at James Street which are not in use. Although resources have been included in the business plan to operate these it is not entirely clear in the business plan how they will be run or whether, and if so to what extent, they could be an 'income generator'. The new Chief Executive of the Trust will develop firm proposals for this aspect over the next 6 months.

(ii) A major issue is the repair and maintenance of the existing buildings. Repairs to roofs, gutters and mechanical and electrical installations will be needed during the early years of the Trust. It will be an early priority for the Trust to work up a bid to the Heritage Lottery Fund. However, a strategy for this needs to be developed following discussion with the HLF to ensure that it will meet the HLF's funding priorities and the bid will then need to be planned in great detail. There is therefore uncertainty at this stage about the bid strategy, its staging, timing, and of course its ultimate success. In the meanwhile the Council will remain liable for any major structural building failures that would interfere with the Trust's ability to operate the service. The council has no budgets set aside for this, but on the other hand would have had to face the same pressure for repairs if the Museums and Gallery remained with the Council (indeed ownership of them still remains with the Council even under the Trust option).

(e) The draft of the Business Plan does not as yet:

(i) set out the expected level and income from each main category of paying visitor

(ii) set a profit target for visiting exhibitions

(iii) provide enough detail about how many of the objectives set out will be achieved

All of the above would be necessary in order to provide reassurance of the realism and deliverability of the plan.

4. The other main issue that is not covered is how the Trust will cope financially during the period when the major works are planned.

These will be a major cause of disruption and lost income. Although the timing, extent and effects of the refurbishments are difficult to predict, it will be necessary to have an outline agreement to govern the approach that both parties will take to this issue. The Funding Agreement will therefore stipulate that any refurbishment programme must be agreed in advance with the Council and must be designed in such a way as to minimise income loss. The Council will not necessarily underwrite any such loss.

**Summary**

5. Despite the issues listed above it is clear that the Trust offers a financially better way of taking the Museums and Gallery forward from their current position. This is due to the following factors. The Trust has:
  - (a) business rate savings due to its not for profit status
  - (b) access to Heritage Lottery Funding
  - (c) some greater freedoms in terms of employment arrangements and investing to generate income from under-used assets

Further work should be undertaken to finalise a rigorous financial plan once the Trust is up and running and with appropriate staff in place after August 2002. It is recommended that the Trust present this to the Council as part of their financial case for any further dowry in October this year as part of the budget process (as set out in para. 32 above).



## YORK MUSEUM & GARDENS

### DRAFT HEADS OF TERMS FOR SCHEME

#### **Scheme**

Scheme for the future administration and management of the Yorkshire Museum and Gardens and property thereof (currently regulated by a scheme dated 13th December 1960 and Deed of Agreement between The Yorkshire Philosophical Society and The City of York Council dated 30th December 1960).

#### **Charity**

The Yorkshire Museum and Gardens.

#### **Object**

The object of the charity shall be to advance the education of the public resident in and visitors to the City of York by the establishment, management and maintenance of a museum and gardens.

#### **Custodian Trustee**

The City of York Council (the "City council") shall be the Custodian Trustee of the Charity (the "Custodian Trustee").

#### **Vesting**

The land and buildings specified in the schedule attached to the Scheme (and for identification purposes only as delineated and more particularly described on the plan attached hereto and edged in [red]) be vested in the body corporate of the Custodian Trustee together with the collections belonging to or held in trust by the Charity.

#### **Managing Trustee**

The York Galleries and Museum Trust shall be the managing trustee of the Charity (the "Managing Trustee") subject to the provisions contained in the scheme for the determination of managing trusteeship.

#### **Composition of Board of Trustees of Managing Trustee**

The Board of Trustees of the Managing Trustee shall at all times comprise of at least one individual nominated to the Board by the Yorkshire Philosophical Society.

### **Accounts and Annual Reports**

The Managing Trustee shall comply with its obligations under Part VI of the Charities Act 1993 with regard to:

- the keeping of accounting records for the Charity
- the preparation of annual accounts for the Charity
- the preparation of an annual report for the Charity
- where applicable, the auditing or independent examination of the statements of account of the Charity
- where applicable, the transmission of the statement of account and the annual report to the Commissioners
- the annual return

### **Labelling**

The Managing Trustee shall ensure that the property of the Charity is clearly labelled identifying that it is vested in the City of York Council as Custodian Trustee. The Managing Trustee shall comply with good practice in terms of cataloguing the [objects] of the Charity.

### **General Powers**

Within the limits prescribed by the Scheme, the Managing Trustee shall have full powers from time to time to make regulations for the management of the Charity and for the conduct of their business.

### **Management of Land**

The Managing Trustee shall let and otherwise manage all of the land belonging to the Charity not required to be retained or occupied for the purposes thereof subject to the terms of the lease between the City Council and the Managing Trustee.

The Managing Trustee shall comply with the restrictions on disposals imposed by Section 36 of the Charities Act 1993.

The Managing Trustee shall maintain the museum gardens as a permanent open space available to the public during such hours as shall be specified in the lease between the City Council and the Managing Trustee.

[Restrictions on use, alienation, alterations, repair and maintenance will be dealt with in the lease between the City Council and the Managing Trustee which shall incorporate the restrictive covenants set out in the 1960 scheme.]

### **The Display of the Collections**

The Managing Trustee shall use every endeavour to ensure that the collections of the Charity [especially the medieval and archaeological collections] "are better and more adequately displayed than at the time of the 1960 Scheme and Agreement." [The Managing Trustee shall comply with best practice with regard to the display of the collections].

Any articles in the Society's collection deposited with the Society on terms shall be held by the [Custodian Trustee] on such terms.

### **Meetings of the Society**

The [Custodian Trustee] [Managing Trustee] shall allow the Society to hold meetings of the Society (including joint meetings with other societies) and its Council in the Tempest Anderson Hall or one of the museum buildings at no cost to the Society provided that:

- (i) the number of meetings shall not exceed 24 in any calendar year;
- (ii) the [Custodian Trustee] [Managing Trustee] does not require such accommodation for its own use;
- (iii) [and provided further that the Society notifies the [Managing Trustee] of its programme of events and preferred dates for use of the facilities at least [three months] before the commencement of each calendar year].

The [Custodian Trustee] [Managing Trustee] shall allow officers of the Society to occupy at no cost to the Society accommodation within the museum or garden buildings for the purposes of carrying out their activities during normal working hours.

### **Annual Contribution by the Society**

The Society shall pay to the [Managing Trustee] an annual contribution which may be variable in amount. When fixing the amount of such contribution the Society shall have regard to the following principles:

- (i) Within the objects for which the Society exists it naturally desires to have discretion in carrying out of these objects which principally involve the benefit of the museum and collections. Hence the objects to which it is likely to address itself may in some years may be more costly than in others.
- (ii) The Society's intention is that subject to it being able to bear the cost of such projects out of the proceeds of its investment income the whole or greater part of the annual unspent income will be

handed over to the [Managing Trustee] to be expended by the [Managing Trustee] at its discretion for the benefit of the museum and gardens.

- (iii) The Society firmly expects that the investment income of the Society will gradually increase for some years to come and the Society estimates that in the first three years from the date hereof a sum of at least £1,500 per annum will be available as a contribution and thereafter.

[OR : The Social shall pay the Managing Trustee an annual contribution which shall represent the whole or greater part of the annual unspent income of the Society and shall unless otherwise agreed between the parties be a minimum of £1,000 per annum.]

### **Expenses of Management**

The Managing Trustees shall first defray out of the income of the Charity the cost of maintaining the property of the Charity (including the repair and insurance of any buildings thereon) and all other charges and outgoings payable in respect thereof and all the proper costs, charges and expenses of and incidental to the administration and management of the Charity.

### **Application of Income**

Subject to payment of the expenses aforesaid the Managing Trustees shall apply the income of the Charity in furtherance of the object of the Charity.

### **General**

General provisions relating to (inter alia):

- (i) Appropriation of benefits
- (ii) Personal interest
- (iii) Indemnity insurance
- (iv) Power of amendment
- (v) Matters requiring prior written approval of the Commission
- (vi) Questions under the Scheme

**CITY OF YORK COUNCIL  
AND  
YORK MUSEUMS TRUST  
PARTNERSHIP  
DELIVERY PLAN  
2008 -2013**



**yorkmuseumtrust**  
[www.york.trust.museum](http://www.york.trust.museum)

## Introduction

- 1 This Partnership Delivery Plan is a joint agreement between the Council and the York Museums Trust and is an annex to the 'Funding Agreement'. It sets out:
  - the aims and objectives of the partnership
  - the key development areas to be pursued
  - core services to be provided
  - performance targets to be met by the Trust and Council
  - performance information to be provided
  - review and reporting procedures
  - partnership arrangements between the Council and the Trust
- 2 The Trust is an independent organisation working in partnership with the Council with the aim of delivering a Museums and Gallery service that will become recognised as one of the very best in the country. The Select Committee report on Museums and Galleries in 2007 said:

*The Trust strongly recommend that any large local authority museum service motivated to seek improvement should look at the successful models operating in Sheffield and York.*
- 3 This plan covers years five to ten of the Trust (2008 – 2013). It may, however, be updated by the Council and the Trust during that period in the light of changing circumstances. The Funding Agreement provides a process whereby the Plan will formally be reviewed by the Council and the Trust towards the end of the 5 years in order to create a new plan for the next 5 years.

## Core Aims

- 4 The core aims of the partnership are drawn from 3 sources.
  - a) The Council's core objectives, particularly:
    - *Improve the way the council and its partners work together to deliver better services for the people who live in York*
  - b) York's Local Area Agreement, particularly:
    - Modernise the city's economy and increase its competitiveness:

- Increase the average length of visitor stay by 1% per annum
- Achieve a target of a 5% increase per annum in tourism earnings
- Increase the vitality of the city centre – as measured by footfall
- Widen participation and raise attainment and skills levels throughout the working age population:
  - Increase the number of York residents of working age achieving a first Full Level 2 qualification
  - Increase in the number of Skills for Life qualifications achieved by adults in York
- Develop the contribution of cultural activities, events and festivals to York's economy:
  - % of respondents who see York as “cosmopolitan” and “vibrant”.
  - Number of high quality events in the city
  - Number of visits to / usages of local authority funded museums / galleries
- Conserve and enhance the existing environment and special character of the city.
- Enhance the capacity of the voluntary and community sector to make high quality provision through support and development of volunteers
- Improve the quality of and access to local cultural facilities
  - % of residents satisfied with local authority museums and galleries
- Create a diverse programme of cultural and environmental activities, accessible to all, and increase participation in communities with low participation rates
- Help communities become increasingly able to develop and direct their own cultural opportunities
- Raise standards of achievement for children and young people
- Improve enrichment opportunities for children and young people.

## c) The Trust's principal objectives:

## Vision:

Our Vision is for York Museums Trust to play a major part in positioning York as a world class cultural centre.

## Mission:

To cherish the collections, buildings and gardens entrusted to us, presenting and interpreting them as a stimulus for learning, a provocation to curiosity and a source of inspiration and enjoyment for all.

## Strategic Objectives:

- To protect and conserve the collections, gardens and building
- To promote access to the collections, gardens and buildings appropriate to the 21st Century
- To create learning opportunities for all and develop innovative programmes springing from the collections, gardens and buildings
- To network and collaborate with partners and contribute to the development of the economic and cultural life of the city and the region
- To raise substantial funds to realise these aims

**Context**

- 5 York Museums Trust is now over five years old. The Trust has established itself as a successful independent charitable organisation both within the city and in the museum sector. The Trust has achieved the core objective of halting the long-term decline in the visitor numbers; indeed numbers have increased by 27% from 394,000 in 2002/03 to 502,000 in 2006/07.
- 6 Significant investments and improvements have been made in both the building fabric and care of the collections. A programme of renewals of the display and interpretation of the collections has also begun. An additional £3.5 million has been raised to date and there is now a long term plan to invest to improve the visitor's experience.
- 7 The Trust's role as the carers of the city's heritage enables it to take an interest in the cultural heritage of the city as a whole for both



residents and visitors. There is a will to support and work with the city in its plans to improve the quality of the urban environment and the learning potential for a wide and diverse range of people.

- 8 Increasingly the Trust's work is being carried in partnership with other cultural and educational agencies. This has proved a highly successful way of increasing the Trust's impact in the city. These partners include local, regional national and international bodies.
- 9 The Trust now sees itself as an important agent for change outside of the boundaries that the City's museums have traditionally operated. The vision of York Museums Trust - to play a major part in positioning York as a world class cultural centre – reflects the level of that ambition.
- 10 Over the last five years the context within which the Trust has operated has changed considerably. The Renaissance in the Regions initiative has significantly improved the resourcing of the regional museums. Through this scheme central Government now directly funds a number of the larger museum services in the country. The recent comprehensive spending review has confirmed ongoing support of this national project and the Trust await the final decisions as to the funding of each of the nine regions.
- 11 Certainly the Renaissance project gave a great and necessary boost to YMT in its early years enabling investment in learning, collection management and documentation and the redisplay of the collections. The Trust is in the process of developing a three year plan for Renaissance's further investment in York's museums. The investment is currently around £500k per annum. An important principle of the agreement with government is that Renaissance funding must be truly additional to and not replace local authority funding for museums.
- 12 As YMT has gathered momentum the Trust has been able to operate as a support to the other museums in the region. There have been successful partnership projects with Wakefield and Scarborough with Celebrating Ceramics and a Community Archaeology project with North Yorkshire Archives and again Wakefield and Scarborough which the Trust wishes to continue. The Trust also takes part in the Regional Knowledge Bank and offer support to other museums in a variety of different ways including loans of objects, advice and CPD.

- 13 One of YMT's most important partnerships is the British Museum UK Partnership, of which York is the lead partner for Yorkshire, involving loans of objects, the Portable Antiquities project, exhibitions and joint acquisitions.
- 14 YMT is committed to:
- Working in partnership with National Museums especially the British Museum to bring benefit to York through loans, exhibitions and acquisitions where relevant
  - Developing long standing partnerships with regional museums to share our expertise and collections with as wide an audience as possible
  - Working with the partners in Yorkshire Renaissance (Hull, Bradford, Leeds and Sheffield) to maximise the impact of the investment
- 15 With the Olympics coming to London in 2012 there has been a change in the landscape for all cultural and heritage organisations with the transfer of some of the lottery funding to the event. This is already beginning to have an impact on the sources for capital projects. This is a most significant change for YMT as all of our buildings require substantial investment over the next two decades. However the Trust has a plan for incremental investment across all the sites based on the support from the City of York Council, trusts and foundations, raising our own funding through commercial activity and increased ticket sales.

### **Key Development Areas**

- 16 In order to achieve our objectives, the Trust is constantly reviewing its organisational structure to make sure that it has the right skills. For example, the Trust has recently renewed membership of the Enterprises Board which now has an impressive range of successful experts from the commercial sector helping us to be more effective in making money. One of our greatest assets is the Board of Trustees who have guided us over the last five years. Many Trustees are now coming to the end of their terms and so the Trust has selected new Trustees for their skills and experience. In 2008 the Trust intends to start a process of selection by open advertisement and interview.

- 17 With a view to progressing the St Mary's Abbey project the Trust will be appointing a Head Gardener to lead the development of the gardens. In furtherance of the objective to involve a diverse range of people in the Trust's work it will be expanding the Volunteers Manager role from part time to full time. Both of these positions will be funded through Renaissance in the Regions.
- 18 YMT will continue to work in partnership with individuals who are passionate about York and organisations whose business it is to celebrate and understand the city through the History of York project. Our aim is to deepen everyone's understanding of the importance of the city and its history through the new website and other manifestations such as a book, audio visual, trails etc.
- 19 YMT also have worked with other city partners on festivals such as Illuminating York which again the Trust is committed to continuing. The Trust therefore see our remit covering not only the care and interpretation of the buildings and collections in our care but also the wider cultural life of the city itself.
- 20 The key development areas within the Trust's portfolio are:
  - **St Mary's Abbey**, which includes Yorkshire Museum, the Gardens, York Art Gallery and the Hospitium. The long term plan to open up the whole of the precinct making it accessible through new pathways and interpretation so that people can understand the significance of this unique area involves the following.
  - **York Castle Museum** through an incremental year-on-year investment in innovative public displays and facilities.

### **Principal Partnership Objectives**

- 21 The Partnership will pursue the following objectives:
  - a) York's Cultural Quarter
    - Work in partnership with other funders and cultural and educational institutions to programme events and activities in the Cultural Quarter
    - St Mary's Abbey - create identity; promote Cultural Quarter concept
    - Yorkshire Museum - redevelop & redisplay
    - Abbey Gardens - increase use and public understanding; create new gardens interpret built heritage

- Hospitium - create vibrant & profitable conference centre
  - York Art Gallery - provide varied high-quality exhibition programme; create a masterplan to transform the building, solving the DDA issues and creating new public space following relocation of the Archives
- b) Castlegate
- Maximise the existing potential of the Eye of York, Castle Museum, Fairfax House, the river and Clifford's Tower in partnership with English Heritage, the city and other partners
  - Castle Museum - invest substantial sums in new public facilities year-on-year to encourage repeat visits; solve DDA issues
  - York St Mary's - develop long term strategic uses
  - History of York - grow number of brand applications; grow users to 500,000 per annum by 2013
- c) Develop new audiences
- Audience Development - increase knowledge of audiences; formalise audience contribution to product development; grow to 850,000 visitors per annum by 2013
  - Maintain high user satisfaction
  - Continue to create new programmes of events and activities across all sites
  - Grow the number of visits by York residents:
    - Carry out market research specifically on the interests of York residents
    - Establish a Volunteer Scheme - 1000 members will have participated by 2013
    - Produce publicity directed specifically for York residents
    - Develop the informal learning public programme
    - Develop partnership working with organisations within the city
  - Schools & Learning more use by schools through access to collections, web based and outreach & research programme with Universities
- d) The Collections

- Develop a long term plan with the City to improve the long term storage of collections and their access, and the building maintenance with an agreed 20 year building plan, long term loans for capital projects:
  - Create new storage facilities for the Castle Museum Collections
  - Find an alternative storage facility for the material in James Street to improve our control and minimise external risks.
  - Increase storage for the Fine and Decorative Art Collections as part of the redevelopment of York Art Gallery.
  - Resolve the storage of archaeological material excavated from the City of York which is currently housed by York Archaeological Trust.
- Complete retrospective documentation plan.
- Develop and begin a programme of research and publication.

e) Education strategy

- Develop partnerships with other museums in the region
- Contribute to the regional offer of a comprehensive service to schools
- Continue to develop formal education programmes for 14 to 19 years, HE and FE students: Accessing new parts of the collection
- Build on the offer to less advantaged and hard to reach groups including ethnic minorities, people with disabilities, and special needs
- Develop new workshop programmes and activities to access new parts of the collections
- Develop adult life long learning offers in partnership with existing providers.
- Develop volunteering as, and to deliver, informal learning

f) The Business Plan

The Partnership will maintain a business plan predicated on the agreed funding to 2013 that has the following objectives:

- The business plan will recognise that the Trust's financial position continues to depend heavily on York Castle Museum. It will be developed to ensure that the public offer at that site is regularly refreshed, particularly whilst major developments take place St Mary's Abbey Precinct.
- The business plan will aim to generate funds which can be transferred to capital from 2008/9 onwards in order to generate match funds for major capital refurbishment projects and to address the back-log of major repairs required.
- The Trust will seek to retain a level of reserves commensurate with the level of financial risk it faces over the life of the business plan. The target is currently £400k, rising to £500k during the life of this plan.
- YMT will aim to deliver 3% efficiency savings per annum in line with the budget (expectations set for local authorities) which it will reinvest in the service.
- YMT will develop other income streams, in particular through its conference and hospitality business, York Venues, centred on the refurbished Hospitium building.
- Renaissance in the Regions – this national source of funding will continue to support YMT management posts. It also will grow over the next few years to support capital work and other revenue programmes. It is an important condition of this funding that it is additional to core funding and so would be threatened by any reduction in real-terms in the Council's funding of YMT.
- The business plan will be developed in such a way that creates a smooth transition into funding for the period 2013-18. This will be negotiated in the light of resources available to the Council and with the objective of maintaining access to Renaissance funding.
- The Council will continue to make available the existing capital pot (originally £1.8m). The Council will continue to seek ways of making further capital available to YMT through its capital programme, through prudential borrowing facilities and through the Council's Venture Fund

## Services

- 22 The core services that YMT will provide at the Castle Museum, the Art Gallery, and St Mary's Castlegate will be as set out in the respective leases.
- 23 In the case of the Yorkshire Museum and Gardens the respective roles of the Council and YMT are defined by their status under the charitable scheme as Custodian Trustee and Managing Trustee respectively and the heads of terms agreed with the Yorkshire Philosophical Society.

In addition to undertaking the role of managing trustee YMT will undertake to:

- Provide at least 2,534 hours of public opening at the Yorkshire Museum
- Provide free admission to the permanent collections of the Yorkshire Museum for all citizens of the City of York (charges may be applied in the case of temporary or touring exhibitions)
- Use all reasonable endeavours to maintain the existing registration of the Museum Gardens on the Register of Parks and Gardens of Special Historic Interest maintained by English Heritage
- Use all reasonable endeavours to maintain the registration of the gardens as botanical gardens
- Give public access to the gardens daily (except Christmas Day) unless closure is necessary for reasons of public safety. Opening hours will be 7:30 am to 6:00 pm in Winter and 7:30 am to 8:00 pm in Summer
- Permit access to the Museum Gardens for all civic ceremonial and similar events promoted by the Council on up to 10 days in each year provided that the Council give as much notice as is practicable and provided that where the Council requires access at times outside the normal opening hours set out above YMT may restrict (but not prohibit) access for the purpose of maintaining security and/or good estate management
- Insure, with an insurer of repute, third party and property owner's liability risk with a limit of indemnity of at least £10 million in respect of any one occurrence
- Indemnify the Council against any claims, proceedings or demands, and all damages, losses, costs, and expenses

incurred arising out of any accident, loss or damage to persons or property occurring in or on the premises of the Yorkshire Museum and Gardens

- Use all reasonable endeavours to keep the premises in good repair, this responsibility to be construed in the light of the relevant clauses in the Transfer Agreement, the condition surveys and the provisions contained in paragraphs 39 – 41 of the Executive report of 26 July 2002 (see the Council's corresponding responsibility below)

In addition to carrying out the role of custodian trustee the Council will undertake to:

- Keep the premises insured with an insurer of repute against the insured risks (i.e. fire, lightning, earthquake, explosion, aircraft (other than hostile aircraft and other aerial devices or articles dropped therefrom, riot, civil commotion, malicious damage, storm or tempest, bursting or overflowing of water tanks, apparatus or pipes, flood, and impact by road vehicles, subsidence, heave, and such other risks as may from time to time be reasonably required by the Council or by YMT) in a sum which in the reasonable opinion of the Council represents the full replacement cost, subject to such uninsured excess as the insurer may properly apply. The Council will deduct the cost of the premium from the annual grant to YMT.

The Council will not be obliged to insure YMT's fixtures and fittings, boilers, lifts, escalators, or other plant and machinery in and exclusively serving the premises. The Council will not be obliged to insure fixtures and fittings that may become part of the premises until YMT has notified the Council in writing of their reinstatement value.

Following damage or destruction by any of the insured risks the Council shall apply the net proceeds of the insurance monies received to the rebuilding or reinstating of the premises.

- In the first instance the Council will retain liability for any major failures to roofs and external walls. Major failures will be defined as those where the cost of the repairs is greater than £25k and which prevent the tenant from reasonably carrying on their business at the premises. All other categories of repair and maintenance will be responsibility of the Trust (see above)



**Review and monitoring**

- 24 The procedure will involve:
- a) Twice yearly review of performance between the partners:
    - the Trust will provide performance information as set out above
    - senior managers from the Trust (i.e. the Chief Executive and/or the Director of Finance & Business Development) and the Council (i.e., the “Client Officer” and/or the Assistant Director for Lifelong Learning and Culture) will meet to review performance against the agreed indicators. Meetings will be set a year in advance and will normally be held in April and September
    - YMT will submit a performance report to the Council’s Executive Member in May and October each year. The YMT Chief Executive will attend the meeting to present YMT’s report and respond to any questions
  - b) YMT will provide performance information as requested by the Council to any ad hoc scrutiny reviews conducted by the Council from time to time and attend the relevant meetings to respond to members’ questions
- 25 Within this process information will be provided by the Trust to the Client Officer in the following areas as a minimum:
- 1) achievement of the principal partnership aims set out above
  - 2) visits to each of the Trust’s sites and temporary exhibitions including the number of uses by residents (actual and as a % of all users and segmented into demographic groups)
  - 3) number of hours the collections of the Trust are available to the public during the financial year at each of the sites
  - 4) implementation of agreed capital schemes
  - 5) development of new income streams
  - 6) development of new exhibitions and interpretative services
  - 7) development of collections storage
  - 8) delivery of the education service including the number of school groups using the Trust’s services: (a) actual numbers of all school users, and % as compared to all visits; (b) numbers of local school users and % of total city catchments, and number of

local people taking up life-long learning opportunities offered by the Trust

- 9) number of events/activities where learning forms a substantial component of the activity. Number of adults participating in those activities
- 10) use and involvement of local people including numbers volunteering
- 11) engagement with the ward committee process through attendance at committees and articles in ward newsletters
- 12) achievement of visitor satisfaction (aggregate over the year and by site)
- 13) level of external investment applied for and secured
- 14) number of residents consulted through focus groups, surveys and other means including a) young people, b) older people, c) target groups for inclusion
- 15) copies of management accounts
- 16) progress on cataloguing the collections and documentation
- 17) acquisitions and disposals from the collections
- 18) number of uses of the Yorkshire Museums Gardens for activities and events

### **Partnership Arrangements**

- 26 The Council and the Trust will through this partnership ensure the delivery of Best Value and its principles in order to deliver continuous service improvement.
- 27 The Trust and the Council will continue to explore options for further partnerships:-
  - a) the Council being mindful of the potential of the museums and art gallery to provide a positive contribution to its cultural, educational, economic, social and environmental agenda
  - b) the Trust being mindful of the experience and specialist services that the Council can offer
- 28 The Trust will represent the Council on museums issues at international, national, regional and local level and continue to advise members of the Council on museums policy. The Trust will provide this service to the Council without charge provided that the

work is broadly in furtherance of the objectives of this partnership.  
(Otherwise a fee can be negotiated).

- 29 The Trust and the Council together will make every effort to work closely with other museum and heritage providers in the city, ensuring that appropriate forms of liaison are used to encourage the development of strong, inclusive partnerships.
- 30 The Trust will maintain a role in the civic life of the city. It will provide facilities for hosting civic events (subject to operational availability) charging for them at cost. The Council will treat the Trust on same terms as an internal Council department with respect to the use of rooms at the Guildhall.
- 31 The Council and the Trust agree to the application of the 'Nolan principles' (The seven principles of public life) to their operations and the partnership working between the two organisations.
- 32 The following objectives will underpin the conduct of partnership business, to:
  - a) demonstrate responsible governance of the Trust to its principal beneficiaries, the citizens of York, having regard for the extent of funding by the Council
  - b) involve the community in key decisions affecting the objectives, policies and delivery of the services managed by the Trust, making the processes of decision-making as transparent as possible
  - c) work to published standards of collections accessibility and customer care, and to routinely make public the resulting performance attainment
  - d) encourage, and respond to, ideas and suggestions from the community in regard to the display and interpretation of the permanent collections, the subject matter of temporary exhibitions, and the scope of outreach activities
  - e) respond openly and constructively to complaints, demonstrating that they have been adequately investigated
  - f) take such steps as are necessary to be satisfied that the Trust is, as far as is reasonably practicable, meeting the expressed aspirations of the community in regard to museum services.

- 33 The partnership will support the governance arrangements set out in the founding legal documents as follows:-
- a) governance of the Trust is overseen by the Board of Trustees, meeting regularly
  - b) the composition of the Board attempts to reflect knowledge and experience of the major activities and responsibilities of the Trust
  - c) community interests are expressly represented by two City of York Councillors being Trustees
  - d) when vacancies occur on the Board, the Trust will seek community candidates for consideration by advertising in local media. The Council will assist in this by advertising for example in the Council newspaper and in Ward Committee newsletters
  - e) the Trust publishes details of trustees appointed, their professional qualifications and experience, and a register of their business and public interests
  - f) below the board, the management of the Trust is vested in the Chief Executive, working within delegated authorities from the Board
  - g) the Chief Executive is supported by a team of senior managers, each responsible for a designated area of activity.
- 34 The following principles will underpin the conduct of business:
- a) the minutes of the meetings are available for inspection on request at each of the three museum / gallery locations, and are made available by the Council using its normal mechanisms [and available on the YMGTC the web site (when available)]
  - b) strategic plans of principal areas of activity of the Trust, once endorsed by the Board, are also placed on deposit at the Central Library
  - c) other Board papers, unless they are specifically deemed to be confidential, may be inspected by members of the public on request to the Chief Executive's office at St Mary's Lodge
  - d) Board meeting agendas will normally be available for inspection at the three museum / gallery locations and on the YMGTC the Trust's website in advance of each meeting
  - e) a report of recent business is included in the quarterly CYC newspaper
  - f) the Trust publishes a public Annual Report, and a mid-year performance update

- g) the AGM is held in public, and details are promulgated in local media
- h) an annual 'Meet the Trustees' event is held, giving the public the opportunity to question the Board on performance and future plans

35 The Trust will also aim to:

- a) establish a number of advisory bodies to work with groups and individuals in specific / specialist areas of activity. Representation from appropriate local groups, etc. will be sought
- b) develop a consultation strategy which specifically includes seeking the views of young people on specific aspects of the trusts services and future plans
- c) attend the Council's ward committee meetings on a rolling programme basis

36 Public consultation will be carried out on any issue of major public impact. Mechanisms of effective consultation with the public appropriate to the issue in question will be discussed with the Council, who will assist the Trust in carrying out consultation.

### **Role of the Council**

37 The Council will:

- Support YMT's vision of positioning York as a world class cultural centre
- Ensure that YMT's ambitions fit with and are part of the Council's economic development plans
- Enable YMT to become involved in relevant key strategic partnerships
- Involve YMT at an appropriate level in City projects of cultural importance
- Actively support YMT's work to raise investment funding from external sources

### **Principles**

38 The Partnership will ensure that the service is operated in accordance with the Museums Association Code of Ethics and will take all necessary steps to maintain the Registered status of the

Museums and Gallery, and the Designated status of their collections.

This plan is agreed by:

Signed

\_\_\_\_\_

Name in capitals

\_\_\_\_\_

City of York Council

Date

\_\_\_\_\_

and:

Signed

\_\_\_\_\_

Name in capitals

\_\_\_\_\_

York Museums Trust

Date

\_\_\_\_\_

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**THE CHARITY COMMISSION FOR ENGLAND AND WALES**

Under the power given in the Charities Act 1993

Orders that from today, the

**9 October 2009**

this

**SCHEME**

will govern the charity

known as

**THE YORKSHIRE MUSEUM AND GARDENS (529710)**

at

York, North Yorkshire



**Authorised Officer**

Reference Number: 937/0910

1

Case Number: C-234825

**1. Definitions**

In this scheme:

“the charity” means The Yorkshire Museum and Gardens (529710).

“the society” means The Yorkshire Philosophical Society (529709).

“the company” means the charitable company York Museum & Gallery Trust (1092466).

“the Commission” means the Charity Commission for England and Wales.

**ADMINISTRATION****2. Administration**

- (1) The charity is to be administered in accordance with this scheme. This scheme replaces the former trusts of the charity.
- (2) Subject to any further direction, the Commission directs that the charity as at the date of this scheme shall be treated as forming part of the company for the purposes of Part II (registration) and Part IV (accounting) of the Charities Act 1993.

**3. Heads of terms agreement**

- (1) For the purpose of implementing the provisions of this scheme, the managing trustee, the custodian trustee and the society shall enter into a heads of terms agreement.
- (2) The heads of terms agreement may from time to time be varied by the parties provided that nothing within the agreement shall conflict with the provisions of this scheme.

**4. Name of the charity**

The name of the charity is The Yorkshire Museum and Gardens.

**OBJECT****5. Object of the charity**

- (1) The object of the charity is to establish, manage and maintain a museum and permanent open space as a public amenity for the benefit of the inhabitants of and visitors to the City of York.
- (2) Subject to clause 6(1) below, the land identified in the schedule to this scheme must be retained by the managing trustee for use for the object of the charity.

**POWERS OF THE MANAGING TRUSTEE****6. Powers of the managing trustee**

In addition to any other powers which it has, the managing trustee may exercise the following powers in furtherance of the object of the charity:

- (1) Power to lease any part of the property described in the schedule to this scheme which is not required for the object of the charity. (The managing trustee must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the lease is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.)
- (2) Power to sell, lease or otherwise dispose of all or any part of the charity's other property which is not required by clause 5(2) above to be retained for use for the object of the charity. (The managing trustee must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the sale, lease or disposal is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.)
- (3) Power to make rules and regulations consistent with this scheme for the management of the charity.

**TRUSTEES****7. Custodian trustee**

York City Council will be the custodian trustee of the charity.

**8. Managing trustee**

The company is the managing trustee of the charity.

**CHARITY PROPERTY****9. Use of income and capital**

- (1) The managing trustee must firstly apply:
  - (a) the charity's income; and
  - (b) if the managing trustee thinks fit, expendable endowment; and
  - (c) when the expenditure can properly be charged to it, its permanent endowmentin meeting the proper costs of administering the charity and of managing its assets.
- (2) After payment of these costs, the managing trustee must apply the remaining income in furthering the object of the charity.
- (3) The managing trustee may also apply for the object of the charity:

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- (a) expendable endowment; and
- (b) permanent endowment, but only on such terms for the replacement of the amount spent as the Commission may approve by order in advance.

#### GENERAL PROVISIONS

#### 10. Questions relating to the Scheme

The Commission may decide any question put to it concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

#### SCHEDULE

The following land and buildings in the City of York:

1. The Yorkshire Museum and Gardens;
2. Tempest Anderson Hall;
3. The Hospitium;
4. The ruins of St Mary's Abbey;
5. The Lodge (also known as the Gatehouse);
6. St Mary's Lodge;
7. The site of Bath Cottage, Marygate (demolished);
8. The Boathouse and Shed, subject to a lease for a term of 99 years from 1 January 1956;
9. The Observatory;
10. Manor Cottage.

The land and buildings are together shown outlined in red on a plan deposited at the Commission's offices on 8 July 2009.

#### Note

The land described in this schedule and the collections held within the buildings situated on the land and at Unit 5, Birch Park, York are vested in the custodian trustee by a scheme of 13 December 1960 (as affected by the provisions of the Charities Act 1960).

Reference Number: 937/0910

4

Case Number: C-234825

**THE YORKSHIRE MUSEUM AND GARDENS (529710)  
HEADS OF TERMS AGREEMENT  
BETWEEN CITY OF YORK COUNCIL,  
YORK MUSEUMS AND GALLERY TRUST AND  
YORK PHILOSOPHICAL SOCIETY**

**Composition of Board of Trustees of Managing Trustee**

1. The Board of Trustees of the Managing Trustee shall at all times comprise of at least one individual nominated to the Board by the Yorkshire Philosophical Society.

**Labelling**

2. The Managing Trustee shall use reasonable endeavours to ensure that the collections of the Charity are clearly labelled identifying that they are vested in the City Council as Custodian Trustee.

**Cataloguing**

3. The Managing Trustee shall comply with best practice in terms of cataloguing the collections of the Charity as recommended by Resource, the Council for Museums, Archives and Librarians or its successor body and the Museum Documentation Association and such other similar body established to set minimum standards for museums.

**The Display of the Collections**

4. The Managing Trustee shall use reasonable endeavours to ensure that the collections of the Charity shall be so managed to ensure the continuous

improvement in the display of the collections in accordance with best practice as recommended by Resource, the Council for Museums, Archives and Libraries its successor body or such other similar body established to set minimum standards for museums.

### **Meetings of the Society**

- 5.1 In any calendar year, the managing Trustee shall allow the Society to hold up to 24 meetings of the Society (including joint meetings with other societies) and its Council in the Tempest Anderson Hall or, with the agreement of the Society (such agreement not to be unreasonably withheld) such other appropriate museum building with suitable meeting facilities. Such facilities shall be provided by the managing Trustee at no hire charge to that Society provided that:
- (i) The Managing Trustee does not require such accommodation for its own use;
  - (ii) Subject to clause 5.2 below, the Society notifies the Managing Trustee of its programme of events and preferred dates for use of the facilities at least three months before the commencement of each programme year.
- 5.2 The Managing Trustee and the Society shall use reasonable endeavours to agree any proposed variation to the programmed dates and/or to accommodate any additional meetings. The Managing Trustee reserves its right to charge for any such additional usage.
- 5.3 The Managing Trustee shall allow officers of the Society to occupy, at no charge to the Society, accommodation within the Museum Buildings or Garden or such other appropriate museum building with suitable administrative facilities for the purpose of carrying out their activities during normal operating hours of the Museum or otherwise by arrangement.

**Annual Contribution by the Society**

- 6.1 The Society shall use reasonable endeavours, having regard to the Society's objects to contribute annually towards projects agreed between the Society and the Managing Trustee.
- 6.2 The Society shall pay the Managing Trustee an annual contribution which shall represent the whole or greater part of the annual declared surplus of the Society to be expended by the Managing Trustee at its discretion for the benefit of the Yorkshire Museum and Gardens.
- 6.3 The Society and Managing Trustee shall at all times act in good faith in accordance with the provisions of this clause.

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**THE CHARITY COMMISSION FOR ENGLAND AND WALES**

Under the power given in the Charities Act 1993

Orders that from today, the

**9 October 2009**

this

**SCHEME**

will govern the charity

formerly known as

**THE KIRK COLLECTION OF BYGONES**

and now to be known as

**THE KIRK COLLECTION**

at

York, North Yorkshire



**Authorised Officer**

**1. Definitions**

In this scheme:

“the charity” means the charity identified at the beginning of this scheme.

“the collection” means the exhibits donated to the charity by the late John Lamplugh Kirk and others on his behalf, as recorded in an Inventory held by the custodian trustee.

“the Commission” means the Charity Commission for England and Wales.

**ADMINISTRATION****2. Administration**

The charity is to be administered in accordance with this scheme. This scheme replaces the former trusts of the charity.

**3. Name of the charity**

The name of the charity is The Kirk Collection.

**OBJECT****4. Object of the charity**

The object of the charity is to advance the education of the public by the exhibition of the collection in York.

**POWERS OF THE MANAGING TRUSTEE****5. Powers of the managing trustee**

In addition to any other powers which it has, the managing trustee may exercise the following power in furtherance of the object of the charity:

Power to make rules and regulations consistent with this scheme for the management of the charity.

**TRUSTEES****6. Custodian trustee**

York City Council will be the custodian trustee of the charity.

**7. Trustee**

York Museum & Gallery Trust (1092466) is the managing trustee of the charity.

**CHARITY PROPERTY****8. Use of income and capital**

(1) The managing trustee must firstly apply:

- (a) the charity's income; and
- (b) if the managing trustee thinks fit, expendable endowment; and
- (c) when the expenditure can properly be charged to it, its permanent endowment

in meeting the proper costs of administering the charity and of managing its assets.

- (2) After payment of these costs, the managing trustee must apply the remaining income in furthering the object of the charity.
- (3) The managing trustee may also apply for the object of the charity:
  - (a) expendable endowment; and
  - (b) permanent endowment, but only on such terms for the replacement of the amount spent as the Commission may approve by order in advance.

#### GENERAL PROVISIONS

#### 9. Questions relating to the Scheme

The Commission may decide any question put to it concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

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## Learning & Culture Overview & Scrutiny Committee Work Plan 2011-12

Meeting Date	Work Programme
21 June 2011 @ 5pm	<ol style="list-style-type: none"> <li>1. Introduction to Committee Remit &amp; Terms of Reference</li> <li>2. Presentations by Assistant Directors on ongoing work within directorates &amp; future planned work</li> <li>3. Report on Draft Workplan for 2011-12</li> </ol>
3 August 2011 @ 5pm (TBC)	<ol style="list-style-type: none"> <li>1. Attendance of Relevant Executive Members</li> <li>2. York Theatre Royal – Service Level Agreement Performance Update Report &amp; Briefing on Renewal of Contract in April 2012 (Liz Wilson to attend)</li> <li>3. Workplan</li> </ol>
28 Sept 2011 @ 5pm	<ol style="list-style-type: none"> <li>1. York Museums Trust Partnership Delivery Plan – Performance Report &amp; Renewal of PDP for 2013-18</li> <li>2. First Quarter Finance &amp; Performance Monitoring Report</li> <li>3. Presentation on Demographics in York Primary Schools</li> <li>4. Update Report on implementation of recommendations arising from previously completed reviews - Cultural Quarter &amp; Casual Play</li> <li>5. Workplan</li> </ol>
11 October 2011	Tour of Theatre Royal & De Grey Buildings followed by performance of '40 Years On'
2 November 2011	Demographics Scrutiny Review – Informal Information Gathering Session
7 Dec 2011 @ 5pm	<ol style="list-style-type: none"> <li>1. Second Quarter Finance &amp; Performance Monitoring Report</li> <li>2. Presentation on Corporate Parenting</li> <li>3. Demographics Review – Formal Interim Report</li> <li>4. York Museums Trust – New Topic Assessment Report</li> <li>5. Workplan</li> </ol>
25 Jan 2012 @ 5pm	<ol style="list-style-type: none"> <li>1. York Theatre Royal – Service Level Agreement Performance Update Report</li> <li>2. Report on Demographics Review</li> <li>3. Report on Corporate Parenting Review</li> <li>4. Additional Briefing Report re proposed scrutiny topic on York Museums Trust</li> <li>5. Workplan</li> </ol>
29 Feb 2012	<ol style="list-style-type: none"> <li>1. Attendance of Chair of <a href="#">York@Large</a> - Diane Willcocks</li> <li>2. Presentation on Managing Public Parks</li> <li>3. Workplan</li> </ol>
21 March 2012	<ol style="list-style-type: none"> <li>1. Attendance of Chair of Learning City – Pete Dwyer</li> <li>2. Third Quarter Finance &amp; Performance Monitoring Report</li> <li>3. York Museums Trust Partnership Delivery Plan Performance Update Report</li> <li>4. Workplan</li> </ol>

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