

**MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE
VIRTUAL MEETING HELD ON THURSDAY, 4 JUNE 2020**

COUNCILLORS

PRESENT Susan Erbil (Chair), Tolga Aramaz, Guner Aydin, Sinan Boztas, Achilleas Georgiou, Ayfer Orhan, Edward Smith and Lee David-Sanders

ABSENT Bernadette Lappage

STATUTORY CO-OPTES: *1 vacancy (Church of England diocese representative), Mr Simon Goulden (other faiths/denominations representative), Mr Tony Murphy (Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor representative) - Italics Denotes absence*

OFFICERS: Peter Nathan (Director of Education)
Tony Theodoulou (Executive Director, People)
Dr Glenn Stewart (Assistant Director of Public Health)
Jo Fear (Service Manager, Admissions, Schools & Children's Services)
Sarah Fryer (Head of Schools Personnel Service)
Claire Johnson (Head of Governance & Scrutiny)
Susan O'Connell (Scrutiny Officer)
Stacey Gilmour (Scrutiny Secretary)

Also Attending: Councillor Rick Jewell (Cabinet Member, Children's Services)
Dominic Smart (Chair of Primary Headteachers Group, Enfield)
Approximately 40 members of the public

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WELCOME & APOLOGIES

NOTED

1. The Chair, Councillor Erbil welcomed all attendees to the OSC virtual meeting which was also being broadcast live online. Committee members confirmed their presence and that they were able to see and hear the proceedings.
2. Apologies for absence had been received from Councillor Lappage. Councillor Orhan was substituting for Councillor Lappage.
3. Council Officers involved in the meeting introduced themselves.

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DECLARATIONS OF INTEREST

There were no declarations of interest.

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THE RE-OPENING OF PRIMARY SCHOOLS IN ENFIELD

Councillor Rick Jewell (Cabinet Member for Children's Services) introduced the report of Peter Nathan, Director of Education outlining the re-opening of Primary Schools in the Borough.

NOTED:

1. The information report provides details on how schools in the borough have responded to the lockdown caused by Covid-19 and how schools are preparing for the proposed return to school for certain year groups from 1st June 2020. The report also outlined the Council's position following the government announcement about extending school opening on the 28th May.
2. Primary schools have been asked to respond to a survey outlining their arrangements with about a third of schools proposing to return on 1st or 2nd June (based on current returns) with others returning on 8th June or later. Some schools have yet to decide. Schools are also proposing to open in different ways. Some are opening classes for Nursery, Reception, Year 1 and Year 6 classes at the same time. Some schools are staggering the return of classes, some are operating a rota system whilst others are closing on Wednesdays for midweek cleaning. All maintained schools have completed risk assessments and are following government guidance as provided, for example on cleaning.
3. Senior Local Authority staff have been meeting with headteacher representatives on a weekly basis to discuss a range of issues raised by schools and advice provided by the government. School opening and attendance is monitored daily by the Local Authority. There have been and continue to be weekly meetings with the Department for Education and more recently with the Regional Schools Commissioner. The Director of Education has been updating schools twice weekly and all updates from the Department for Education and local updates are published on the Enfield Hub website.
4. During this period, most schools in the borough have remained open for children of key workers and vulnerable pupils. Most Special Schools have been open throughout the lockdown period although to fewer pupils. Each pupil was risk assessed as to whether they should be in school or not although many parents made the decision to keep their children at home. There has been much positive feedback from parents on the support provided by schools to children with special needs and their families.
5. Government guidance has prioritised the need for vulnerable pupils to be in school with specific guidance issued to support this. In Enfield, the number of vulnerable children in school has continued to rise and is now at about 23% (much higher than national average).
6. In preparation for the proposed re-opening, all schools have been risk assessing this process and a guidance template has been provided to schools (see Appendix 1 of the report). All maintained schools have

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- returned completed assessments to the Health & Safety team to be reviewed.
7. The Local Authority requests returns from schools each day providing information on whether they are open and how many children are attending. The Department for Education also request this information. Not all schools make these returns as they are not obligatory. From the returns received at least 38 primary schools were open to children of key workers and also to vulnerable pupils. At least 12 schools had opened to extended year groups with one school reporting over 100 pupils attending school.
 8. One of the main considerations for the Council is that schools, when they open to more pupils, are safe places for children and staff. It is therefore essential that proper risk assessments are carried out by the school. It is recognised that the decision to open rests with the headteacher of the school itself as this is an operational decision usually taken in consultation with the Chair of Governors.
 9. The Cabinet Member for Children's Services, Councillor Rick Jewell, had written to the Secretary of State on the 18 May 2020 outlining Enfield Council's view on the Government proposal to reopen primary schools for Reception, Year 1 and Year 6 pupils from 1 June 2020. (A copy of this correspondence was attached as Appendix 2 to the report).
 10. A further concern is that some children will not have been in school for 6 months and there is evidence that this will disproportionately impact on children from poorer socio-economic backgrounds. Some pupils do not have access to a laptop or computer or internet in their homes which means little if any learning is taking place. Some secondary headteachers have expressed considerable concern about this.
 11. The Council will continue to work with all schools to support the re-opening of schools in a way that is safe and protects staff and pupils.
 12. Actions taken to support schools will be monitored on a weekly basis and more frequently as needed through meetings with headteacher representatives. Senior Managers will overview communications, educational social and emotional support, risk assessments, HR and other support provided to schools.

In response to questions and concerns raised the following answers were provided:

- i) In response to questions and concerns raised about risk assessments it was explained that the document is the one that has been used across Enfield Council to enable and support conversations with staff who have concerns related to COVID19. This was sent to schools for a similar purpose to support conversations with staff and there has been no requirement for schools to use this.
- ii) Feedback from schools has indicated that this has been very useful to enable conversations relating to age, gender and ethnicity as well as addressing any other concerns staff have about work and returning to the school environment.
- iii) Councillors Aramaz and Orhan both raised concerns about the standard risk assessment document being used for staff from the

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- BAME communities and questioned why a more appropriate risk assessment had not been drawn up, especially given that the report from Public Health England (PHE) states that 'BAME communities are disproportionately affected by COVID19 and it is known that the borough of Enfield has a large population of BAME residents.
- iv) Tony Theodoulou, Executive Director, People said that the Council clearly acknowledges the PHE report that was published this week and its findings that men, older people and ethnic minority groups are adversely impacted by COVID19. The individual risk assessment sent out to schools has supported them in in conversations with staff including those from BAME groups to discuss their individual concerns about returning to work. The intention is to work through concerns with all staff including those older staff, men and those from BAME communities to obviate any need for employment repercussions with the expectation that this will not happen.
- v) Cllr Orhan also referred to the various questions and concerns that had been raised by the National Education Union (NEU) in their recent letter to Councillor Caliskan, Leader of the Council, and Cllr Jewell, Cabinet Member for Children's Services. She felt that the points raised had not been factored into the decision to open schools in Enfield and agreed with the NEU's view that for it to be safe to open schools, the Government's five tests must be met; the NEU's five tests must be met and that evidence should be shown that the science says that it is safe for schools to return for a wider opening. She felt that there should be a more robust response and guidance to advise schools.
- vi) In view of these concerns Cllr Orhan asked that a full response be provided to the NEU's letter, addressing all the questions raised, together with evidential statistics and data. She asked that OSC members be copied into this response.
- vii) Tony confirmed that a comprehensive written response would be provided addressing all questions raised by the NEU. He assured Cllr Orhan that full engagement had taken place with the NEU and other unions throughout the pandemic and this would continue. Enfield Council had taken on board all the concerns raised and were aware that the NEU were not happy with the risk assessment document. However, feedback had shown that schools were very happy with the document as it allows for open dialogue with their staff and enables any concerns to be fully addressed.
- Action: Tony Theodoulou, Executive Director, People**
- viii) Enfield Council does share Liverpool Council's and many other councils' concerns over the safety of staff and pupils and has made it clear both in the press release of 22nd May and in the letter to the Secretary of State for Education sent on 18th May.
- ix) Councillor Rick Jewell, Cabinet Member for Children's Services, Protection & Education made it clear that the council was not at all happy with the proposed 1st June date for the return of pupils to school. The Liverpool Council statement acknowledges though that they do not have the legal power to close schools and the decision whether to open or not rests with schools. Because of this, Enfield Council has made it clear that it will support headteachers and governing bodies with the

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decisions they take recognising that each school is working in a different context.

- x) The government have asked schools to open based on their scientific advice from the Chief Medical Officer and SAGE. If a claim is brought regarding a health and safety concern in a community school, then action would be taken against the council and not the school.
- xi) Dr Glenn Stewart, Assistant Director, Public Health advised the Committee that the scientific evidence is that children are very bad at getting the virus and passing it on. He said that 'we are talking about a very small risk for children' adding that education is also very important for health in terms of learning and social interaction. He acknowledged however that there was definitely a balancing of risk to be had.
- xii) Tony confirmed that parents would not be fined if they chose not to send their children back to school because of their concerns. He acknowledged that many parents would be worried and concerned about the credibility of the advice and information available however, he was confident that Enfield Council have made their schools as safe as possible under the guidelines given. He re-iterated that parents will have the choice whether they want to send their children back or not, parents can exercise that choice and will not be punished if they choose not to send them back to school.
- xiii) In response to a question regarding figures for how many children had now returned to school in the borough, Jo Fear, Service Manager, Admissions, Schools & Children's Services said that at present, it was very difficult to come up with an overall percentage as different schools were doing different things across the week, therefore currently there was a very gradual return. However, there should be a much clearer picture by the end of this week/ into next week and information would be circulated to OSC members once it was available.

Action: Jo Fear, Service Manager, Admissions, Schools & Children's Services

- xiv) Councillor Orhan referred to the Health & Safety Act 1974, in which section 2 places a duty on employers to ensure the health, safety and welfare of all employees. She said that Enfield Council has responsibilities in respect of the above as well as the following legislation:
The Management of Health and Safety at Work Regulations 1999, regulation 3, the Personal Protective Equipment at Work Regulations 1992, the Workplace (Health, Safety & Welfare) Regulations 1992, the Control of Substances Hazardous to Health Regulations 2002, the Children's Act 1989 and the Health Protection (Coronavirus, Restrictions) Regulations 2020.
She asked what documented risk assessment had been carried out by the Council with regard to their obligations under the above legislation and, in the absence of government support is the Council confident that it will fulfil their legal responsibilities as required under the appropriate legislation.
- xv) Peter Nathan, Director of Education advised that when Unions have raised issues these have been responded to very quickly by engaging

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and liaising with schools. Legislation is covered in the risk assessments and initially legal advice was sought through Enfield Council's own solicitors as well as solicitors across the board who have given assurances that the position the Council has taken has been correct and as a result of this Enfield Council are now in a position where 33 schools have gone back.

- xvi) Cllr Orhan said that she would put her questions in writing to Peter as she felt that a full response had not been provided at tonight's meeting and looked forward to receiving a response in due course. She would copy the Chair of OSC into her correspondence and asked that this also be circulated to all OSC members.
- xvii) Councillor Smith felt that the risk assessments taking place in schools was exactly the right approach and supported the fact that these were being carried out by Enfield Council. He also asked some questions about the testing process for COVID19 and whether teachers and school staff in particular could be tested as he felt this would help with reassurance for parents looking to send their children back to school.
- xviii) Dr Glenn Stewart advised that everyone is eligible for a test if symptomatic. However, we are not at the point where people can be systematically tested on a regular basis and when asymptomatic. Dominic Smart, Chair of Primary Headteachers' Group, Enfield added that the risk assessments are organic and evolving all the time. All schools are operating in 'bubbles' therefore if there is any sign of the virus the bubble can be closed down, essentially allowing to 'test & trace' if necessary.
- xix) Councillor Georgiou asked various questions including whether any schools had indicated that they were not happy to return to a wider opening due to the perceived risks and what scenario planning was in place should the Government advise to open more schools up with effect from the 15th June. In-depth responses were provided by Officers to all the points raised.
- xx) Following the report and the discussions at tonight's meeting the following recommendation from the Overview & Scrutiny Committee was put to the vote.
'We support the Council to take whatever action is required in its duty of care to keep students and staff of schools in the borough safe as the opening of schools increases.'

Voted in favour of the recommendation:

Cllrs: Aramaz, Aydin, Boztas, Erbil, Georgiou and Orhan

Abstained

Cllrs: David-Sanders and Smith.

The recommendation from OSC was therefore **agreed**.

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DATES OF FUTURE MEETINGS

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NOTED the dates of future meetings and agenda items to be discussed as follows:

Virtual Meetings

Thursday 2 July 2020

- Update from Public Health on Covid-19
- Pre-decision Scrutiny- Local Control Covid Plan
- Further update on the opening of all Schools including Secondary & Special

Thursday 30 July 2020

- Agenda items to be confirmed.

It was agreed that all future virtual Overview & Scrutiny meetings will commence at 6:00pm.

Members made the following comments:

- (i) Councillor Aramaz said that the Associated Cabinet Members (ACMs) agenda item was still outstanding and wished to see this addressed at a future OSC meeting.
- (ii) Councillor Georgiou said that he would like to see these meetings recorded as it would provide a record of the meeting and allow for a more virtual way of working. Councillor Aramaz added that it would also allow people to re-visit and watch the meeting in their own time. Claire Johnson, Head of Governance & Scrutiny replied that the record of the meeting is the minutes which are taken at every meeting. However, she did confirm that there was an option to record virtual meetings and she would therefore discuss this possibility further with the Monitoring Officer, Jeremy Chambers.

Action: Claire Johnson, Head of Governance & Scrutiny

The meeting ended at 8:40pm