

Minutes of a meeting of the Children and Families Overview and Scrutiny Committee held at County Hall, Glenfield on Tuesday, 4 June 2019.

PRESENT

(in the Chair)

Dr. R. K. A. Feltham CC
Mrs. H. J. Fryer CC
Mr. J. Kaufman CC
Mrs. R. Page CC

Mr T. Parton CC
Mrs B. Seaton CC
Mr. S. D. Sheahan CC
Mr. G. Welsh CC

1. Appointment of Chairman.

RESOLVED:

That the appointment of Mrs. H. Fryer CC as the Chairman of the Children and Families Overview and Scrutiny Committee for the period ending with the Annual Meeting of the County Council in 2020 be noted.

Mrs. H. Fryer CC – in the Chair

2. Election of Deputy Chairman.

RESOLVED:

That Mrs. B. Seaton CC be elected Deputy Chairman of the Children and Families Overview and Scrutiny Committee for the period ending with the Annual Meeting of the County Council in 2020.

3. Minutes.

The minutes of the meeting held on 5 March 2019 were taken as read, confirmed and signed.

4. Question Time.

The following questions, received under Standing Order 35, were put to the Chairman of the Children and Families Overview and Scrutiny Committee:

(A) Mrs Louise Parker Engels asked the following question of the Chairman of the Children and Families Overview and Scrutiny Committee:

There is little or no accountability for schools who do not follow their own or national policies including the Special Educational Needs and Disabilities (SEND) code of practice. What is Leicestershire County Council doing to prevent further harm to children by supporting parents to secure timely reasonable adjustments and to prevent schools making inappropriate referrals for attendance prosecution and to child protection? With the right levels of support from the beginning and listening to parents and children that

they are not fine in school, many of these children would not be needing Education Health and Care Plans (EHCP) as they now do.

Mrs H Fryer CC replied as follows:

The Local Authority considers a range of DfE Guidance and Legislation in relation to children who have difficulty accessing school including school refusal, such as:

- SEND code of practice – Best Endeavours and Reasonable Adjustments
- Keeping Children Safe in Education
- Children Missing Education
- Children with Medical Needs
- Preventing/responding to bullying in schools
- Admissions Codes

Leicestershire County Council shares the DfE values that all children, regardless of their circumstances, are entitled to an efficient, full time education which is suitable to their age, ability, aptitude and any special educational needs they may have.

Although the DfE consider children missing education are of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school, Leicestershire Children and Family Services (CFS) have widened the consideration of Children Missing Education as those who are also registered at a school and have failed to attend regularly or have missed ten school days or more without permission. This includes the consideration of school refusers.

Again in conjunction with the DfE Missing Education guidance, CFS agrees that effective information sharing between parents, schools and local authorities is critical to ensuring that all children of compulsory school age are safe and receiving suitable education. CFS therefore focuses and continues to align resources on intervening early in the lives of vulnerable children to improve outcomes. As such, CFS provides a variety of support to schools to make every effort to assess and respond to a child's needs at the earliest opportunity through services such as:

- Inclusion Services (including Children with Medical Needs/EHE and links to Health Services);
- SENA;
- Education Effectiveness Partners;
- Secondary Educational Inclusion Partnership Surgeries;
- Oakfield Short Stay Panel;
- Specialist Teaching Services;
- Families and Wellbeing Service

Supplementary Question:

Mrs Engels asked a supplementary question, to the effect that, as there was so little accountability with schools to follow the policies listed, how were parents going to access the resources when their children needed them if they did not meet the SEND threshold or the school did not acknowledge their need?

At the invitation of the Chairman, the Director of Children and Family Services replied to the effect that both children and their families could directly access a number of County Council services. Referrals, particularly for early help services, could come either directly

from parents or from other agencies. An accountability framework was in place for all schools, some of which the local authority was involved in and some of which was the responsibility of Academies. The Accountability Framework would be shared with Mrs Engels and members of the Committee.

(B) Mrs Louise Parker Engels asked the following question of the Chairman of the Children and Families Overview and Scrutiny Committee:

The EHCP process is currently taking too long. As many parents are having to go through appeals processes to secure reasonable adjustments and suitable provision, what can the local authority do to prevent serious harm and deterioration to the health and well being of children who are not coping with mainstream provision but being expected to attend whilst they wait for suitable provision?

Mrs H Fryer CC replied as follows:

Leicestershire Children and Family Services understands that the EHCP process can appear lengthy, with it taking up to 20 weeks in response to the statutory time scale as outlined in the SEN Code of Practice, although granted the appeal process can mean that the process can be longer. Within Leicestershire, CFS is successfully completing over 97% of first time assessments within the 20 week time frame.

Across the assessment and review work that CFS carried out in 2018 only 2.5% of cases resulted in an appeal to the SEN and Disability Tribunal. Therefore 97.5% of cases successfully secured the provision they needed to be able to access effective education and support for their educational and health care requirements.

The Department has a range of services, as detailed in the reply to the above question, that work to support children and young people to support their emotional health and wellbeing.

Supplementary Question:

Mrs Engels asked a supplementary question to the effect that there were children who were being left in mainstream schools relatively unsupported whilst going through the assessment process, which could take up to 20 weeks, exclusive of the appeals process. If these children were not coping in the meantime, they were still expected to attend mainstream provision. Places such as the Oakfield Short Stay provision were not accessible to these children as they were trapped in between mainstream provision and having an EHCP. Mrs Engels queried what could be done for those children as they were coming out of school with school trauma, post-traumatic stress disorder and were likely to have more complex difficulties than if their needs had been addressed in the first place.

At the invitation of the Chairman, the Director of Children and Family Services replied to the effect that there were statutory timescales that the local authority had to work to, and therefore the assessment could take up to 20 weeks, following which there could be an appeal. The Director acknowledged that there were currently children waiting for an assessment and that the Department did not always get it right. The County Council was looking at how it could work to support children and young people outside of an EHCP at an earlier opportunity. This should then mean that there was support available for children that did not rely on them having an EHCP, in order to mitigate the circumstances

described by Mrs Engels. This was further described in the Overview of SEND Developments report elsewhere on the agenda for this meeting (Minute 11 refers).

(C) Mrs Louise Parker Engels asked the following question of the Chairman of the Children and Families Overview and Scrutiny Committee:

There is no current national policy for School Refusal – Children who are unable to attend due to unmet Special educational needs, mental health or medical conditions and bullying. Would the Director of Children’s Services, the inclusion, attendance and educational psychology teams be willing to support and promote Not Fine in School guides as a county wide practice for School Refusal intervention?

Mrs H Fryer CC replied as follows:

The offer to promote Not Fine in School guides as a county wide practice for School Refusal intervention is very much appreciated and having looked at the Not Fine in School Website, it shows a comprehensive range of resources. Later this year CFS will be developing information web pages for schools as part of the pathway development and it would be useful if the local authority could work with Not Fine in School to help co-design this.

Supplementary Question:

Mrs Engels asked a supplementary question to identify who would be responsible overall for developing the pathway later in the year, and if, in the meantime, some of the messages developed by Not Fine in School could be circulated through the local offer and local educational psychologists, who seemed to still be of the view that where children were struggling, this was due to parenting issues. She also queried whether a working definition of ‘fine’ could be included in the local offer?

At the invitation of the Chairman, the Director of Children and Family Services replied to the effect that the literature on the Not Fine in School website was a useful resource. Whilst the local authority would not be directly sending out this literature, it was keen to work with Not Fine in School and other parents and carers to develop resources. The Inclusion Service Manager would make direct contact with Mrs Engels to progress this.

5. Questions asked by members under Standing Order 7(3) and 7(5).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

6. Urgent Items.

There were no urgent items for consideration.

7. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

No declarations were made.

8. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

9. Presentation of Petitions under Standing Order 36.

The Chief Executive reported that no petitions had been received under Standing Order 36.

10. Care Placement Strategy.

The Committee considered a report of the Director of Children and Family Services which provided an update around the work on the Care Placement Strategy 2018-2021. A copy of the report marked 'Agenda Item 10' is filed with these minutes.

Arising from discussion and questions, the following points were raised:

- i) One-to-one carers were specialist carers with a professional background and a specialist skill set who worked intensively with one young person at a time. Pathway carers also had a similar skill base, and worked with those young people who had a higher level of need, but not on a one-to-one basis. The Multi Intensive Systemic Team Leicestershire (MISTLE) was working with Action for Children to identify more one-to-one carers and had been involved in the recruitment and training of carers to ensure that the young person had a successful package of care. The team was currently working closely with ten young people and the Committee was pleased to hear that it was already seeing success with some young people having moved from residential care to family-based placements, supported independent living and foster care.
- ii) The intended target audience for the Care Placement Strategy had initially been all professionals working with young people. However, it was the intention that this would be an outward facing document that could be shared with families and young people. Where this was the case, time would be spent explaining the information contained within the document.
- iii) It was felt that greater clarity was required in the Strategy regarding the priorities and aspirations of the department, rather than these appearing as bold statements in the document. In particular, the statement that 'Leicestershire is the best place for all children, young people and their families' needed to be amended to reflect that it was the overarching vision of the department. Assurance was given that this would occur.
- iv) The Strategy brought together a number of different work streams that would have varying timeframes for completion. It was noted that some of the work was now commencing and any results would be expected in the next 6 – 12 months. However, the overarching ambition remained the same in terms of the outcomes for children. It was intended that, in 12 months, clear outcomes would be presented for each priority area, for example the success of MISTLE and a reduction in the number of those on the edge of care. It was agreed that it would be useful to present the Committee with details of performance against a range of measures to demonstrate the success of the Strategy.

RESOLVED:

- a) That the report be noted;
- b) That a report be provided to a future meeting on performance against the measures used to demonstrate the success of the Strategy.

11. Overview of Special Educational Needs and Disabilities (SEND) Developments.

The Committee considered a report of the Director of Children and Family Services which provided an update on the development of new SEND provisions as part of the High Needs Block Development Plan and the results of the associated recent public consultation. The strategic direction for SEN and Disability Services over the next three years was also detailed, along with an update on the provision of short break services to families where a child had a disability. A copy of the report marked 'Agenda Item 11' is filed with these minutes.

Arising from the discussion, the following comments were made:

- i) It was reported that the 2018/19 year end budget position for the High Needs Block was an overspend of £2.3m, which was in line with, or lower than, a number of areas throughout the country. The department had been able to use reserves and some underspend within the Dedicated Schools Grant to offset the overspend. In response to a query, it was stated that the High Needs Block Development Plan was set out as a four-to-five year programme to address the overspend. It was anticipated that there would be an increase in expenditure for the next three years before a reduction would begin to be seen in 2022/23. The projection for achieving a balanced budget would depend on a number of factors, but it was expected to be realised in the 2024/25 financial year.
- ii) A comment was made that the number of responses to the consultation appeared to be low. All Leicestershire schools had been written to, along with parents/ carers of pupils with an EHCP and associated parties, but respondents had generally been those with a specific interest in the development of a new SEND provision. In general, the department was pleased with the quality of responses and discussions with interested groups, such as the Parent Carer Forum, had continued to take place once the consultation period had ended. Assurance was given that the appropriate provision would be in place by September.
- iii) The consultation had highlighted some concerns, for example the size of classes within the specialist units. However, it was stated that class sizes would be restricted to no more than ten young people. The new SEND provision was also expected to support children and young people to access both specialist and mainstream provision.
- iv) The department had performed well in the conversion of statements of special educational need to EHCPs and was now seeking to ensure that a holistic approach was taken to casework. There had been a significant increase in the number of cases, and as a result resources within the SEN Assessment Service had been increased. It was hoped that families would be allocated a caseworker (as was already the case) and that there would be more capacity

for the caseworker to have a dialogue with partners such as schools to ensure the best outcome for the child was achieved.

- v) It was acknowledged that Leicestershire was one of the lowest funded authorities in the country, and there was concern that a continued increase in numbers of EHCPs would not be sustainable without additional funding. This could also make it more difficult to achieve a balanced budget. It was noted that there was a national recognition of the pressures around the High Needs Block; locally the High Needs Development Plan had been developed to mitigate these risks. Although financial pressures continued to increase, the service remained committed to supporting children in the best way, and this included looking at how to reduce the cost of children in SEND provision and supporting schools to intervene earlier to reduce the reliance on EHCPs.
- vi) Work had been undertaken around the provision of short break services to families where a child had a disability, and although the changes appeared to be positive, the Committee agreed that it would be useful to receive a specific report on this work at a future meeting, in particular the development of a new criteria.

RESOLVED:

- a) That the report be noted;
- b) That the Committee receives a report to a future meeting on the provision of short break services to families where a child has a disability.

12. Progress Report: Ofsted Recommendations as Part of the Ofsted Continuous Improvement Action Plan 2017-2020 - The Road to Excellence.

The Committee considered a report of the Director of Children and Family Services on the progress made against the Ofsted Continuous Improvement Action Plan in responding to the Single Inspection of Children's Social Care in November 2016. A copy of the report marked 'Agenda Item 12' is filed with these minutes.

Arising from discussion and questions, the following comments were raised:

- i) The Committee welcomed the success in the recruitment and retention of permanent staff over the last six months. Although there were still a number of vacant posts, there were for specific roles, for example Senior Practitioners, and recruitment was currently taking place for six vacancies. There were also a number of vacancies due to staff being on maternity leave. Agency staff were still being used, in part to support the reduced workload of newly qualified social workers. Despite the recent success, lots of work still needed to take place to improve the position further, particularly within teams where there had been an issue with sickness absence rates. A report on the second phase of the Recruitment and Retention Strategy was due to be presented to the Children and Families Departmental Management Team in the coming weeks, and the Committee agreed that it would continue to monitor progress by receiving regular updates on recruitment and retention.
- ii) In response to a query, the RAG rating to monitor progress against the Ofsted recommendations was not set externally. However, it was necessary to

provide to Ofsted any progress against self-assessments, and as part of this the Continuous Improvement Action Plan. It was necessary to provide evidence of how progress had been achieved; Ofsted would then provide feedback. Members were pleased to note that all but two of the actions were rated green.

- iii) In order to make it easier to understand whether progress had been made against a recommendation, a suggestion was made that an arrow could be used to show the direction in which the target should be going.
- iv) To ensure that progress was tracked, the department had a clear structure for receiving data updates from senior managers on a weekly basis. Meetings were held to consider the performance in specific areas, such as safeguarding, and a performance report was presented to the Senior Management Team on a monthly basis.

RESOLVED:

- a) That the report be noted;
- b) That the Committee continues to receive regular updates on the progress being made with recruitment and retention.

13. Pupils Missing Out on Education in Leicestershire.

The Committee considered a report of the Director of Children and Family Services which provided a summary of Leicestershire children who were missing out on education and the work taking place to support them. A copy of the report marked 'Agenda Item 13' is filed with these minutes.

Arising from the discussion, the following comments were raised:

- i) During April 2018 – March 2019, 901 children were reported as pupils missing out on education from Leicestershire schools. At 1 March 2019, 34 children were missing education (CME) – this meant that they were not registered pupils at a school and were not receiving suitable education otherwise than at a school. The local authority had a duty to establish the identities of these children, and was also responsible for the children who were on the roll of a school but had not attended for over 15 days. Schools were responsible for those who had not attended for less than 15 days or where court proceedings were being pursued; this figure was at 119 in Leicestershire.
- ii) An overview was given of the developments that had taken place over the last year to increase the capacity to support vulnerable learners in Leicestershire. A member commented that the developments could be combined into a more comprehensive strategy to show, for example, the setting of targets, partnership working, and challenge for other providers. It was confirmed that the work outlined in the report formed the Inclusion Strategy, an ambition of which was to set out the aims and work being undertaken to manage inclusion in schools, and it was the intention to present the work being undertaken around inclusion to the Committee at its meeting in November. A range of work had been pulled together to form an Inclusion Service, and a big part of this was partnership work. The service was already working with schools to

ensure that children were remaining in education where possible. In relation to alternative provision, strong partnerships were in place, for example with the Secondary Education and Inclusion Partnerships, and a number of alternative provisions were used. Within the department, particularly for children with SEN, it was only possible to commission provision through registered schools and the majority of providers offered provision that it was not possible for the local authority to directly commission or fund. Partnership working was encouraged with behaviour partnerships and schools to support students. In terms of the impact of work being undertaken around outcomes for children, it was intention to present this to a future meeting of the Committee.

- iii) In response to a query around managing exclusions, the local authority had an arrangement with secondary schools whereby funds were passported out to secondary schools, which were divided into secondary partnerships. This was a bespoke arrangement with the aim of avoiding permanent exclusions through targeted initiatives where possible. It was the intention to create a similar geographical arrangement in primary schools. Proactive intervention had been developed for all schools, and more recently, support for governance in schools had been put in place to ensure that governing bodies understood the possible consequences if there was a permanent exclusion. Further details would be presented in the report to the Committee at its meeting in November.
- iv) Concern was raised by a member that some children were missing education due to them being unable to travel to the school where they were on roll. However, these children were not categorised as missing education as they were on roll at a school. It was acknowledged that there areas in Leicestershire where there were pressures with local school places, but this would need to be the subject of a separate report.
- v) There were difficulties in establishing the number of electively home educated children receiving a good education as the data was reported by schools and there were no direct legal requirements for local authorities. It was confirmed that the data was broken down by key stage; this would be shared with the Committee. Within Leicestershire, DfE guidance was followed in that informal enquiries would be made that included a request to see the child, but the parent was under no legal obligation to agree to this simply to satisfy the local authority as to the suitability of home education. However, where there was a refusal to allow a visit to the home, this would become a safeguarding issue.

RESOLVED:

- a) That the report be noted;
- b) That the Committee receives an update on developments within Leicestershire at its meeting on 5 November 2019.

14. Leicestershire Children and Families Partnership Plan Update.

The Committee considered a report of the Director of Children and Family Services which presented an update on the progress with the Children and Families Partnership Plan 2018-21. A copy of the report marked 'Agenda Item 14' is filed with these minutes.

Assurance was given that any appropriate promotion activity would take place with partners in relation to specific developments within the action plans, for example the roll out of the Housing Protocol.

RESOLVED:

That the report be noted.

15. Scrutiny Review Panel - Corporate Parenting.

The Committee considered a report of the Chairman of the Scrutiny Review Panel which detailed the conclusions and recommendations arising from the Scrutiny Review Panel investigation into corporate parenting. A copy of the report marked 'Agenda Item 15' is filed with these minutes.

RESOLVED:

That the findings of the Scrutiny Review Panel be supported and referred to the Cabinet for consideration.

16. Quarter 4 2018/19 Performance Report.

The Committee considered a joint report of the Chief Executive and the Director of Children and Family Services which presented an update of the Children and Family Services Department's performance for the period January to March 2019 (Quarter 4). A copy of the report marked 'Agenda Item 16' is filed with these minutes.

Arising from the discussion, the following comments were raised:

- i) With regard to the Strengths and Difficulties Questionnaire (SDQ) score which measured the emotional wellbeing of children in care, a member suggested that measuring the average score created a risk that less vulnerable young people masked the needs of the most vulnerable. However, officers confirmed that they also considered the scores on an individual basis; a score of 17-40 was considered to be cause for concern. There was currently one young person who's score was very high and who was receiving additional services as a result.
- ii) It was acknowledged that the completion rate around assessments being completed within 45 days had been on a downward trajectory; however, this was being addressed through work to improve both timeliness and quality which had been shared with the Ofsted Inspectors when they had undertaken their focused visit. It was expected that improvements would be seen over the next quarter.
- iii) The rate of re-offending by young offenders was far lower than the County Council's statistical neighbours; however, it had increased in Quarter 2. It was confirmed that this figure was per young offender and was an average across the current cohort. Due to the small number in the cohort, any change would appear to have a significant impact on the number.

RESOLVED:

That the report be noted.

17. Dates of Future Meetings.

RESOLVED:

It was noted that the next meeting of the Committee would be held on 3 September 2019 at 2.00pm.

Future meetings of the Children and Families Overview and Scrutiny Committee will be held at 2.00pm on the following dates:

5 November 2019

21 January 2020

3 March 2020

2 June 2020

1 September 2020

3 November 2020.

2.00 – 4.25pm
04 June 2019

CHAIRMAN