

Minutes of a meeting of the Children and Families Overview and Scrutiny Committee held at County Hall, Glenfield on Tuesday, 2 June 2020.

PRESENT

Mrs. H. J. Fryer CC (in the Chair)

Dr. R. K. A. Feltham CC

Mr. J. Kaufman CC

Mrs. C. Lewis

Mrs. R. Page CC

Mr T. Parton CC

Mrs B. Seaton CC

Mr. S. D. Sheahan CC

Mr. G. Welsh CC

Mrs. A. Wright CC

Webcast.

A webcast of the meeting can be viewed at [insert link].

76. Minutes.

The minutes of the meeting held on 3 March 2020 were taken as read, confirmed and signed.

77. Question Time.

The following questions, received under Standing Order 34, were put to the Chairman of the Children and Families Overview and Scrutiny Committee:

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

Accountability and conflict resolution for schools who are not following the SEND Code of Practice and not supporting children who struggle through SEND support plans. The SEND Code of Practice describes the local authority duty to have a resolution service when schools and parents disagree. What plans does the local authority have to support listening to parents and supporting them with conflict resolution and holding schools accountable?

**Mrs H Fryer CC replied as follows:**

The local authority recognises the paramount importance of supporting children with additional needs as early as possible. Most children with SEND can progress well in school without the need for an Education Health and Care Plan. On a day to day basis the vast majority of matters between parents and schools are resolved amicably through formal and informal meetings and discussions in school, without the need for the local authority to be involved. Where parents need additional information, advice or support, Leicestershire commissions and provides a well-established local SENDIAS Service, who undertake a wide range of activity to support parents/carers of children with special needs, at every stage. The following website contains detailed information about how they can support parents who are concerned about their child at 'SEND Support'. The

website contains some very accessible and information You Tube videos:  
<https://sendiassleicester.org.uk/>

### **Supplementary Question**

Mrs Engels asked a supplementary question to identify what support the local authority gave to parents to resolve disagreements for all children and young people with SEND, not only those with EHC Plans, in particular how SEN duties are carried out by the local authority or education setting, the SEND provision made by an educational setting, and health or social care provision in relation to EHC needs assessments. Mrs Engels also stated that Chapter 11 of the SEND Code of Practice includes the local authorities duties to arrange Disagreement Resolution services, which are in addition to support and advice from SENDIASS and ECHP mediation. Mrs Engels asked if the local authority has decided not to provide a disagreement resolution service, what can parents do when schools are not accountable through their own complaints processes, and to prevent the need for EHCP appeals and formal complaints to the Ombudsman?

At the invitation of the Chairman, the Director of Children and Family Services replied to the effect that the local authority commissioned SENDIASS to support families where there was a disagreement. If there was an issue between a school and a parent for a child with an EHCP, the SENA Service undertook informal meetings with parents/carers to try to reach a resolution – this was a duty under the Code of Practice. If the local authority was commissioning a placement or SENDIASS services and parents displayed concerns, it was also the duty of the local authority to look into this in more detail. Whilst there wasn't a formal local authority Disagreement Resolution Service, processes were in place to resolve any disagreements, including social care and early help. In terms of SEND support, the new Inclusion Service would support parents and settings in best identifying how children's needs could be met. In addition, the local authority commissioned Global to undertake formal mediation, but before moving into the formal process, there were opportunities for informal disagreement resolution to take place. Parents were signposted to this and when the SENA Service corresponded with them, the local authority could give more information to parents about this. If there was a disagreement about any decisions made, particularly by parents, the SENA Service and other partners would endeavour to meet informally before moving into formal mediation and this could include where, for example, a decision had been made not to assess for an EHCP when a child was receiving SEND support.

In relation to Chapter 11, the SENA Service endeavoured to resolve all issues, informally in the first instance, and to reduce the need for complaints. The local authority used Global, who were available to resolve disagreements as well as offering a more formal mediation service.

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

Despite repeat offers to work with the inclusion team on the Not Fine in School Framework, we have still not been consulted. There seems to be a common assumption that the main cause of school refusal and attendance difficulties is parenting and therefore using early help as a solution. However, evidence suggests a major contributor is SEND, physical and mental health needs not being met. The impact of not addressing this and the need to early support is that children deteriorate and the cost of supporting them increases. Could the local authority confirm where it is with its work on this and if

and when Not Fine in School, and perhaps other relevant parental support groups, will be consulted?

**Mrs H Fryer CC replied as follows:**

The Inclusion Service functions were developed internally and reconfigured in October 2019. Workshops were held between November 2018 and January 2019, a number of groups were invited to attend these workshops, including Not Fine in School. Utilising the results of the workshops, the Inclusion Service now brings together a range of support functions that include: Children Missing Education, Elective Home Education, Pupils Missing Education, Risk of Exclusion, Children with Medical Needs and SEND Support. The team offers a range of support to schools and parents to support the delivery of services and supports pathways to wider services should they be needed. The local authority works closely with parent and carer support groups in the development and review of services and is more than happy to include Not Fine in School in these consultations.

**Supplementary Question**

Mrs Engels asked a supplementary question to confirm if and when a representative of Not Fine in School will be invited to future co-production events.

At the invitation of the Chairman, the Director of Children and Family Services replied to the effect that the department had held workshops between November 2018 and January 2019 and had invited a number of groups to attend these, including Not Fine in School. The local authority was committed to working closely with parent and carer support groups in reviewing and developing services and would be happy to include Not Fine in School in consultations.

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

Following from emergency changes in educational provision due to Covid-19 and the need to find flexible alternatives, could the local authority address parent's concerns and consider the continuation of remote and flexible learning for children who are unable or struggling to attend school?

**Mrs H Fryer CC replied as follows:**

The emergency changes in special educational needs provision are in place for a finite period as a result of Covid-19. In terms of the consideration of remote and flexible learning for children who are unable or struggling to attend school, this would need to be considered as part of an assessment of a child's needs in order to develop the best possible solution to enable a child to access education to meet their assessed needs.

**(D) Mrs Sue Whiting asked the following question of the Chairman of the Children and Families Overview and Scrutiny Committee:**

Could the Chair please state if the Children and Family Services Departmental Plan 2020-2023, published in April 2020, is in response to the letter from Ofsted/CQC dated 27 March 2020 "a Written Statement of Action is required because of significant areas of weakness in the local area's practice" and will the many families affected be receiving a public apology?

**Mrs H Fryer CC replied as follows:**

The Children and Families Departmental Plan sets out the priorities for the Department for the next three years. Following the publication of the SEND Inspection of the Local Area on 14 May, the local area is required to submit a Written Statement of Action, within 70 days, to address the areas of concern identified in the report.

The Department is committed to learning and improving its services and will ensure that it addresses the areas of weakness identified – but it's important to stress that the main findings of the report also identified a great many strengths, such as the way partners work together to identify and meet the needs of children and their families, the value parents put on the county's specialist educational units and special schools, and the range of health and leisure services available to young people with SEND. If any parent has any concerns arising, the department would encourage them to make contact so that it can consider the issues raised.

**Supplementary Question**

Mrs Whiting asked a supplementary question querying whether another document would need to be published for Ofsted/CQC specifically addressing the "significant weaknesses" or whether the many families impacted by the negative findings of the Ofsted/CQC report would receive a public apology. Mrs Whiting asked whether confirmation could be given that the Children and Family Services Departmental Plan 2020-2023 addressed all the "significant weaknesses" identified by Ofsted/CQC or would another document be required to be published before the end of July? Mrs Whiting also asked for confirmation that, given the "great many strengths" identified in the Ofsted/CQC report plus the vision, mission and values contained in the Children and Families Departmental Plan that the many families impacted by the negative findings of the Ofsted/CQC report would receive a public apology?

At the invitation of the Chairman, the Director of Children and Family Services replied to the effect that a separate document was required to be produced as a result of the inspection. Following the inspection in February and subsequent publication of the report in May, the department was required to produce a Written Statement of Action based on the significant weaknesses that were found during the inspection. The response would be as a local area, including the Clinical Commissioning Groups and other partners, and this needed to be produced and submitted to Ofsted and the CQC within 70 days from the date of the publication of the report. As a result, this would not be published before the end of July. There was a longer period that allowed the local area to produce the Written Statement of Action and ensure that it was co-produced with parents/carers and children and young people across Leicestershire.

In relation to a public apology, the department would consider any written representations and if appropriate, in individual cases, the department would offer an apology as was the usual practice.

**(E) Mrs Gillian Bowers asked the following question of the Chairman of the Children and Families Overview and Scrutiny Committee:**

In relation to the Draft Children and Family Departmental Plan and the Leicestershire Children and Families Partnership Plan, how is it envisaged that these plans will need to

change to incorporate significant recommendations from the recent joint CQC/Ofsted inspection which were included in their letter dated 27 March 2020?

**Mrs H Fryer CC replied as follows:**

The Children and Family Departmental Plan sets out the priorities for the Department for the next three years. Following the publication of the SEND Inspection of the Local Area on 14 May, it was the local area that was required to submit a Written Statement of Action, within 70 days, to address the areas of concerns identified in the report.

### **Supplementary Question**

Mrs Bowers asked a supplementary question to identify on what date would the Written Statement of Action be issued, who would it be issued to, and how would it be shared with parents/carers?

At the invitation of the Chairman, the Director of Children and Family Services replied to the effect that the Written Statement of Action was due to be submitted to Ofsted and the CQC within 70 days of the report being published – this was a nationally set timescale. Due to Covid-19, the date had been extended and the local authority was currently awaiting the final submission date from Ofsted. In terms of how it would be shared with parents and carers, the report would be published on the Ofsted and CQC website and also on the Local Offer. However, the Written Statement of Action would be co-produced with parents and carers of children with SEND and other stakeholders; parents and carers would therefore be involved in its development and would have sight of the document prior to it being published.

### **(F) Mrs Gillian Bowers asked the following question of the Chairman of the Children and Families Overview and Scrutiny Committee:**

Has a process already been established for incorporating these previously mentioned significant recommendations and if so, has this been published and shared so that all relevant groups including parents and carers are kept informed?

**Mrs H Fryer CC replied as follows:**

The department was currently developing plans to produce the Written Statement of Action to address these concerns. This Written Statement of Action would be co-produced with parents and carers and children with Special Needs and disabilities to ensure it fully reflected their views and wishes.

### **Supplementary Question**

Mrs Bowers asked a supplementary question to identify when were the co-production meetings with parents/carers and how the department would ensure fair representation of as wide a range of needs and disabilities as Ofsted/CQC did in their inspection? Mrs Bowers also sought clarification of how many children the department would collate information from and what would be the mechanism for this which would enable as wide a range of needs and disabilities to be included?

At the invitation of the Chairman, the Director of Children and Family Services replied to the effect that the department was currently working through the best way to hold consultation sessions as there were currently greater restrictions due to Covid-19.

Ordinarily, the intention would be to bring people together to have face to face conversations but this would not be possible for the foreseeable future. The SEND and Inclusion Board, on which parents and carers were represented, was currently looking at the best possible way to consult with parents/carers, children and young people and other stakeholders. This work had already commenced and would continue over the summer. The department was fully committed to ensuring that the sessions were fully inclusive and also that there was a good representation of people from across Leicestershire.

There was no definite answer as to how many children the department collated information from; it was the aim to have as wide a range of children as possible so there would be no limit to the number of children engaged with. There were a number of forums through which the department worked in terms of engaging children and young people, including through schools and education settings, and the department also engaged with a number of parent and carer representation groups. There would also be more public, wider consultation.

**(G) Mrs Gillian Bowers asked the following question of the Chairman of the Children and Families Overview and Scrutiny Committee:**

In relation to the Draft Children and Families Departmental Plan, various groups were consulted but no such consultation had taken place with the Leicestershire Adopters and Foster Carer's Support, the only group representing the needs of all care experienced children and their parents/carers in Leicestershire. This was the same for the Children and Families Partnership Plan. The group had a track record of working well and in a constructive manner with other departments within the local authority including the Permanence Team. Could reassurance be sought that this would be rectified as the plans move forward from draft to final copy?

**Mrs H Fryer CC replied as follows:**

The Children and Family Service actively seeks feedback from children, young people and families across Leicestershire as part of direct work undertaken with families, through specific engagement activity and through forums including the Children's Youth Council for Leicestershire (CYCLE), Children in Care Council and the SEND Parent Carer Forum and this feedback has been considered as part of the development of the Plan. The Plan has also been shaped by key themes emerging from the Make Your Mark 2019 National Youth Ballot in which over nine thousand young people from across Leicestershire voted on the issues most important to them. The Plan has also been shaped by feedback from a range of organisations through the work taken place across the department over the past year, this will include the input from Leicestershire Adopters and Foster Carer's Support through their involvement with teams across the department as set out in the question.

**Supplementary Questions**

Mrs Bowers asked a supplementary question to the effect that Leicestershire Adopters and Foster Carer's Support Group had not had any involvement in feedback or co-production of the Plans. As the only group in Leicestershire which represented all care-experienced children and their families, would a representative from LAFS be invited to co-production meetings and events in future to ensure that this key group of vulnerable children/young people and their families were represented fully and their views incorporated into future planning?

At the invitation of the Chairman, the Director of Children and Family Services replied to the effect that the department would welcome the involvement of the Leicestershire Adopters and Foster Carer's Support Group. There had been a delay in contact due to Covid-19, but two Service Managers would now lead on seeking contact through all Leicestershire adopter and foster carer groups, and it was acknowledged that LAFS already had a well-established relationship with the service areas of fostering and adoption.

78. 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).

79. Urgent Items.

There were no urgent items for consideration.

80. 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.

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

There were no declarations of the party whip.

82. Presentation of Petitions under Standing Order 36.

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

83. Draft Children and Family Service Departmental Plan 2020/23.

The Committee considered a report of the Director of Children and Family Services which presented the draft Leicestershire Children and Family Service Departmental Plan 2020-2023. The new Departmental Plan set out the vision and ambition for its services and the department had identified four ambitions and associated priority actions to contribute towards improving outcomes for children, young people and families in Leicestershire. A copy of the report, marked 'Agenda Item 8', is filed with these minutes.

Arising from the discussion, the following points were raised:

- (i) A wide range of consultation had taken place in order to develop the Plan; much of this had been based on how the department sought direct feedback from the children, young people and families with whom the service worked, but it was also through specific engagement activity through a number of forums, for example the Youth Council for Leicestershire, Children in Care Council, Supporting People After Care Council and the SEND Parent Carer Forum – the view of these had been considered as part of the development of the Plan. The Plan had also been shaped by the key themes arising from the Make Your Mark Campaign, which was a national youth ballot of issues that were most important to young people.

- (ii) In response to a query, both positive and negative feedback from children, young people, parents and carers had been used to directly inform the Plan and examples of this had been included throughout the document. The department had seen the feedback as a positive tool.
- (iii) It was noted that the key priorities in the previous Departmental Plan had remained as ambitions in the new Plan. There was more of a focus through the inclusion of a set of priorities for each of the ambitions and these had been developed based on what was known about the children and families in Leicestershire. There had been no significant changes although the separate policy around children's emotional mental health and wellbeing had been removed and this issue had been incorporated into all the ambitions of the new Plan.
- (iv) In relation to performance figures, it would be possible to compare these to what had previously been achieved. The document set out what it was hoped would be achieved through the delivery of the Plan but further work would take place around the section on impact and outcomes to give more context to what was being achieved. The department produced, on a quarterly basis, its performance report and this would include the outcomes that would be achieved. This would also include numbers and percentages, regional comparisons and quartile performance.
- (v) In line with the impact of Covid-19 on the department and children and families, the department was currently looking at how it would step up services and what would be different or additional to previously. As a result, the Departmental Plan would be reviewed and should it be necessary, additional priorities would be added. It was likely that the priorities would need to be revisited in the light of the planned review of the MTFs and Strategic Plan.

The Committee acknowledged that there were a few amendments to be made to the draft Plan prior to its publication, but agreed that it was a very clear document.

**RESOLVED:**

That the report be noted.

84. Leicestershire Children and Families Partnership Plan 2018/21: Progress Update.

The Committee considered a report of the Director of Children and Family Services which provided an update on progress of the Children and Families Partnership Plan 2018-21. A copy of the report marked 'Agenda Item 9' is filed with these minutes.

Arising from the discussion, the following points were raised:

- (i) In response to a query, it was stated that Mr Ould CC chaired the Partnership. There were five priority areas in the Plan and each was led by a senior officer of the Partnership. The Partnership involved a wide range of agencies and this reflected the breadth of services available for children and families. Agencies were very committed to the Partnership and working together and the priority leads also undertook work through a series of sub-groups. Mr Ould CC reiterated that this was a critical group for the future of children and families, and he undertook regular meetings with the priority leads, the majority of which had worked very well and had pulled everyone together. The Partnership was



dynamic and provided a vehicle to harmonise services for the benefit of children and families.

- (ii) A member raised the fact that knife crime was a priority and sought assurance that the protection of young people against substance misuse was not lost. It was stated that the Partnership had previously received a presentation from CYCLE around knife crime and this had demonstrated how big an issue this was for young people. Also linked into this was work around County Lines, the inclusion programme for schools and work with the Clinical Commissioning Groups and Public Health. The Director of Children and Family Services confirmed that the priorities which had been set by the Partnership had been influenced by the views of young people. Knife crime remained one of the key issues for young people across the county but reassurance was given that the issues surrounding substance misuse were a critical issue for the Partnership. It was also important to note that the Plan did not provide a detailed description of all the work that was being undertaken.
- (iii) It was noted that Knife Angel, which had been due to visit Leicestershire in May, had now been postponed until May 2021.

RESOLVED:

That the report be noted.

85. Children in Need of Help and Protection.

The Committee considered a report of the Director of Children and Family Services which provided an overview of the work in the department relating to children within Leicestershire who required help and protection, and a summary of the local authority's performance in relation to this cohort of Leicestershire's most vulnerable children. A copy of the report marked 'Agenda Item 10' is filed with these minutes.

Arising from the discussion, the following points were raised:

- (i) There had been an initial reduction in contacts at the front door during Covid-19, but this was now back to the usual rate. There had been good performance at the front door in relation to the number of assessments completed and timeliness. This was a measure working on a basis that it was right and proper that the assessed needs of children were identified as soon as possible and could put in place the appropriate measures. Front door performance was measured against statistical neighbours and high performing authorities.
- (ii) Since 2017, the recruitment and retention turnover rate had improved and the vacancy rate had decreased. There had been difficulties recruiting permanent staff in some localities and a commitment had therefore been made to employ agency staff whilst the posts were recruited to. The department had been awarded some growth monies to enable to recruit to some additional social worker posts and whilst these were being recruited to, agency staff would cover the posts. However, reassurance was given that the number of permanent posts had increased significantly.
- (iii) The re-referral rate was constantly monitored and there had recently been an increase. Concern was raised by a member around the re-referral rate to

ensure that children were not being referred on numerous occasions due to their needs had not been appropriately assessed. Reassurance was given that the re-referral rate was not necessarily that the case had been referred to the front door and no further action had been taken. This would include any child who had had involvement from the service at any point. It was possible that the child had been involved with the service, this had ended and they were then referred back at a later stage. This was not because the assessment had not worked as it had been hoped. This was an area that was monitored closely and audit work was taking place to understand and address the recent increase in re-referrals. It was agreed that the results from the audit would be reported to a future meeting of the Committee.

RESOLVED:

- a) That the report be noted;
- b) That a further report, arising from the audit work being undertaken, be presented to a future meeting of the Committee.

86. Leicestershire's Response to Tackling Child Criminal Exploitation.

The Committee considered a report of the Director of Children and Family Services which provided an overview of the work and progress of the Child Criminal Exploitation, Missing and Trafficked Hub. A copy of the report marked 'Agenda Item 11' is filed with these minutes.

Arising from the discussion, the following points were raised:

- (i) A query was raised as to whether Covid-19 had had any impact on County Lines activity. In relation to current activity, the service had seen a reduction in missing episodes for the most prolific young people who went missing. There was evidence to suggest that young people had been more frightened during the period. An enforcement was planned within the next two weeks where Leicestershire County Council would be supporting Leicestershire Police in identifying any safeguarding issues for the properties where the Police would be executing warrants. The Force Intelligence Bureau still continued to look at intelligence and meetings were taking place to discuss the current picture as it was possible that County Lines activity was more undercover than usual.
- (ii) A member sought assurance that Leicestershire Police had co-operation with neighbouring forces, such as Derbyshire and Staffordshire, due to concern that drugs could come into the county from other areas. There was a regional response to criminal exploitation; Leicestershire, Derbyshire and Lincolnshire Police were represented regionally and it was the intention to develop a resource which echoed what Leicestershire did – if a young person crossed into Leicestershire, a package was developed that travelled with the young person wherever they moved to. Leicestershire Police had a number of links with the Metropolitan Police in respect of County Lines coming from London, and the Force Intelligence Bureau continued to develop links with other authorities.

RESOLVED:

That the report be noted.

87. Date of next meeting.

RESOLVED:

It was noted that the next meeting of the Committee would be held on 1 September 2020 at 2.00pm.

88. Mr. I. D. Ould OBE CC.

This was to be Mr Ould's last meeting as Lead Member for Children and Family Services. Mr Ould said that he had enjoyed his time in this position and he wished the department well. The Committee thanked Mr Ould for his contribution and all the work he had undertaken.

Times Not Specified  
02 June 2020

CHAIRMAN