

Minutes of a meeting of the Children and Families Overview and Scrutiny Committee held at County Hall, Glenfield on Tuesday, 6 September 2022.

PRESENT

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

Mr. L. Hadji-Nikolaou CC

Mr. R. Hills CC

Mr. Max Hunt CC

Mrs. C. Lewis

Mr. N. Lockyer

Mr. R. Martin

Mr. C. A. Smith CC

Mr. G. Welsh CC

14. Minutes of the meeting held on 7 June 2022.

The minutes of the meeting held on 7 June 2022 were taken as read, confirmed and signed.

15. Question Time.

The following question, received under Standing Order 34 of the County Council's Constitution, was put to the Chairman of the Children and Families Overview and Scrutiny Committee:

Question asked by Miss Karen O'Reardon:

"I would like to know why, following the CQC and Ofsted inspection in 2020, a case by case inquiry was not raised to review children and young people with additional needs placed within local authority care, in the years leading up to the inspections.

I believe that the inspections identified staff members not being adequately trained on additional needs and mental health in children and young people. Parents could have been negatively impacted by this in terms of having been wrongly identified as being emotionally harmed and neglecting those children as well as being punished for an unwillingness from children and young people to attend school and having untidy homes as a result of behavioural issues and parents being worn out".

Response by the Chairman:

The CQC and Ofsted Inspection in 2020 identified two areas of focus for the Local Area:

- Under developed joint commissioning arrangements.
- Systematic weakness in the quality of EHCP's (Education and Health Care Plan) compounded by the lack of quality assurance framework to improve new and existing plans. The Local Authority should ensure EHCP's have good quality outcomes and good contributions from Health and Social Care.

There were no concerns raised in the inspection specifically around young people with additional needs placed in the local authority care system, therefore a case by case inquiry has not been undertaken. However, the department does routinely audit cases for learning and practice development.

The CQC and Ofsted Inspection in 2020 did not identify staff members not being trained properly in additional needs and mental health for children and young people. Indeed, social workers are trained and skilled to both assess and work with children with additional needs and those who have suffered emotional harm. Social Work basic training equips social workers with these skills and once qualified, as part of supervision and regular training, these skills and experience are built upon. The department has a detailed programme of training delivered via Learning and Development along with other inhouse training. Social Workers are required to provide evidence of their training and continuous development as part of their annual registration with Social Work England.

Supplementary question asked by Miss Karen O'Reardon:

Miss O'Reardon queried the response which referred to the audit of cases which the Local Authority does on a regular basis to learn from and asked if families were contacted as part of those audits and if their views were heard and taken onboard? Miss O'Reardon also asked if as their children were in the care system did the review also look at the impact of mental health during the separation of parents, children and young people which was the most emotionally damaging part to parents, children and young people.

Response by the Chairman:

At the invitation of the Chairman, the Director of Children and Family Services responded that the Department regularly undertook audits to review the quality of work being delivered. The type of audits conducted were 'Thematic' audits, whereby staff and, where appropriate, parents and carers were given the option of speaking to the auditors. Within the last 12 months, 62% of children and families had contributed to audits and their feedback on the work that the Department had delivered, as well as the impact that it had on them, was taken onboard. The Department was continuing to review how it engaged with parents, carers, and children in terms of learning, delivering future work and providing feedback for service design and delivery. In terms of considering the impact of mental health when children were separated from their parents, the Department would consider this impact if it was raised as an issue within the assessment. Audits would also be used to understand whether there were any learning or development needs for staff or whether there was any good practice in how the process was managed.

16. 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).

17. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.

There were no urgent items for consideration.

18. Declarations of interest in respect of items on the agenda.

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.

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

There were no declarations of the party whip.

20. Presentation of Petitions under Standing Order 36.

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

21. SEND and Inclusion.

The Committee considered a report of the Director of Children and Family Services which provided an update on planned activity and progress made around SEND and Inclusion, as well as outlining current financial challenges, demand in the SEND system and an overview of the new Transforming SEND and Inclusion in Leicestershire (TSIL) programme. A copy of the report marked 'Agenda Item 8' is filed with these minutes.

In introducing the report, the Director outlined the current financial challenges being faced within SEND and inclusion, in particular the anticipated cumulative deficit of £63m. The Department had been experiencing increased growth and demand, as well as service delays, a high number of complaints and increased appeals against decisions.

Arising from discussion, the following points were made:

- i. In response to concerns raised around the 54% increase in the number of children and young people requiring an Education, Health and Care Plan (EHCP) in Leicestershire, when compared to the East Midlands (32%) and England (38%), the Director explained that the TSIL programme would aim to understand the reason behind the difference and would develop a strategy to address the issue. Diagnostic work had been undertaken in late 2021 to understand the challenges and difficulties in the local SEND system and to inform planning for the TSIL programme. The TSIL programme would aim to identify the barriers for providing support to children requiring an EHCP and would develop a strategy for working with mainstream schools to ensure that children could receive, where appropriate, support in a mainstream school setting. Members requested and the Director undertook to provide detailed updates on progress of delivery of the TSIL programme, including updates on the number of Leicestershire children and young people requiring an EHCP compared to regional and national data.
- ii. A member raised concerns regarding the increase in the number of parents going to appeal or a tribunal which had compounded the delays in the Special Educational Needs Assessment (SENA) service. The member questioned what could be done to avoid this in the future. The Director confirmed that the appeal process was difficult for all involved and the ambition of the service would be to provide the right support at the right time in the right place which should help avoid disagreements in the system around a child's care. Members were assured that the Department would continue to conduct learn from current cases which would

help identify better ways of working for the future through the TSIL programme. However, it was accepted that there would still be some cases where referral to appeal or a tribunal could not be avoided.

- iii. Members noted that a small number of school places for children transferring to junior and secondary school being assessed for an EHCP had not yet been awarded. However, these were complex cases which involved challenging circumstances which the Department was working to resolve as quickly as possible. Members were reassured that service planning had been undertaken within the Department and with transport colleagues to create milestones which would aim to deal with delays proactively rather than reactively. The Director undertook to provide members with information on the current number of assessments outstanding for children transitioning to junior or secondary school.
- iv. It was noted that greater focus would be placed on identifying and meeting a child's needs. The Director highlighted the need to recognise that a child's needs could still be met where issues were identified through other services and that an EHCP was not always needed or appropriate. Members commented that communication with parents as part of this process would be critical.
- v. A member commented that it would be important to keep parents informed of pressures in the system. If they did not understand then it was more likely that complaints would be received. The Director confirmed that relationship and information management had been identified as key work streams for the Council's planned future approach within the TSIL programme. Closer working with the Parent and Carer Forum would aim to improve relationship management through closer engagement with parents and carers. Closer engagement with parents would continue to inform improvements to internal systems such as Synergy and aim to improve knowledge around working with blended families. It would also help manage parental expectations throughout the process.
- vi. A member commented that whilst the approach to seek the views of children should be welcomed, there were some with disabilities that meant they could not easily communicate. Excellent work was, however, being undertaken in many special schools and it was suggested that ensuring their involvement to help capture the views of the children they supported would benefit the programme for the future.
- vii. Members noted that expansions had taken place at all five Local Area Special Schools to provide an additional 94 places from September 2022 as part of the Department's wider SEND strategy for developing local provision and to meet the demand for a specific cohort of children requiring places. The TSIL programme would continue to develop on this work to meet the demand for school places and to ensure that children were placed in the correct setting to meet their individual needs.
- viii. In response to concern around the cost of increasing deficits in the Dedicated Schools Grant budget, the Director explained that the Government had conducted a data collection exercise to analyse how local authorities managed this budget. Members noted that the deficit remained unfunded and that there was therefore a budget overspend. However, the Department for Education (DfE) would not issue any penalty from running this deficit. The Director reported that changes to accounting regulations were expected from 2023 which would be informed by the

Government data collection exercise. Members noted that the Council fell within a group of 55 local authorities which had 'less severe but substantial deficits' and so had been invited to join the national government Delivering Better Value in SEND Programme. Initial discussions with the DfE about the programme had taken place but the nature of the programme and the level of support from the DfE remained unclear.

- ix. The Cabinet Lead Member for Children and Families added that the funding position of the Council and for Leicestershire schools had contributed to delays within SEND and Inclusion services and continued to affect provision of SEND and Inclusion support in schools.

RESOLVED:

- a) That the update on planned activity and progress being made around SEND and Inclusion alongside ongoing financial challenges and increased demand in the SEND system be noted.
- b) That the Director of Children and Family Services be requested to provide Members of the Committee with a further update on the number of outstanding assessments for EHC Plans for those children who had transitioned to junior or secondary school in September 2022.
- c) That it be noted that further updates would be presented to future meetings of the Children and Families Overview and Scrutiny Committee as appropriate on progress on the delivery of the Transforming SEND and Inclusion in Leicestershire programme.

22. Closure Report - Defining Children and Family Services for the Future.

The Committee considered a report of the Director of Children and Family Services which provided an overview of the outcomes and benefits of the Defining Children and Family Services for the Future (DCFSF) programme and recommended the closure of phase one of the programme. A copy of the report marked 'Agenda Item 9' is filed with these minutes.

RESOLVED:

That the overview of the outcomes and benefits of the Defining Children and Family Services for the Future (DCFSF) programme and the recommendation to close the first phase of the DCFSF programme be noted.

23. Quarter 1 2022/23 Performance Report.

The Committee considered a joint report of the Chief Executive and Director of Children and Family Services which presented an update on the Children and Family Services Department's performance for the period to June 2022 (Quarter 1). A copy of the report marked 'Agenda Item 10' is filed with these minutes.

Arising from discussion, the following points were made:

- i. In response to concern around the decline in the number of child protection cases reviewed within timescale, the Director explained that improvements had being

made. However, the delays were largely a consequence of a lack of availability amongst Independent Reviewing Officers and to continued issues with staffing due to a national shortage of social workers. The Department was focussed on filling vacancies and would use agency staff where necessary to meet demand. Members noted that this data related to visits to undertake the review and not specific work with children which was ongoing despite the review delay.

- ii. Despite the overall decrease from Quarter 4 2021/22 to Quarter 1 2022/23, the Departments performance had since improved. The Director reported that in August 2022, only one case was reviewed outside of the targeted timescale. The Director agreed to provide Members of the Committee with details of the number of Child Protection cases reviewed within timescales between October 2021 and August 2022.
- iii. The Cabinet Lead Member for Children and Families assured members that she had oversight and continued to receive regular updates on the figures relating to children becoming subject to a Child Protection Plan for a second or subsequent time. This reporting would include the length of time between plans, which had usually been around two years indicating that there were periods of improvement and stability.
- iv. Members noted that performance was comparable to that of other local authorities regionally and nationally and that the growth in demand for Child Protection Plans may have been as a consequence of the shortage of support available from health and other social care providers during the Covid-19 pandemic. The Director explained that robust discussions would take place between the Safeguarding Unit and social workers to understand the data with the aim of reducing any safeguarding risks. Members welcomed the Department's involvement with a national piece of work around adapting an alternative type of multi-agency plan for older children who may not benefit from being subject to a Child Protection Plan for long periods of time.
- v. In response to concerns raised the Director explained that work would be undertaken to understand the increasing trend for children being electively home educated (EHE). The Council would aim for children to be educated in a school environment. However, some families managed EHE well and the Council sought to support them in that choice. Whilst there had been an increase in parents choosing to EHE their children for various reasons, there had been a number of children where this had continued following school closures during the Covid-19 pandemic. This could be due to anxiety and other health issues. The trend had been reported nationally and the Council had escalated its concern to the Department for Education. The Department would continue to visit children who were EHE and take action where concerns were raised. Members were assured that the Inclusion Service would also continue to have conversations with parents to discuss the complexities and responsibilities of EHE their children and to help manage their expectations, as well as helping a child return to school where appropriate.
- vi. Members noted that a report would be presented at a future meeting of the Committee on the number of EHE children in the County which would include an overview of the Department's strategy for supporting families with this decision

- vii. Members noted that the Department had been working with regional partners to establish a family hubs model which would support and signpost families across Leicestershire through single point of access. A report on Family Hubs would be presented at a future meeting of the Committee.
- viii. The Cabinet Lead Member for Children and Families encouraged all parents to take up the Free Early Education Entitlement, highlighting the benefits such as providing children with the opportunity to adapt to an educational environment and to socialise with other children; early years education would also provide the opportunity for the identification of potential SEND needs which would help schools to provide the correct support going forward.

RESOLVED

- ix. That the update on the Children and Family Services Department's performance for the period to June 2022 (Quarter 1) be noted.
- x. That the Director of Children and Family Services be requested to provide Members of the Committee with details of the number of Child Protection cases reviewed within timescales between October 2021 and August 2022.
- xi. That it be noted that an overview report would be presented at a future meeting of the Children and Families Overview and Scrutiny Committee on the development of the Family Hubs model.
- xii. That it be noted that a report would be presented at a future meeting of the Children and Families Overview and Scrutiny Committee on the number of Electively Home Educated children and an overview of the Department's strategy for supporting families with this decision.

24. Annual Report of the Leicestershire and Rutland Safeguarding Children's Partnership.

The Committee received a report of the Director of Children and Family Services on the Annual Report of the Leicestershire and Rutland Safeguarding Children Partnership for 2021/22 which sought the Committees views on the draft annual report. A copy of the report marked 'Agenda Item 11' is filed with these minutes.

Arising from discussion, the following points were made:

- i. Members raised concerns regarding the rising number of children with mental health needs. It was noted that the Department would utilise the feedback provided by children to develop its strategy for providing support to such children and to those involved in traumatic incidents. A range of mental health support would continue be provided through the delivery of services across the community and within schools. Members acknowledged that schools were the best place for a young person to access support and were pleased to hear that the Department had used additional Government funding to provide mental health training for school staff and to place support staff within schools to seek referrals. Low level support for young people with mental health needs would continue to be made available via the Council's website.
- ii. In response to concerns raised regarding how the wellbeing of babies was monitored, the Director assured members that the Safeguarding Partnership

continued to scrutinise support provided to both children and their parents, with a particular focus on support provided to pregnant mothers and babies. Evidence and research conducted by the national Child Safeguarding Practice Review Panel indicated that children under the age of one were the most vulnerable group of young people. Members noted that across Leicestershire and Rutland, eight referrals had been made for Child Safeguarding Practice Reviews where a child had been harmed or had died. Five of these children were under the age of one. Where the child had survived, the Department had looked at the evidence and circumstances involved to review its procedures and processes for supporting pregnant mothers and early age children. In cases where the child had not survived, a rigorous review had taken place which had indicated extremely unique circumstances had been involved and that there were no actions which could have been taken by the Department or its partners which could have prevented this.

- iii. Members noted that there had been a national increase in the number of babies being harmed during the period of COVID-19 restrictions, which a review panel had suggested may have been as a result of parents being isolated from family and friends, as well as not receiving regular visits from health visitors. Members were assured that the Council would continue to safeguard a robust level of multi-agency support offered to pregnant mothers and new parents across Leicestershire and Rutland.
- iv. The Chairman asked that any further comments from Members on the draft Annual Report and asked that these be submitted to the Director of, and Lead Member for, Children and Family Services by no later than 20 September 2022.

RESOLVED:

- a) That the draft annual report assessing the impact of the work undertaken in 2021/22 on safeguarding outcomes for children in Leicestershire and Rutland be noted.
- b) That Members of the Children and Families Overview and Scrutiny Committee be requested to submit their views on the draft annual report to the Director of, and Cabinet Lead Member for, Children and Family Services by no later than 20 September 2022.

25. Date of next meeting.

RESOLVED:

It was noted that the next meeting of the Committee would be held on 08 November at 2:00pm.