

Minutes of a meeting of the Children and Families Overview and Scrutiny Committee held at County Hall, Glenfield on Tuesday, 24 January 2023.

PRESENT

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

Mr. M. Frisby CC

Mr. L. Hadji-Nikolaou CC

Mr. Max Hunt CC

Mrs. C. Lewis

Mr. N. Lockyer

Mr. R. Martin

Mr. C. A. Smith CC

Mr. G. Welsh CC

40. Minutes of the meeting held on 8 November 2022.

The minutes of the meeting held on 8 November 2022 were taken as read, confirmed and signed.

41. Question Time.

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

**Question asked by Mrs Sue Whiting:**

“As Admissions and Transport are two separate services within the Council, could the Chair please explain the procedure for liaison with transport when children are allocated school places, by admissions, to schools too far for a child to safely walk to, and is the procedure different for a child with SEND?”

**Response by the Chairman:**

“In the main phased round i.e., first time admissions and secondary transfers, officers within the Transport team have access to view the numbers of school applications as they arrive and will start to run automated reports at the point the offers are made. This often results in transport passes already being processed in preparation for parents in the summer prior to the start of the autumn term.

For those parents applying mid-term, for example those new to Leicestershire, the Transport team work closely with School Admissions once they receive the transport application, as Transport officers will wish to confirm as part of the eligibility exercise that the secured school is closest school and is beyond statutory distance in order to agree transport.

For children with an Education Health and Care Plan (EHCP) and where a setting has been identified by the Council as being nearest suitable school but is not local then transport will be provided by the Council. Once the EHCP has been finalised information is shared with SEN transport who will carry out an eligibility assessment.”

### Supplementary questions asked by Mrs Sue Whiting:

Mrs Whiting asked a supplementary question in relation to clarifying the alternative arrangements put in place by the Council in the event that a child was not in possession of a bus pass by the beginning of the autumn term, and whether parents and carers were involved in eligibility assessments for transport.

At the invitation of the Chairman, the Director of Children and Family Services indicated that this information would be provided to Mrs Whiting after the meeting.

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

The following question was received under Standing Order 7(3) and 7(5) and was put to the Chairman of the Children and Families Overview and Scrutiny Committee:

#### Questions asked by Mr. M. Hunt

- “1. The TSIL Programme is expected to save over £20million by 2026/7 with over £3million in 2023/4; from which areas is this projected to save in 2023/24 (e.g., support staff, payments to special placements; legal or professional fees etc)?
2. How many new special school places is the LA expected to create within each year of the four-year programme?
3. The Report to Cabinet says that savings will be made by new and appropriate provision in mainstream schools, what levers does the LA have to create these?
4. The Report also says that EHC [Education and Health Care] Plans will be substantially reduced; how does the LA propose to do this, given our legal requirements?
5. The number of Looked After Children in the county has been rising steadily, how many do we currently have in the County in each category?
6. Under the proposed MTFS, what is projected for the Dedicated Schools Grant (DSG) deficit in each of the years shown?”

#### Reply by the Chairman:

“1.

|  | 2023/24<br>Benefit<br>£,000 | 2028/29<br>Benefit<br>£,000 | 2023/24 –<br>2026/27<br>MTFS<br>£,000 |
|--|-----------------------------|-----------------------------|---------------------------------------|
| The right level of Children and Young People in mainstream provision               | 966                         | 7,371                       | 5,668                                 |
| The right level of provision for Children and Young People in mainstream provision |                             |                             |                                       |
| The right level of CYP in specialist settings                                      | 678                         | 22,759                      | 13,989                                |

|  |              |               |               |
|--|--------------|---------------|---------------|
| The right ratio of Children and Young people supported in LCC and independent specialist provision |              |               |               |
| The right cost of independent provision  | 27           | 399           | 315           |
| The right cost of provision following EHCP reviews and Health contributions                        | 1,440        | 1,560         | 1,530         |
| <b>Total</b>   | <b>3,112</b> | <b>32,059</b> | <b>21,502</b> |

2. There are 130 additional places due to become available at various points up to September 2024 (including in the Social Emotional and Mental Health (SEMH) school in the north of the County) and we have a number of potential opportunities under consideration whilst we evaluate best value. The strategy in later years will be informed by the outcomes of the Transforming SEND and Inclusion in Leicestershire programme.
3. One strand of the Transforming SEND and Inclusion Programme is looking at how we further develop inclusive practice in schools with an aim to enable everyone involved in supporting children and young people with SEND to take action and give the right support at the right time where needed in their education. Mainstream schools are partners in this development and are working with the programme to explore ways that this can be done. Alongside this, the County Council has, in partnership with schools built a number of units attached to mainstream schools to ensure there is effective provision in place for those children whose needs cannot be met in mainstream school.
4. The primary focus of the Transforming SEND and Inclusion Programme is ensuring children and young people with SEND have their needs met at the right time, in the right place and with the right support. Those children whose needs are such that an EHCP is required to ensure the support needed to reach the desired outcomes for a child or young person is in place, will still have an EHCP.

Where EHCPs are no longer required, for example because outcomes have been met, plans will be ceased. We are also working hard to address the issues regarding significant timeliness delays in undertaking EHCP assessments. In doing this we will be in a better position to provide the right support at the right time, if appropriate for the child, without an EHCP.

5. Update as of Dec 2022:

| <b>Looked After Children</b>           | <b>2016/17</b> | <b>2017/18</b> | <b>2018/19</b> | <b>2019/20</b> | <b>2020/21</b> | <b>Current (Dec 22)</b> |
|--|----------------|----------------|----------------|----------------|----------------|-------------------------|
| Fostering: Internal Mainstream         | 135            | 124            | 133            | 133            | 130            | 155                     |
| Fostering: Internal Specialist 1/1     | 0              | 2              | 3              | 2              | 2              | 2                       |
| Fostering: Internal Specialist Pathway | 0              | 0              | 0              | 3              | 3              | 4                       |

|   |            |            |            |            |            |            |
|---|------------|------------|------------|------------|------------|------------|
| Fostering: Internal Specialist P+C          | 3          | 3          | 3          | 3          | 3          | 3          |
| Fostering: External Mainstream              | 136        | 154        | 174        | 176        | 156        | 150        |
| Fostering: External UASC                    | 10         | 16         | 16         | 12         | 12         | 30         |
| Connected Foster Carer                      | 86         | 97         | 100        | 133        | 135        | 150        |
| Residential Care                            | 61         | 64         | 57         | 64         | 72         | 70         |
| Semi-Independent Living: Internal           | 16         | 21         | 21         | 25         | 27         | 31         |
| Semi-Independent Living: External SL & USAC |            | 29         | 26         | 60         | 65         | 70         |
| Fostering: other                            | 22         | 39         | 55         | 23         | 75         | 34         |
| <b>All Looked after Children</b>            | <b>469</b> | <b>549</b> | <b>588</b> | <b>634</b> | <b>680</b> | <b>699</b> |
| <b>Annual % Rise</b>                        |            | <b>17%</b> | <b>7%</b>  | <b>7%</b>  | <b>7%</b>  |            |
| <b>Rise since 2016/17</b>                   |            |            |            | <b>35%</b> | <b>45%</b> |            |

6.

|  | 2023/24<br>£,000 | 2024/25<br>£,000 | 2025/26<br>£,000 | 2026/27<br>£,000 |
|--|------------------|------------------|------------------|------------------|
| <b>Dedicated Schools Grant Surplus (-ve) / Deficit</b> | <b>45,698</b>    | <b>56,330</b>    | <b>67,615</b>    | <b>80,587</b>    |

”

Mr Hunt thanked the Chairman and officers for an informative response to his questions.

43. 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.

44. 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.

Mr. R. Martin declared a registerable interest as the Chair of the Leicestershire Parent Carer Forum.

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

There were no declarations of the party whip.

46. Presentation of Petitions under Standing Order 36.

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

47. Medium Term Financial Strategy 2023/24 - 2026/27.

The Committee considered a joint report of the Director of Children and Family Services and the Director of Corporate Resources which provided information on the proposed 2023/24 to 2026/27 Medium Term Financial Strategy (MTFS) as it related to the Children and Family Services department. A copy of the report marked 'Agenda Item 8' is filed with these minutes.

The Chairman welcomed Mrs. D. Taylor CC, Lead Member for Children and Family Services, to the meeting for this item.

Service Transformation and Proposed Revenue Budget

Members noted the information provided at paragraphs 10 to 25 in the report and made no comment.

Growth

G1 - Social Care Placements:

- i. Members raised concerns regarding the growth in the demand for social care placements and the associated costs. The Director advised that the rise in demand had resulted mainly from more children presenting with more complex needs and because of an increasing trend in older children requiring care. Members noted, however, that the growth in spend had not been proportionate to this growth in demand as costs had also been affected by a number of other factors including market pressures, inflation and the rise in the cost of living.
- ii. The Director confirmed that Leicestershire had experienced a higher increase in demand for social care over the last five years (10%) when compared to the national average (4.1%). However, this had been because the Council had previously had a much lower number of children in care than other local authorities. Work had also been completed to ensure that 16/17-year-old homeless young people had access to care which had contributed to the increase. Members were assured that the number of children requiring care was projected to decrease. The Department had been focused on both preventing the need for children going into care in the first instance and reducing the time spent in care. This had helped to reduce the yearly percentage increase which was now below 8%.
- iii. Members noted that, as part of the Defining Children and Family Services for the Future programme (DCFSF), the Department continued to deliver early intervention to provide families who were struggling with practical parenting advice and support. This helped to prevent the need for some children entering into care. However, Members noted that safeguarding children remained the priority, therefore where it would not be safe for a child to remain at home, a care placement would always be provided.
- iv. Following on from the success of the first phase of the programme, Defining Children and Family Services for the Future programme 2 (DCFSF2) was now being implemented. The Department had also been delivering targeted work on areas such as domestic abuse, following the allocation of additional funding by the Government.

#### G4 – Increase in EHCP’s Additional Case Managers:

- i. Concern was raised regarding a disproportionate increase in the number of children and young people requiring an Education, Health and Care Plan (EHCP) in Leicestershire (54%) when compared to the England (38%) and East Midlands (32%) average. The Director explained that all local authorities were required to measure against the same statutory data thresholds and that it would remain useful to make such comparisons to give an overall view. However, it was recognised that such data could not be considered in isolation. The Director provided assurance that the Department would focus on understanding the wider issues affecting demand for EHCP’s and would develop services and work with partners to address these, delivering the correct provision for children in the right place, at the right time. Members noted that Leicestershire had experienced higher growth in the demand for EHCP’s than any other local authority which had been partly due to low levels of Government funding for schools in Leicestershire. As a result, some schools did not have the resources to deliver the required level of inclusion services and therefore parents had applied for EHCP’s to ensure the best level support for their children. The Director explained that funding for schools in Leicestershire had been increasing, but that it would take time for changes to be implemented.
- ii. In response to questions raised, the Director reported that the appointment of ten additional Case Managers would not meet the increased demand for EHCP’s. However, it would help to alleviate some of the pressures in the system, adding capacity to enable the processing of applications and the opportunity for more engagement with parents and carers. This would in turn help ensure children were receiving the right level of support in the right place. The Director undertook to provide members with the number of case managers working within the service since 2016.

#### Savings

##### CF8 (Eff) Alternative Approach for Delivering Anti Bullying:

- iii. In response to concerns regarding the impact on children in not recruiting to the vacant post within the anti-bullying service, the Director assured members that the team (of two people) did not conduct work directly with children but provided support to schools to help them put in place their own anti-bullying initiatives. Members noted that this work would continue but that consideration was being given to how this support could be delivered more efficiently in future.

##### CF9 (SR) Review Virtual School Provision:

- iv. In response to concerns raised regarding the potential impact on vulnerable children when reviewing the Virtual School provision, the Director assured members that the Department would be focussed on those children affected and consideration given to how best to mitigate any impacts arising from a reduction in the budget.

#### Dedicated Schools Grant (DSG)/Schools Block

- v. Concern was raised regarding the financial efficiencies projected to be made through the delivery of the Transforming SEND and Inclusion in Leicestershire (TSIL) programme and it was questioned whether there would be any associated negative impacts on children. The Director explained that the TSIL programme would focus on transforming the whole SEND system to ensure that children with SENDs had their needs met at the right time, in the right place and with the right level of support. Members noted that diagnostic work conducted by Newton Europe in 2022 had indicated that some children within the SEND system had been receiving incorrect provision or were placed in an incorrect setting to support their needs. There would be a financial benefit in identifying and applying the correct provision early on, as well as a benefit to children, parents and carers, schools and other partners in getting this right from the outset. The Director acknowledged that it would be possible that the programme could identify that some children required a higher level of provision than had been provided, but assured members that the diagnostic work conducted by Newton Europe did not indicate that this would be the case.
- vi. In response to a question regarding the importance of reducing the deficit in the Dedicated Schools Grant (DSG), the Lead Member for Children and Family Services explained that the Council was required to set aside resources to offset the DSG deficit and that this therefore impacted the level of funding available for other services. At the levels of expected growth, the budget position would become increasingly unsustainable as more resources had to be set aside. If the Council were required to repay that debt, its financial position would become even more untenable. The Lead Member assured the Committee that she would continue to lobby the Department for Education (DfE) on the matter of funding, but it was essential that the planned measures to contain growth, address demand and reduce costs continued.
- vii. The Director explained that the TSIL programme would offer the opportunity for closer engagement with schools on SEND and inclusion with the aim of applying funds more effectively to support children with SENDs within a mainstream education setting where this was most appropriate. Members noted that schools had received information on the TSIL programme, and that positive feedback had been received.

### Capital Programme

- viii. Members noted the information provided at paragraphs 92 to 100 in the report and made no comment.

The Chairman thanked officers for their work and for presenting a comprehensive report.

### RESOLVED:

- a) That the report regarding the Medium Term Financial Strategy 2023/24 – 2026/27 and information now provided be noted;
- b) That the comments now made be forwarded to the Scrutiny Commission for consideration at its meeting on 30 January 2023;
- c) That the Director of Children and Family Services be requested to provide members of the Committee with the number of Case Managers assessing

requests for Education, Health and Care Plan's (EHCP's) since 2016.

48. SEND Local Area Revisit.

The Committee considered a report of the Director of Children and Family Services which provided an overview of the Ofsted and Care Quality Commission (CQC) Local Area Special Educational Needs and Disabilities (SEND) re-inspection report. A copy of the report marked 'Agenda Item 9' is filed with these minutes.

In introducing the report, the Director clarified that the inspection had been carried out on Leicestershire County Council and the local Integrated Care Board.

Arising from discussions, the following points were raised:

- i. The Director acknowledged that sufficient progress had not been made in making improvements to the quality of Education and Health Care (EHC) plans and that this had impacted on children and their families. Members were assured that the service would focus on making improvements within the accelerated action plan and that this would be delivered through the Transforming SEND and Inclusion in Leicestershire (TSIL) programme. The Director explained that rather than setting up projects to look at issues in isolation, as had been attempted before, the TSIL programme would aim to transform the whole service and work collaboratively with stakeholders and partners to deliver effective and efficient support to children and families.
- ii. Members noted that the inspection report had outlined the Department's capability in making the recommended improvements within the action plan. The Director explained that if the Department failed to make sufficient progress, an alternative action plan would be recommended and ultimately, if it was felt that the Department was unable to make sufficient progress, the Care Quality Commission could seek to implement alternative arrangements if was not satisfied. The Director assured Members that she was confident the TSIL programme would deliver the improvements need to deliver the action plan.
- iii. In response to concerns raised, the Director explained that the service was in the process of developing expected timescales for delivery of the TSIL programme and that these would be communicated with schools in due course. A wider strategy to support better communication with schools generally was also being developed to ensure a good level of understanding of the role of the Council and its partners in supporting children and families.
- iv. In light of recent media covering on this issue, the Lead Member for Children and Family Services requested that the Committee be provided with a full copy of the letter and report outlining the outcome of the Joint Area SEND Revisit in Leicestershire.

RESOLVED:

- a) That the outcome of the Ofsted and Care Quality Commission (CQC) Local Area Special Educational Needs and Disabilities (SEND) re-inspection and the planned work to bring about necessary improvements be noted;



- b) That members of the Committee be provided with a full copy of the letter and report outlining the outcome of the Joint Area SEND Revisit in Leicestershire.

49. Corporate Parenting Strategy 2022-25.

The Committee considered a report of the Director of Children and Family Services which presented a revised draft Corporate Parenting Strategy 2022 – 2025 and sought its views as part of the approval process. A copy of the report marked 'Agenda Item 10' is filed with these minutes.

The Chairman expressed the importance for all members of the Council to acknowledge and fulfil their role as a Corporate Parents and the commitment of members and officers towards 'Our Promise'.

In response to a question regarding the process for monitoring outcomes relating to support for children in care and care leavers, the Director explained that the senior management team held monthly performance meetings to review data and discuss successes and challenges with issues such as accommodation, safeguarding, and education, training and employment. Members noted that feedback from children continued to be collected through engagement, by regularly assessing pathway plans, and through regular meetings of a care leavers panel. The Department utilised data and feedback to produce annual reports which it ensured would be easy for children and families to understand and used other formats such as podcasting to demonstrate the Council's work towards 'Our Promise'.

Members noted that as part of the Government's expected response to the Independent Review of Children's Social Care, it was possible that care leavers could be added as a protected characteristic recognised within the Equality Act 2010, although this would require legislative change.

RESOLVED:

- a) That the revised draft Corporate Parenting Strategy 2022 – 2025 be noted;
- b) That it be noted that the outcome of the engagement and the final revised draft Strategy would be presented to the Corporate Parenting Board in February 2023;
- c) That it be noted that changes would be made to the Strategy, following approval by the Director of Children and Family Services, in accordance with the Council's Constitution.

50. Date of next meeting.

RESOLVED:

It was noted that the next meeting of the Committee would be held on Tuesday 7 March 2023 at 14:00 pm.