

Minutes of a meeting of the Children and Families Overview and Scrutiny Committee held at County Hall, Glenfield on Tuesday, 6 June 2023.

PRESENT

Mr. M. Frisby CC
Mrs. H. J. Fryer CC
Mr. R. Hills CC
Mr. Max Hunt CC

Mr. K. Merrie MBE CC
Mr. C. A. Smith CC
Mr. G. Welsh CC

1. Appointment of Chairman.

It was moved by Mr. R. Hills CC and seconded by Mr. C. Smith CC that Mrs. H. Fryer CC be elected Chairman of the Children and Families Overview and Scrutiny Committee for the period ending with the date of the Annual Meeting of the County Council in 2024.

RESOLVED:

That Mrs. H. Fryer CC be appointed Chairman for the period ending with the date of the Annual Meeting of the County Council in 2024.

Mrs. H. Fryer CC – in the Chair

2. Election of Deputy Chairman.

Nominations for the position of Deputy Chairman were sought. Mr. R. Hills CC was nominated by Mrs. H. Fryer CC and seconded by Mr. M. Frisby CC.

RESOLVED:

That Mr. R. Hills CC be elected Deputy Chairman for the period ending with the date of the Annual Meeting of the County Council in 2024.

3. Minutes of the meeting held on 7 March 2023.

The minutes of the meeting held on 7 March 2023 were taken as read, confirmed and signed.

4. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

5. Questions asked by members.

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

Question asked by Mr. P. King:

“Parent and carers in the Market Harborough West and Foxton division have informed me that they are increasingly concerned about the provision of respite care for parents of children with special needs in the Market Harborough area. Recently, both Melton and Glenfield respite centres run by Praxis Care were closed overnight by Ofsted on the 1st of December 2022 due to safeguarding issues.

Parents carers are concerned that despite repeated attempts to secure alternative provision nothing has been put in place as yet, to enable regular respite for parents/carers from their often highly complex, stressful and demanding carer roles.

Residents have asked me to ask what policies and procedures Leicestershire County Council has in place for when services like this are closed through emergency measures?

And what are children’s services doing to help affected parents/carers, and especially those in the Market Harborough West and Foxton locality?”

Reply by the Chairman:

When Ofsted places a Children’s provision into special measures, as Praxis has been, then the Local Authority has processes and procedures in place to ensure quality assurance of provision and appropriate action is taken in respect of any children living at or accessing the service. These process and procedures were activated as soon as Praxis Care was put into special measures.

Since the closure of PRAXIS, the children’s social care team have been working with children and families to review their packages of short break support. Where possible the Department has commissioned alternative packages, including where suitable, overnight care in the family home to support the child and their family. The Department is continuing to seek alternative provision that will support the children and their families in the local area, whilst longer term solutions are put in place.

Question asked by Mrs. A. Hack:

“In a recent survey, 22,000 school buildings were assessed from which a report that was published in May 2021. In this report 260* school buildings in Leicestershire and Rutland* were identified as grade C (poor) and more worryingly 77 were classified as category D condition which is described in the report as Life expired or at serious risk of imminent failure.

*the report includes 22 schools in Rutland.

1. As the authority responsible for allocating students to school, what oversight does the County Council have over the condition of Leicestershire Schools?

There was a recent round of funding announced by the Government, 32 schools in Leicestershire have been allocated funding for 38 different improvement projects. Works included a recently transferred academy school Ravenhurst Primary in my division for ‘Life Expired Condition Roof. Of the remaining projects the word ‘urgent’ appears 21 times. This funding was in addition to the 5 schools selected for rebuilds. Which seems to offer repairs to a fraction of the schools identified in the 2021 report.

2. Does the authority have a clear view to the condition of the remaining schools that are maintained as well as those managed by the Multi Academy Trusts. This includes the safety of children and the workforce at the sites that have been identified as having category C and D defects?
3. What liaison does Leicestershire County Council have with the Head Teachers about the condition of Leicestershire Schools?
4. If the information is available, can Councillors receive an update on the condition of the schools highlighted with category C/D defects within their divisions?
5. Of the school estate that has been transferred from locally maintained (including Ravenhurst in my division), was there a clear maintenance plan agreed ahead of any transfer and how is the condition of the schools managed where there have been Category C and D defects in the buildings?
6. For the remaining maintained school, what is the inspection regime for managing the school estate and how does this change when schools are transferred to Academies?"

Reply by the Chairman:

1. Leicestershire county Council is responsible for assessing the condition of maintained Leicestershire Schools. Maintained Schools are inspected every 5 years, as recommended by Department for Education (DfE). The inspection information is then used to plan the maintenance required on the buildings.
2. The authority has a record of the condition of the Maintained schools, including sites that have been identified as having category C and D defects. LCC have a record of the condition of those Academy schools, where the Multi-Academy Trust's (MAT) commissions the Council for a professional fee to carry out a survey.
3. The authority has good relationships with maintained school head teachers and those MAT's that buy into the Council's property scheme
4. The Department can share with Councillors the information for maintained schools in their area.
5. In the process of academy transfer the maintenance of buildings becomes the responsibility of the Trust. As part of the transfer process the Trust undertakes due diligence on school building condition and negotiates depending on the situation. There is an offer of continuing with the Council's buyback scheme. If after academisation there is a need to repair / replace the MAT can apply for funding to do so.
6. The frequency of inspection of Maintained Schools is every five years, as recommended by DfE. Once a school transfers to Academy, the Property is removed from the inspection list. Property Ops are available to carry out a Condition survey for the Academy, for a Professional Fee.

Supplementary questions asked by Mrs. A. Hack

Mrs Hack asked the following supplementary questions:

- A. “Supplementary to the response to question 1, what is the current position with regards to MAT’s; do we as the statutory authority responsible for the allocating of youngsters at school and for providing enough places, have assurance that schools are well looked after?”
- B. Supplementary to the response to question 2, where does a councillor find out the information on MAT school building quality?
- C. Supplementary to the response to question 3, the question I was trying to understand is the openness within the head teachers’ group about the school buildings and if they were confident that the programme of works needed to keep their schools free of Category C/D defects were in place.
- D. Supplementary to the response to question 4, as a Councillor without any maintained schools and in fact over four primary schools that provide places for children in my division, there are four different MATs, where do we get assurance that the buildings are safe? Particularly in light of the list of 38 school buildings that are receiving patch up funding from DfE, ten of these are for roof works and 14 contain the words ‘safe’...does these mean the buildings are currently unsafe?
- E. Supplementary to the response to question 6, What is the requirement for MAT’s?, Who provides assurance and whilst we had assurance when the estate was transferred from ourselves, the longer these buildings are being managed by many bodies the risk of standard quality gets greater. How do we seek assurance as Councillors and where from?”

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

[Subsequent to the meeting a response was provided to Mrs Hack as follows:

- A. *Article 1.20 in the Academy Trust Handbook 2021 (<https://www.gov.uk/guidance/academy-trust-handbook/part-1-roles-and-responsibilities>) confirms that, “The DfE expects academy trusts to manage their school estate strategically and maintain their estate in a safe working condition.” The DfE, through the ESFA, is responsible for the maintenance of academy buildings. The LA does not have a role in statutory assessment of the condition of academy buildings although in practice concerns would be raised by headteachers and impact capacity assessments. The OFSTED inspection process would also highlight health and safety concerns or the impact of the estate condition on the effectiveness of teaching.*
- B. *This would be a matter to discuss with the MAT.*
- C. *Question 1 explains the responsibility for assessing and planning maintenance for maintained school buildings. If a maintained school is identified as having a category D defect this is addressed as a matter of reactive urgency. Where category C issues are judged as minor (such as floor finishes or internal decoration) these are recorded and scheduled for remedy: category C can be used to draw attention to non-critical defects. Where the category C defect relates to a major structural element repair is prioritised.*

It is the MAT's responsibility to identify category C/D defects and to address these (including seeking funding from the EFSA). There is no evidence to suggest that head teachers and trust leaders are not being open about this.

- D. *Assurance of school building safety sits with the MAT. Councillors would need to contact the MAT to seek this assurance.*

Further information about the condition grading process is available at <https://www.gov.uk/guidance/good-estate-management-for-schools/understanding-land-and-buildings#assessing-the-condition-of-your-estate> which includes a definition of grades A-D and a priority categorisation from 1-4. A grade D defect may not necessarily also be priority 1 – urgent. It is also worth noting that a bid for condition funding is more likely to be successful where the urgency of necessary remediation is highlighted.

This does not imply that buildings are currently unsafe: MATs have a fundamental duty to ensure the safety of their pupils and staff. The process being discussed is designed to prevent buildings becoming unsafe.

- E. *As outlined, it is the responsibility of the MAT to maintain their estate and the DfE recommendation of five-yearly condition surveys applies. Any MAT receiving a new school will undertake a programme of due diligence including an assessment of the condition of the property and ensuing liabilities. Councillors would need to approach MATs to ascertain details.]*

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.

There were no declarations of the party whip.

9. Presentation of Petitions.

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

10. Inclusion in Leicestershire Schools.

The Committee considered a report of the Director of Children and Family Services which provided an overview of the functions of the Inclusion Service and an overview of the strategic duty to promote the education of all children known to a social worker. A copy of the report marked 'Agenda Item 10' is filed with these minutes.

In presenting the report, the Director advised of an error in paragraph one which referred to a 'temporary strategic duty' but should read 'permanent strategic duty'.

Arising from discussion, the following points were raised:

- i. Members noted that the report arising from the Timpson Review of School Exclusion had been published at the same time as the Service had been reviewing its own strategy around exclusions. The findings of the report and recommendations were considered by the Department and incorporated into its strategy for supporting excluded children, their parents and working with their school.
- ii. In response to questions raised, the Director explained that parents were choosing to home educate children at an increasing rate for a number of reasons such as the legacy of the COVID-19 pandemic and children having not felt comfortable in their school. Members were assured that the Department would continue to analyse data to understand the reasons behind this and would continue to provide guidance and support to those children and their families when considering whether to home educate.
- iii. In response to a question regarding the number of children missing education (CME), the Director advised that the numbers had been particularly high during the COVID-19 pandemic and had unexpectedly continued to increase. The Department expected that the ongoing increase was due to sustained anxiety around attending school. Members noted that a robust review of the data would take place to better understand and address the issue.
- iv. In response to concern regarding the high number of CME who were in the 'not known' category, the Director acknowledged that the figure was concerning, particularly when a child was not on roll with a school. Members were reassured that the Department continued to work with partner agencies, other local authorities and with schools to locate children and to address any concerns for their wellbeing.

RESOLVED:

That the overview of the functions of the Inclusion Service and the strategic duty to promote the education of all children known to a social worker be noted.

11. Leicestershire Family Hubs.

The Committee considered a report of the Director of Children and Family Services which provided an update on work to implement Family Hubs in Leicestershire and received a presentation on the development of the programme. Copies of the report and presentation marked 'Agenda Item 11' are filed with these minutes.

Arising from the discussion, the following points were raised:

- i. Members were pleased to hear that the first two Family Hubs had been opened successfully, and that there would be at least one hub in every district area within twelve months. The Department aimed for a network of hubs across Leicestershire within two to five years. Members were keen to receive updates as the programme

progressed and the Director agreed to present the Committee with progress reports at six and twelve months into the development.

- ii. In response to a concern regarding funding, the Director assured members that the £1m allocated through Government funding would be used to support the initial implementation of the model including a communication strategy, as well as the training and development of staff. Following this, the service would be delivered within the existing departmental budget. Members noted that the aim of the Family Hubs model was to transform access to help and support through the network, building on already established integrated services, including the Children and Family Wellbeing service. The Hubs would support families and communities with advice and help to access existing services offered by the Department.
- iii. Members noted that existing Council spaces would be used to create 'one-stop shops', for parents, carers, and families across Leicestershire to help access support and advice when needed. The Department had an agreement with the Council's library service to implement the Hubs within its libraries but had also been contacted by community libraries who were interested in the developing the Family Hubs model within their premises.
- iv. Engagement with families and communities would be central in the development and delivery of the programme. Members noted that parents and communities had been consulted on the language used in promotional material to ensure that it was appropriate for service users. It was suggested by a member that feedback forms would be a good way to understand satisfaction amongst service users. The Director explained that although the funding period was relatively short, evaluators would be asked to track the progress of the programme over the short-term and long-term to ensure that delivery was meeting the needs of service users.
- v. In terms of the digital offer, members noted that a website space would be created whereby young people and parents could access specific information and resources. The Department was considering whether laptops could be available within the Hubs so that service users had the opportunity to access digital resources there.
- vi. The Cabinet Lead Member for Children and Families highlighted that the Family Hubs model would aim to create spaces where families and communities could access information and guidance relating to all services delivered by the Department and make it easier for them to access the right services at the best time.

RESOLVED:

That:

- a) the update on work to implement Family Hubs in Leicestershire be noted;
- b) the Director agreed to present progress reports at six and twelve months into the development of the Family Hubs model.

12. Unaccompanied Asylum-Seeking Children.

The Committee considered a report of the Director of Children and Family Services which provided an overview of Leicestershire County Council's duties and responsibilities to Unaccompanied Asylum Seeking Children (UASC) and the context in which the County Council delivers services to these children and young people. A copy of the report marked 'Agenda Item 12' is filed with these minutes.

Arising from discussion, the following points were raised:

- i. Members noted that the average cost incurred by the Council in supporting and caring for one UASC care leaver being higher than East Midlands average could be due to older data being available to finance colleagues when data was published. It was expected that the East Midlands average would have risen by the time newly available data was published.
- ii. In response to concern regarding the £7k funding gap per child per annum, the Director acknowledged that government funding should cover the full costs of supporting UASC. However, there was shortfall and to date the Department had already used its full annual allocation of funding. Members noted that local authorities nationally were experiencing the same issues with demand and funding. The Department would continue to raise the issue of funding with Government in order to reduce the funding gap.
- iii. Members noted that the Department worked closely with the Home Office to support individuals to continue support individuals to continue living in the UK as they reach adulthood, and to access legal advice on making asylum claims, although it was noted that the process and right to appeal could often be lengthy.
- iv. In response to concern regarding UASC having been placed alone in hotels with licensed premises, alongside a large number of adult asylum seekers, the Director acknowledged that this was a safeguarding concern. Members noted that the Home Office had transported children to Leicestershire as adults and placed them within hotels. Members were assured that as soon as individuals within hotels had been identified as children, the Council became responsible for their care, and they had been moved to a more appropriate setting.
- v. The Lead Member for Children and Families acknowledged members concerns regarding UASC and assured members that she would continue to raise concerns regarding funding, safeguarding and accommodation with Government. Members were also reassured that the Department would continue to deliver a robust level of safeguarding despite funding and demand pressures.

RESOLVED:

That the overview of the Council's duties and responsibilities to Unaccompanied Asylum Seeking Children (UASC) and the context in which the County Council delivers services to these children and young people be noted.

13. Quarter 4 2022/23 Performance Report.

The Committee considered a joint report of the Chief Executive and the Director of Children and Family Services which presented an update on the Children and Family Services Department's performance for the period January to March 2023 (quarter 4). A copy of the report marked 'Agenda Item 13' is filed with these minutes.

Members noted that the target for re-referrals to Children's Social Care within 12 months was 22%.

RESOLVED:

That the update on the Children and Family Services Department's performance for the period January to March 2023 (quarter 4) be noted.

14. Holiday Activities and Food Programme - Annual Report 2022-23.

The Committee considered a report of the Director of Children and Family Services which provided members with an overview of the Holiday Activities and Food (HAF) programme annual report 2022. A copy of the report marked 'Agenda Item 14' is filed with these minutes.

The Lead Member for Children and Families highlighted that the programme had a positive impact on children by enabling them to spend quality time with peers and to prepare healthy food.

RESOLVED:

That the overview of the Holiday Activities and Food (HAF) programme annual report 2022 be noted.

15. Date of future meetings.

RESOLVED:

It was noted that the next meetings of the Committee would take place at 14:00 on 5 September 2023 and 7 November 2023. Meetings of the Committee in 2024 would be held at 14:00pm on the following dates:

23 January
5 March
4 June
3 September
5 November

2.00 - 3.36 pm
06 June 2023

CHAIRMAN