

Minutes of a meeting of the Children and Families Overview and Scrutiny Committee held at County Hall, Glenfield on Tuesday, 21 January 2025.

PRESENT

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

Mr. K. Ghattoraya CC
Mr. L. Hadji-Nikolaou CC
Mr. R. Hills CC

Mr. M. Hunt CC
Mrs. S. Jordan CC
Mrs. C. Lewis

In Attendance

Mrs. D. Taylor CC – Lead Member for Children and Family Services
Mr. C. Smith CC – Cabinet Support Member

42. Minutes of the previous meeting.

The minutes of the meeting held on 5 November 2024 were taken as read, confirmed and signed.

43. Question Time.

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

Question asked by David Warwick:

“In Relation to Education Health Care Plans, at the Schools Forum, it was confirmed that the County Council pays approximately half that of the City Council as its element 3 contribution, £8,000 compared to £16,000 for full time (32 hours) classroom support assistance. And further that the County Council's element 3 contribution has not risen in 10 years. Could the Council please provide a detailed explanation for this disparity and how it intends to help schools pay for the required additional classroom support staff and facilities in mainstream schools for children with additional needs going forward?”

Response by the Chairman:

No information on rates paid in respect of Education, Health and Care Plans (EHCP's) has been presented to the Schools Forum. Local authorities are structured and funded very differently. Funding rates differ significantly across different local authorities, for example the 2025/26 High Needs Dedicated Schools Grant settlement for Leicestershire per pupil in specialist provision is 16% less than that received by a neighbouring authority. Leicestershire can only pass on money to schools that is available within the High Needs grant given.

In addition to this provision and the payment rate attached to it also differs as a result of SEN strategy decisions within individual authorities, for example an authority may have chosen to invest in maintaining pupils with EHCP's in mainstream schools or alternatively

as in Leicestershire invested in specialist provision through the establishment of resource bases where funding is higher.

Leicestershire is one of only a few authorities that continues to fund mainstream EHCP's based on hours of provision and is in the process of developing a new approach to funding EHCP's based on a banded model. This model has been co-produced with schools and has at its heart a consistent funding allocation which gives schools more flexibility to meet children's needs.

In the short term the proposals in the Council's 2025/26 Medium Term Financial Strategy include a 3.3% increase in the rate payable to mainstream schools for pupils with EHCP's.

David Warwick asked the following supplementary question:

"Could the specialist provision through the establishment of resource bases referred to please be itemised. Also how is private SEND provision assessed for value for money?"

At the invitation of the Chairman, the Director of Children and Family Services responded to say that there were 32 resource bases or designated specialist provision in Leicestershire. Four of these were attached to special schools and 28 were attached to mainstream schools; 16 of which were primary schools and 12 were secondary schools.

Private SEND provision was used when a child or young person's needs could not be met in any other provision or when the parental preference was for private provision, supported by a tribunal outcome. The Department had robust quality assurance and commissioning processes in place to ensure best value. In addition to this, strong contract management was in place in order to manage what was commercially available.

Question asked by Sue Whiting:

"How many Children with an EHCP did not have an allocated school place for the beginning of Year 7 September 2024, and what provision for their education has subsequently happened to date?"

Response by the Chairman:

There were 59 pupils on 1 September 2024 that had an EHCP with no school allocated. 48 of these students are now in school provision. Seven pupils have alternative education arrangements in place and four are still awaiting a placement.

Sue Whiting asked the following supplementary question:

"Does the response provided mean that four children with an EHCP and commenced Year 7 in September 2024 have had no educational provision at all to date in this academic year?"

At the invitation of the Chairman, the Director of Children and Family Services responded to say that the response had set out the number of children who had secured a place who did not have a place at the beginning of Year 7, and the number of children for whom the Service was seeking a placement. At the time of responding to the original question, this number was four, but that could have since changed. Whilst children awaited a school place, the Department would offer a range of support to support the

child's education. It could be that the children had received tuition or had been supported by an existing school place. The Director did not go into detail regarding the support provided to specific children.

44. 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).

45. Urgent Items.

There were no urgent items for consideration.

46. 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.

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

There were no declarations of the party whip.

48. Presentation of Petitions under Standing Order 36.

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

49. Medium Term Financial Strategy 2025/26 - 28/29.

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 2025/26 to 2028/29 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.

Children's Social Care Reform

- (i) A question was raised in relation to measures which the government had outlined in order to improve competition and commissioning within children's social care. The Director outlined that competition was often limited because the market was dominated by a number of large providers, and that this presented a challenge in terms of commissioning social care placements against budget constraints. The policy would aim encourage local authorities to improve competition within the system in order to create better placement opportunities for children. The Department had undertaken work locally to develop its own children's homes, through the Children's Innovation partnership (CIP), in order to overcome challenges with competition and to address rising unit costs.

Proposed Revenue Budget

- (ii) The Director emphasised that the central contingency which was being held within the Department would be utilised in order to offset the costs associated with the 2024/25 pay award for directly employed staff. In terms of the expected increase to the rate of National Insurance contributions (NICs) paid by employers, members noted that it was not yet possible to understand the impact that this could have on the Council. The Director agreed to update members on any changes to this position through updates on the Department's budget position.

Growth

- (iii) Members were pleased that there had been a reduction in the weekly unit cost for supporting Unaccompanied Asylum-Seeking Children (UASC), despite a significant level of demand and continued financial pressures within the system. The Director stated that this had been possible by reviewing the level of support provided to each individual UASC and by utilising smarter commissioning strategies. The UASC cohort presented a significant growth pressure over the MTFS period in terms of demand and costs.
- (iv) In response to a concern relating to the cost of providing social care placements, the Director explained that high costs were a result of the complexities within the cohort of young people taken into care. A large number of children within this cohort required support with behavioural challenges as a result of experienced trauma. Members were assured that the Department continued to ensure that each child and young person in care had the correct level of support in place in order to meet their individual needs, regardless of the reason behind the requirement for social care provision.

Savings

- (v) A member raised a question regarding whether school funding in Leicestershire was comparable to that in other local authority areas. The Director stated that minimum per pupil funding, allocated through the National Funding Formula (NFF), was consistent across all authority areas. However, additional funds were provided to schools based on the level of free school meal eligibility and the number of children with home addresses which triggered deprivation funding. As a result, it often appeared that some schools were in receipt of higher levels of funding than others.
- (vi) Members noted that government funding to support its policy for a free school breakfast club programme would be allocated to schools directly. The Policy had been announced in the Government's Autumn Budget 2024 and was expected to be delivered from April 2025.
- (vii) In response to a question relating to an expected final visit by Ofsted at a Child Sexual Exploitation (CSE)/Child Criminal Exploitation (CCE) residential home, which had been developed as part of the Children's Innovation Partnership (CIP) with match funding from the Department of Education (DfE), the Director stated that confirmation of the visit date was awaited.

Capital Programme

- (viii) The Director stated that the majority of the Capital Programme was likely to be funded by external grants such as the Basic Need Grant, the High Needs Provision Capital Grant and the Strategic Maintenance Grant. In addition to these grants, the Capital Programme would be funded through Section 106 contributions, which were received as a result of housing development.

RESOLVED:

- a) That the report regarding the Medium Term Financial Strategy 2025/26 – 2028/29 and information now provided be noted;
- b) That the comments now made be forwarded to the Scrutiny Commission for consideration at its meeting on 27 January 2025.

50. SEND and Inclusion Strategy 2024-27.

The Committee received a report of the Director of Children and Family Services which presented the refreshed SEND and Inclusion Strategy for 2024/27. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

Arising from discussion, the following points were raised:

- (i) In response to a question regarding data relating to children and young people in Leicestershire with SEND, members were assured that the Department was aware of the needs of all children and young people in Leicestershire with an Education, Health and Care Plan (EHCP) in place, up to the age of 25. Members noted that an annual review process continued to take place in order to ensure that the Department held correct data relating to children and young people with SEND.
- (ii) Members were thankful to the SEND and Inclusion Board, the Leicestershire Parent Carer Forum and other volunteers who had supported the development of the Strategy.

RESOLVED:

- a) That the draft SEND and Inclusion Strategy 2024/27 be noted;
- b) That the comments now made be presented to the Cabinet for consideration at its meeting on 7 February 2025.

51. Quarter 2 2024/25 Performance Report.

The Committee considered a joint report of the Chief Executive and the Director of Children and Family Services which provided an update on the Children and Family Services Department's performance for the period July to September 2024 (Quarter 2). A copy of the report marked 'Agenda Item 10' is filed with these minutes.

An error in the report was noted in paragraph 6. Reference to November 2024 should have read November 2024.

Arising from discussion, the following points were raised:

- (i) Concern was raised regarding the number of children who were electively home educated. The Director acknowledged that this continued to be a concern and stated that the trend was being observed nationally. Regarding the decision taken by parents to home educate, the Service would discuss with families, at the earliest opportunity, any decision to electively home educate to ensure that the best decision was being made for the child. In addition to this, it would ensure that clear messaging had taken place in terms of roles and responsibilities for the child's education. Once the decision had been taken, the duties of the Service would be limited. However, checks would be conducted to ensure the correct processes were in place. Any safeguarding concerns or other issues raised by other agencies or within the community would be investigated by the Service.
- (ii) Concern was also raised regarding the percentage decrease of children becoming subject to a child protection plan for a second or subsequent time. The Director provided some reassurance that there were usually gaps between plans of two years or more, indicating that there are periods of improvement and stability. However, factors such as domestic abuse meant that there could be setbacks in such periods of stability. Members noted that key work was being undertaken by the Department to prevent children from becoming subject to a child protection plan for a second or subsequent time.

RESOLVED:

That the update on the Children and Family Services Department's performance for the period July to September 2024 (Quarter 2), be noted.

52. Date of next meeting.

RESOLVED:

It was noted that the next meeting of the Committee would be held on 4 March at 14:00.

53. Chairman's Announcement.

The Chairman reported that this would be the final meeting for Alison Bradley, Assistant Director for Education, SEND and Commissioning, as she would be leaving the Authority at the end of February. The Chairman, on behalf of the Committee thanked Alison for her invaluable work over the years and wished her well for the future.

2.00 - 3.18 pm
21 January 2025

CHAIRMAN