

SCRUTINY FOR POLICIES, CHILDREN AND FAMILIES COMMITTEE

Minutes of a Meeting of the Scrutiny for Policies, Children and Families Committee held in the Library Meeting Room, Taunton Library, on Friday 17 May 2019 at 10.00 am

Present: Cllr L Redman (Chair), Cllr R Williams (Vice-Chair), Cllr James Hunt, Cllr J Lock, Cllr W Wallace, Ruth Hobbs, Mrs Eileen Tipper, Cllr M Keating, Cllr T Munt and Cllr L Vijeh

Other Members present:

Apologies for absence: Cllr M Dimery, Cllr N Hewitt-Cooper, Cllr J Williams, Elliot and Ms Helen Fenn

64 **Declarations of Interest** - Agenda Item 2

65 **Minutes from the previous meeting** - Agenda Item 3

The Committee agreed that the minutes of the last meeting, subject to a few amendments, were accurate and the Chair signed them.

66 **Public Question Time** - Agenda Item 4

There were no questions asked, statements/comments made, or petitions presented.

67 **Scrutiny Work Programme** - Agenda Item 5

The Committee Chair explained the reports that make up the work programme agenda item and the importance the Committee should attach to planning its future work.

The Committee then considered and noted the Cabinet's Forward Plan of proposed key decisions in forthcoming months. It was noted that decisions regarding 'Framework for the delivery of Food Produce to SCC properties' and the 'Somerset Children and Young Peoples Plan 2019-2022' appeared to have incorrect Lead Officer information.

The Committee considered and agreed its own work programme and the future agenda items listed. There was a discussion about the proposal for a joint meeting with the Adults and Health Scrutiny Committee and the Chair informed Members that he had spoken with the Chair of that Committee in order to begin preparations for such a joint meeting.

It was noted that the Outcome Tracker had been refreshed and updated and it was accepted.

68 **SEND Update** - Agenda Item 6

The Committee considered this report that provided an update on actions and progress to address the findings of the SEND Peer review from May 2017. It was noted that since the Peer review the inspection framework had not changed, although the SEND inspections had changed, and the recommendations from the 2017 review had switched to a new action plan.

It was stated that the next development phase of the strategy, had incorporated the newly refreshed Children and Young People's Plan so SEND would continue to be an integral part of that plan. The 5 outcomes of the 2016 -2019 SEND Strategy were noted as were the 6 strategic programmes of the Local Area Improvement Network (LAIN).

In response to a question about progress made on the recommendations arising from the Gloucester peer review, it was noted that multi agency forums were now used and this had improved partnership working. Work had also been undertaken to address information management systems and a weekly newsletter (with a circulation of 7,000) helped raise awareness of SEND issues for young people and parent carers and families.

There was a brief discussion about ensuring data was accurate and Members heard that data was refreshed and shared securely with partners. Progress to reduce data gaps was being made although there was more work to do and some progress was dependent on the capacity of health agencies. The Parent Carer Forum was praised for doing an excellent job, including a recent big information day it had arranged that had been visited by 200 families and had resulted in good feedback from those that had attended.

During the consideration of the report, issues/concerns were raised, questions asked/answered and further information was provided on:

- Anyone could register to receive the weekly newsletter and a suggestion regarding a mechanism for feedback and comments would be considered;
- Tribunal appeals a blunt tool to say parents are dissatisfied, 90% of all tribunals held found in favour of parents (nationally). There were not enough places and parents are dissatisfied, need to raise parental confidence, Somerset was an outlier, and had supported a growing market in private sector, parental choice help keep children in localities. There had been an increasing number of requests for independent placements, the important aspect being to focus on the outcomes, not all in private provision get best outcomes;
- The Lead Officer offered reassurance that the Council was doing everything it could do, including doubling the size of SEN team, and improving recruitment and training. There was no recognised national qualification for SEND caseworkers, the Council was working hard with partners to see if processes were impeding progress, and work more cohesively and at a faster pace;
- Regarding the assessment of Educational and Health and Care Plans (EHCP's), it was noted there had been a significant increase in the number of statutory assessments, and those completed within the 20-week period stood at around 44-46% and this was about 20% under national average (65%);

- It was also explained that EHCP's in respect of children transferring or missing or CLA were being prioritised and any young person with an EHCP had an annual review (which could be brought forward) to measure progress in that setting. Waiting for an EHCP should not stop access to a school; an EHCP would name the school or college; there should be no gap in provision. School's not admitting was a separate issue;
- Regarding the Council's Inclusion strategy and data sharing with the Clinical Commissioning Group (CCG) it was noted that this was improving after initial difficulties, possibly due to referrals for paediatric appointments seeing a 70% increase over a 12-15-month period. A joint project with CCG linked with emotional health and well-being was part of increasing joint work;
- On the topic of children being permanently excluded and what advice was given to families of children being 'off rolled', or on continuing part time timetables, it was stated that the advice was always to contact the Council if they had concerns. Parents should also liaise with the School and its SENCO as a first point of contact and to be clear about the reasons for exclusion or changed curriculum/remit for a part-time time table, as all Schools should have routine plans in place. The Council monitored all attendance codes, and had an improved information gathering process;
- Regarding staff recruitment it was noted that an Educational Psychologist had been in post since July, against the backdrop of a national shortage of qualified professionals, the Council worked hard to ensure all staff held wide and varied roles, and the success of this approach had seen much better levels of retention;
- On the issue of the Joint Strategic Needs Assessment (JSNA) and the 3 tiers of information and the compatibility of the systems and data, it was noted that there was a SEND element in the JSNA requirement and this was refreshed on an annual basis and allowed the Council to keep checking it held the right information that complied with national requirements. Each child had a unique identifier to help ensure agencies were talking about the same young person and pupil numbers were regularly checked with schools. Work had been undertaken to ensure the business support systems were compatible and a joint workshop had been held for disabled children and officers attended regional meetings;
- It was noted that SEND was broad and covered the ages 0-25 and a variety of areas and involved the Council working with the CCG and Schools to offer a comprehensive offer and focus activity strategically.

The Committee accepted the update and welcomed the offer of a 'SEND workshop' and a Q&A session, Members were encouraged to think about possible questions, and areas they would like to discuss in more detail.

69 **Children and Young People's Plan 2016-2019 - Agenda Item 7**

The Committee considered a report and received a presentation to elevate success of the Children and Young People's Plan (CYPP) that had run from 2016 to 2019. The report looked at and highlighted improvements in the areas of community working; partnership working; leadership; and providing clearer

direction. The report also claimed improvements regarding enhanced support for parents and communities and this had culminated in an improved Ofsted inspection rating, from an 'inadequate' judgement to one that 'required improvement'.

Members heard that the CYPP had assisted in improving partnership working amongst different public sector agencies in Somerset and there were now a range of multi-agency roadshows, with partners including those from the voluntary sector. The Team Around the School (TAS) model showed development and progress made, as had the changed structure of Parent and Family Support Advisors (PFSA).

It was explained that the Somerset School Well-being framework had been developed and launched and 54 schools had fully adopted this whole school approach to health and well-being. 8256 students and 388 parents have received Schools, Health and Resilience Education known as (SHARE). 82% of Somerset's Secondary and Primary schools were now rated as Good or Outstanding and there were 40 new or refurbished schools in the County since 2016. For the current academic year 94% of Somerset children achieved their first preference Secondary School place.

During the period of the CYPP, 2016 – 2019, the Council had benefitted from more multi-agency working on health in partnership with education and care; for example, Programme 2 of the CYPP had reported that an active health, care and education group had been established to focus on improving the health and well-being of children and young people. The health and well-being of children was now more prominent within the health and care strategy 'Fit for Our Future' than in previous plans. Health colleagues had worked more effectively with the community; for example, the Somerset infant feeding and nutrition strategy resulting in a significant increase in breastfeeding rates amongst the most deprived communities in Somerset.

It was noted that some areas had showed improvement, but further work was still required to ensure continued success and those covered the main themes of capacity and resource; Shared systems and information; National skills, and National skill shortages. Improvement was still required in the areas covering Early Help; Education; Health; Children's Social Care and what was described as market development.

It was explained that those outstanding actions, in areas where improvement was still required, would be rolled over to the new Plan 2019 – 2022 and progress would be picked in future update reports. The new CYPP set out 4 priority areas to enable Somerset children and young people to be happy, healthy and well prepared for adulthood: Supporting families; Healthy lives; great education; positive activities. In evaluating and reporting on progress of the new plan, Officers would identify how actions rolling over would align with those new priorities.

During the consideration of the report, issues/concerns were raised, questions asked/answered and further information was provided on:

- There was a discussion about CAMHS waiting times and it was stated that referral to treatment (RTT) performance was amongst the best for Mental Health Trusts in England, consistently being over 85%, although this was below the CCG target of 95%;
- Regarding Tier 4 provision it was stated there had been a reduction to zero of children and young people in Tier 4 beds outside Somerset, mainly through intensive community support which had included the success of Community Eating Disorder Service, it was also noted there had been increased investment in Acute Psychiatric Liaison Service and further development of Enhanced Outreach Service;
- There was a question about the relationships with partner agencies and the possible link to a high turnover of staff in some areas and if there was a link and in response it was thought there was a connection and the multiagency board had not worked as well as hoped, the new CYPP had reduced the number of priorities to 4 and each would submit updates on work force issues and health issues to improve retention and in respect of reducing the turnover of social workers, there was now a dedicated officer to help support and retain the 55 social workers;
- There was a brief discussion of the ratings and the colours they had been awarded when considered against the direction of travel and supporting text commentary and it was noted that those could sometimes seem at odds, given the complexity of some targets.

The Chair thanked the Officer for the report and noted that Members having closely followed the progress of the original CYPP were greatly looking forward to future reports and monitoring progress of the new CYPP and helping to achieve success with the new 4 new priorities.

70 **Governor Services Update** - Agenda Item 8

Members received a presentation from the Service Manager for Governance Services in Support Services for Education (SSE). It was explained that Governance in all its guises linked to the key priorities and outcomes within the new Children and Young People's Plan for the Council's Vision, "that Somerset children and young people are safe, healthy, happy, are ambitious for their future and develop skills for life." Schools and their governance were key to making sure that the Vision was achieved.

It was stated that when governance was effective it could make a positive contribution to: the quality of education within their setting; the financial management and effective use of resources; and the local community that it sits in. Each of those aspects could contribute to the whole school system as all schools and academies should be working in partnership. It was noted that the purpose and importance of governance would help to provide confident and strong strategic leadership which would lead to robust accountability, oversight and assurance for educational and financial performance.

Members heard that all Governing Bodies, no matter what type of school or how many schools they govern, had three core functions:

- Ensuring clarity of vision, ethos and strategic direction;

- Holding executive leaders to account for the educational performance of the organisation and its pupils, and the effective and efficient performance management of staff; and
- Overseeing the financial performance of the organisation and making sure money was well spent.

It was reported that the team in Somerset provided advice, support and training as part of the Support Services for Education (SSE) traded service that was available to all Governing Bodies of Schools in Somerset. The team would also provide professional support and advice to Local Authority colleagues relating to governance and undertake Local Authority statutory duties related to governance. The teams' ambition was to secure good or better governance, as recognised by Ofsted, for all Governing Bodies and to support effective governance to help each school improve the outcomes for young people in all educational settings.

It was reported that across Somerset there were a total of 218 Governing Bodies, that represented 271 individual settings. It was noted that a total of 2798 people volunteered on Governing Bodies, and current vacancies stood at 391 and this represented 14% of the overall total of Governors. In response to a question it was explained that it was difficult to recruit governors or trustees and directors as well as being difficult to recruit staff, including headteachers to sit as Governors. This was against a background of continuing budget concerns.

The Chair asked what Members could do to support Governors across the County and it was suggested that they could help raise awareness of the role of Governors in their wards to help with the recruitment of Governors and trustees, as Councillors met more people on a regular basis than officers. It was suggested that Members could encourage businesses within their wards to support Governing Bodies. Members were also asked to be mindful of governance when discussing education, as they were often the forgotten body. Finally, all Members were encouraged to volunteer to serve on a Governing Body.

It was noted that Governors had an important role to fulfil in many aspects of school life including, school discipline such as exclusions, handling complaints and grievances from parents and internal discipline issues. The picture was complicated as the national educational landscape was fractured, as there were effectively 2 systems running with no overall alignment. It was also acknowledged that often it was not known there was a problem within a School until a crisis emerged or following an Ofsted review.

There was a brief discussion and it was asked if it was necessary to have a background in education to be an effective Governor. It was heard that the roles of Governors could vary (employment, finance, health & safety etc) and therefore an education-based background was not required. Sometimes not having a School based background was helpful, as the person could provide a different perspective i.e. from a parent or local community. A range of training was also provided to help new Governors gain expertise and knowledge.

In response to a question it was noted that a Parent Governor position was required on every Governing Body, including academies, not to act as a delegate but to bring parental perspective. Staff Governors were also required on each Governing Body and were appointed after an election process in the School, and any member of staff could fulfil the role meaning it did not have to be a member of the teaching staff.

The Chair thanked the Lead Officer for her presentation and requested that an advert be circulated amongst all serving Governors to highlight the Committee's vacant Parent Governor post. The wonderful contribution of all Governors across Somerset was welcomed and Members were encouraged to participate and become involved.

71 **Elective Home Education Update** - Agenda Item 9

The Committee received a report and a supporting presentation from the Strategic Manager for Access and Additional Learning Needs that explained that on 2 April 2019, the Department for Education (DfE) had published updated guidance relating to Elective Home Education (EHE). The guidance was recommending that each Council:

- Have a written policy defining how it will meet its duties, to be co-produced with home educators and reviewed regularly;
- Provide clarity on what constitutes a suitable education;
- Set aside resources to implement its policy effectively;
- Consider organisational structures to align expertise relating to suitability, attendance and safeguarding;
- Offer advice (on rights, obligations, good practice and resources) to parents who choose to educate their children at home;
- Consider operating a voluntary registration scheme – something the DfE is currently consulting on.

Members heard that the current DfE consultation, which would be open for feedback and responses until 24 June 2019 was seeking views on placing:

- A duty on local authorities to maintain a register;
- A duty on parents to supply information for the register;
- A duty on certain settings to supply information; and
- A duty on local authorities to provide support for home education.

It was stated that a series of joint meetings had been held between Education Welfare, Education Safeguarding, Educational Psychology Service, Learning Support Service and those parents who educate their children at home. Such meetings had helped improve relationships between the Council and elective home educating parents and had additionally supported joint activities which were under development.

It was explained that a new process for EHE starters had been agreed and this was summarised as:

- Parent(s) would write a letter to the school to inform them of their intent to EHE child;
- School complete an Exit from School Form and sends it to the Council with the letter from the parent;
- Concerns (from school/social care) would be collated;
- Council to arrange for a supportive visit to parent(s) to discuss: decision to EHE; explore any concerns (about previous setting); and share details of the EHE groups and available resources;
- Where concerns remain, the Council would enable parent(s) to address them before considering legal process to return child to school.

It was also noted, in response to a question, that the joint group would continue to undertake further work to develop a co-produced policy in line with the new guidance and help develop advice and guidance for parents. A series of maps were shown, of each of the 4 District Council areas in Somerset, to highlight the number of EHE children across Somerset. It was requested that the presentation be circulated to Members.

It was reported that weekly data reports were now generated to enable Officers to monitor the number of EHE children, including those starting EHE, and those returning to a School setting. The overall number of Somerset children who were being home educated stood at 1050 at the 30 April 2019. In response to a question it was explained that this figure represented around 1.4% of the County's school age population. Members heard that overall the figures suggested that some 200 EHE children had returned to school this academic year.

It was reported that in Somerset the profile the current EHE cohort was:

- 50:50 in terms of gender;
- KS3 had the highest number of EHE children (359), followed by KS4 (319);
- KS3 (347) is also the most common stage at which the current cohort became EHE, KS4 (134) is the lowest;
- This meant that 185 of the current KS4 EHE cohort must have become EHE at an earlier key stage;
- 24 EHE children had an Education Health and Care Plan, while a further 221 were considered to have SEN needs;
- The 24 children with EHCPs represented 1.04% of the EHCP cohort.

During consideration of the report, issues/concerns were raised, questions asked/answered and further information was provided on:

- How confident could we be that there were 1050 EHE children, and it was explained that development of data systems, and collating information from a range of places, meant that data was now combined in to a single data 'warehouse', and included checking children leaving the system;
- It was explained that the Council did not gather information from Estate Agents or the Department of Work and Pensions;
- Members welcomed the 'tone' of the report, as it was not just focussed on safeguarding and highlighted the support arrangements in place, including visits to parents;

- It was noted that the Government had not produced a document to set out what the policy should be but was working with other Council's that had engaged with the National Association of Home Education professionals, to produce an exemplar document;
- Regarding children being permanently excluded from school it was suggested that some parents had been persuaded to take their child out of school and EHE, and it was acknowledged that there was coercion in the system, and Officers would visit and discuss concerns of the parent;
- There was a question about when the policy would come in to effect and it was envisaged for the next academic year, September 2019;
- Educational outcomes were not monitored beyond KS4;
- Regarding safeguarding and social integration and well-being, it was noted that all partner agencies would have safeguarding arrangements, and a School was just one element, the new guidance suggested the EHE provided must be suitable to enable the child to participate in life in the UK;
- The maps had shown some areas where there were no recoded EHE children and that some children might have partial access to school or be using an alternative setting – with others that are EHE. The Council held lots of data but had previously not been able to analyse it in detail, there were now weekly reviews of data, with a 4-stage escalation process meaning the data would be acted on;
- Concerning validating the EHE provided, it was explained that there was no requirement for the Council to know what exams children were doing, but that the EHE must be full time and suitable and sufficient, and measuring progress was not just about outcomes;
- On the subject of reflecting different ethnic and/or religious/cultural beliefs it was noted that the guidance mentioned intended values or behaviours cannot conflict with 'Fundamental British Values';

The Committee welcomed the informative and interesting presentation and the Chair reiterated the request for the presentation to be circulated. The report was accepted.

72 **Somerset Children's Trust** - Agenda Item 10

The Committee considered this report which explained that the 3 Somerset Safeguarding Partners (the Police, the Clinical Commissioning Group and the Council) were required to publish new safeguarding arrangements for children. The new arrangements, to be published by 29 June 2019, would become operational by 30 September 2019, and replace the Somerset Safeguarding Children Board.

Members heard that it was being proposed to integrate the Somerset Children's Trust with the new Safeguarding Partnership arrangements, using measures within the Children and Social Work Act 2017 and existing flexibility of the Children's Trust. It was reported that the Cabinet had given approval for the 3 partners to amalgamate the Children's Trust Board Executive & Board with the current Somerset Safeguarding Board governance group and wider Board from October 2019. It was envisaged this would create efficiencies both for the

Council and its 2 partners regarding the combined available resource and senior leadership capacity.

Some of the key changes were summarised and these included:

- Safeguarding Children Boards no longer mandatory, most areas moving to Safeguarding Partnerships;
- Serious Case Reviews to be replaced by national and local systems for Child Safeguarding Practice Reviews;
- Transfer of responsibility for Child Death Reviews to Child Death Review Partners (Dept for Education to Dept of Health); and,
- Requirement for independent scrutiny arrangements beyond independent chairing (currently Dr Sally Halls).

On the topic of what benefits the changes might achieve it was noted that the Child Safeguarding Practice Reviews would place less emphasis on the final report and would focus more on learning and impact. It was stated that governance had been agreed by key safeguarding partners last March/April. The final arrangements had to be completed by 22 June 2019 before Secretary of State approval on 29 June 2019. On 1 October 2019 the new arrangements would take effect.

During consideration of the report, issues/concerns were raised, questions asked/answered and further information was provided on:

- More information was required by the Safeguarding business unit manager, so that the implications of the new scrutiny framework were better understood;
- More information was required for Members, and Members requested updated about the changes;
- Regarding the future arrangements it was explained that the document to be submitted to the Secretary of State, in June, did not have to contain details of the proposed scrutiny arrangements;
- There was a question about the potential risks, concerning the decision-making locus of control when transferring to a parallel work stream, what would the decision-making look like and would there be advice/guidance available to help navigate the new system;
- It was noted that the Council would continue to be one of three partners, and the operation in respect of schools would stay the same;
- Members were reminded of why the changes were thought necessary, and the recommendations of the Wood report which had highlighted the number and complexity of the various safeguarding boards;
- It was noted that the proposed process would see the Council's Chief Executive delegate the final decision-making arrangements to the Director of Children's Services;
- The proposed changes were envisaged to enable children and young people to be involved more effectively and more quickly and the changes were being required across England.

The Committee although welcoming the report that provided insight in to the future changes, expressed frustration that greater detail had not provided within the report.

The Committee agreed that it would like to receive a further report on this topic to include details on:

- the future framework and detail particularly regarding scrutiny;
- how the voice of the child would be heard;
- assurances concerning the new governance arrangements; and
- how risk would be managed.

73 Any other urgent items of business - Agenda Item 11

The Chair asked if there were any other matters Members wishes to discuss.

Cllr Munt requested that consideration be given to providing a list of abbreviations for Members.

She also asked if the frequency of meetings could be reviewed due to the number of reports considered at each meeting and sufficient time being allotted for Members to be able to consider them appropriately.

Cllr Munt also suggested that thought be given to providing extra training for teachers in Somerset schools regarding managing pupil behaviour/discipline.

The Chair, after ascertaining there were no other items of business, thanked all those present for attending and closed the meeting at 13.18.

(The meeting ended at 1.18 pm)

CHAIRMAN