

Scrutiny for Policies, Children and Families Committee (virtual meetings from May 2020 due to Coronavirus)

Wednesday 3 March 2021

1.00 pm Microsoft Teams Meeting



SUPPLEMENT TO THE AGENDA

To: The Members of the Scrutiny for Policies, Children and Families Committee (virtual meetings from May 2020 due to Coronavirus)

We are now able to enclose the following information: -

Item 4	Public Question Time - Responses to Public Questions and Statements (Pages 3 - 14)
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Democratic Service Team, County Hall, Taunton

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Public Questions for Scrutiny for Polices, Children and Families Committee Wednesday 3 March 2021

Elective Home Education

Agenda item 7 refers

Statement from Caroline Ellis (co Chair Taunton Home Education)

Under English law, it is parents who are responsible for ensuring their children receive suitable education whether at school or otherwise i.e. through home education. Home education is growing in popularity because of increased awareness and the lack of personalised, flexible learning provided by institutions. It is as diverse as the numbers of families practising it, since learning is completely tailored to the individual child and more child-oriented, autonomous and/or project-oriented learning approaches can be used.

The expectation is that parents should be allowed to get on with the job in peace, with the LA in possession of a 'backstop' duty to intervene if concerns are raised (process should be: seek more information informally in first instance, provide specifics of concerns, further enquiries if necessary, discern if support required and offer said support, with last resort option being school attendance order or other measures - rarely ever used.)

LAs also have the power to make informal enquiries of any home ed family becoming known to them (as long as this is done in a manner which is reasonable and proportionate). For parents, such enquiries can be time-consuming, often irritating and of no benefit but most are happy to provide information confirming what provision they have in place for their child.

The LA provides no services for home educating families or children per se. Information, advice, peer support, group learning/educational and social opportunities are arranged by local home education groups, such as ours, and networks – such activities add value to individually tailored provision made by parents.

Previous Education Welfare Managers have tried to establish more positive relations with home educating families, but in our experience have been stymied by a senior manager driven by an anti-home ed agenda. SCC needs to give corporate backing to the development of a positive approach.

Suggestions for establishing positive relations between SCC and home educating families:

- ❖ Relationship needs to be founded on acceptance of home education and parity of respect with school – if it seems you are concerned 'to reduce the

numbers' as an end in itself, that will breed mistrust; some work could be done on challenging prejudicial assumptions.

- ❖ Do focus on 'getting your own house in order' in terms of delivering on SEND action plan and tackling the systems and decisions which leave children with SEND or medical needs deprived of their statutory entitlements and families battling for support. Then parents can naturally make/review choices in light of improved state provision – they do not need or want an official to presume to tell them what is in best interests of their child.
- ❖ Ensure 'Elective Home Education' policy and protocol is transparent, lawful and based on good practice (the 'triage' practiced must be non-discriminatory and factually based; avoid setting local policy on 'suitability'; information requests must be reasonable and proportionate -no demanding school-type 'work' samples – or pressuring for access to the home). Current policy is not clear and protocol is out of date.
- ❖ Avoid unlawful data sharing across agencies.
- ❖ Avoid labelling limited consultation as 'co-production'. One experienced home educator has been appointed to a working group looking at review of policy/protocol, which is good, but to our knowledge the process could not *yet* accurately be described as 'co-production' which would entail setting out shared objectives and rather wider and deeper listening and engagement. *(Note: Involvement re autism and ADHD assessment pathways is welcome, but a different work programme.)*
- ❖ Reinstigate the 'continuous feedback loop' established by John Riches -former Education Welfare Manager. This enabled families and advocates to quickly report and see resolved any bad practice on the part of Education Welfare Officers as they were then called (e.g. door stepping or ultra vires actions) and meant greater trust in the LA.
- ❖ Take EHE out of 'Education Safeguarding'. It is unfortunate - and inappropriate- that responsibility for communicating with home educating families is located in a department focused on safeguarding and otherwise dedicated to enforcing school attendance. Home education is not, of itself, a safeguarding issue. Research has shown home educated children and young people are at lesser safeguarding risk than their schooled peers. We would recommend a separate, small team of people more attuned to alternative pedagogies and sympathetic to home education.
- ❖ Broker easier access to exams and better 14-19 transition options. Our group can provide AQA Unit Awards, Duke of Edinburgh awards but families rely on cooperation of local schools to sit GCSE/IGCSEs with fees posing a barrier and some have been left 'high and dry' by changes to exam arrangements in response to COVID-19.

Fruitful partnerships can be established when the focus is on expanding opportunity and founded in respect - Dr Julie Young Somerset's Post 16 Advisor has been incredibly helpful to our group in arranging careers advice and connecting us with opportunities offered by libraries, SSE outdoors and others (she is also very aware of the need to bolster 14-19 options). That is an excellent model to build on in our view.

Responses from the Cabinet member, Children and Families

Thank you for your statement and the useful feedback within it.

Somerset County Council is very keen to improve our engagement with the EHE community and given your statement, would like to invite you to join the working group which is currently co-producing our new EHE Policy.

An expected outcome of that work is the development of a communication group which will allow the EHE community and local authority officers to meet at regular intervals and explore ways to improve Somerset's EHE offer.

In addition, and in specific reference to exams, you may be interested in the following extract from a DfE bulletin:

Last week, the Department for Education and Ofqual announced the outcomes of the consultation on GCSE and A level exams in summer 2021. The announcement stated that private candidates should work with a centre to receive a grade. We know that some candidates will not have an existing relationship with a centre and will be looking for centres to register with, and so we encourage all schools and colleges to consider taking on private candidates this year.

Information is available in the Ofqual guidance for Heads of Centre (Annex D). Further details on the assessment approach for private candidates and the support offered by the Department for Education and the exam boards will be made available shortly.

Once this information is available, there will be an opportunity for centres to express interest in being on a list of available centres to support those candidates.

Statement / Questions from Cassandra Davies (Somerset Parent Alliance)

Many children who are forced to off role, will have done so as a last resort to failing school provision. These schools will be known to SCC but the council has failed to take any action, despite this being recognised as a need 7 years ago. The push to drive students with SEND out of schools has been strongly driven by the complex and difficult process for mainstream schools to access high needs funding, before the compulsory and long awaited process of EHC applications and funding. Our DCS has been clear in stopping the funding to be accessed in a reasonable time frame or not at all as a measure to drive these children to be humiliated and discriminated in the educational system. The DCS has also failed to ensure that a good level of training is available to staff to increase their understanding of SEN in the classroom and the support services schools can use...or used to be available, before the council made it a policy to trim or dissolve services as made reference to the dyslexia service by MP Ian L-G about 10 years ago.

Again the county wide policy to remove assessments and services could have prevented the need for many children to be registered with mental health needs, this highlights how this council is a safeguarding risk to the children in this county.

The Education welfare team may visit some families but, there is no agency that will actively help the family to complete the EHCP process. Many of these children's parents have waited years for other parents to help them understand the EHC processes. By the time they receive an EHC draft plan it is evident these children are needing independent specialist placements or specialist medical placements due to the length of damage caused by the schools. Asking the safeguarding officers to step in at this point is beyond torturous, too much damage has been allowed to erode and schools are in breach of disability discrimination, early intervention should be happening and is not happening.

These families are also unable to access mostly all support on the troublesome EHA process, some SCC staff tell parents to fill this form out, but it's not a document compatible with many families who do not have a computer, most are just reliant on tablets or phones. Most of the services are only available if the child is in a school. Many are refused support from the ever limiting remit of the occupational therapists or speech and Language therapist.

It takes 12 months on average for each EHE child to recover from the often extreme degree of depression and self-harm, due to the emotional abuse by the poor quality of some schools and the failure of any services being willing to help. The ultimate safeguarding failure again triggered by our failing services and the disappearance of the GETSET level 2. Tier 2 mental health support is not available to the children who have needed to be registered, neither then can they access the extreme criteria for tier 3

mental health, as there are not any services to support the application of need especially SEMH.

There needs to be a local protocol on EOTAS, due to SCC expectations on the school.

More practical learning hubs like the 14-16 unit need to be made available across the county, not only for EHE but to offer a more inclusive level of learning for the students who are not able to achieve current schools high number of GCSE subjects.

With just under 300 children recognised as having SEN, this doesn't account for children who do not understand why they struggled at school and they continue to blame themselves. But this identifies how there are a lack of suitable special educational need placements available in this county.

Families expect the DCS to ensure children are safeguarded and protected from the harm they have been exposed to due to the actions of this council. The council needs to provide their duty and not a response to the crisis they have created.

Q1: In point 3, are the number with EHCP's, the total number of those who have deregistered at the time of having an EHCP, or do they also include the children who have acquired an EHCP after deregistering and or becoming "EOTAS", in where another school is asked to add a child to their school role and record attendance as a 'B' code?

Q2: Can all the EHE families be contacted to ask - why they deregistered and if anything could have helped them to remain in a school, what they need in the way of services and support now

Q3: Please can a paper be produced with an audit of needs and cost of impact, covering:

- **How much are the welfare officers and services costing?**
- **What other funds are provided to EHE students or groups?**
- **How much is the county losing in FSM / Pupil premium type of funding?**
- **How much is the county losing towards allocated school money and any other income source funds?**
- **How much funding is being provided to the students known to have EHCP, EOTAS, or SEND?**

Responses from the Cabinet member, Children and Families

Thank you for bringing Somerset Parent Alliance's statement to us.

We know that, as identified in the Ofsted and CQC inspection of March 2020, there is much to do to improve the Local Area arrangements for children and young people with SEND. We are committed to working with all partners, including the Somerset

Parent Carer Forum, to deliver the improvements identified in the Written Statement of Action.

Q1: Are the number with EHCPs, the total number of those who have deregistered at the time of having an EHCP, or do they also include the children who have acquired an EHCP after deregistering and or becoming "EOTAS", in where another school is asked to add a child to their school role and record attendance as a 'B' code?

The 44 electively home educated (EHE) children stated as having an Education Health and Care Plan (EHCP) in Section 3 of the report are a combination of those who had an EHCP at the point they became EHE and those whose EHCPs were issued afterwards.

Q2: Can all the EHE families be contacted to ask - why they deregistered and if anything could have helped them to remain in a school, what they need in the way of services and support now.

A survey was completed last year which received a positive response. We will continue to explore all options to obtain further feedback from EHE families.

Before I answer specific financial questions, I would like to set a bit of financial context. Education for all children is funded by Central Government through the ring-fenced Dedicated Schools Grant. Government calculates the education funding required for Somerset's children from the number of children on Somerset's school rolls, and it excludes from the calculation those children who are electively home educated. In addition, for children in schools who are eligible, there is both pupil premium (extra funding to address deprivation) and funding for free school meals, this is not available for children not on a school roll. As a result of this calculation and the number of children in Somerset who are electively home educated, the dedicated schools grant for Somerset is £6.5 million a year less than it would otherwise be.

Q3: Please can a paper be produced with an audit of needs and cost of impact, covering:

Q3a: How much are the welfare officers and services costing?

The budget for the Education Safeguarding Service in Somerset is circa £830,000. The service is responsible for a range of statutory and non-statutory functions in relation to safeguarding practices in education settings, elective home education, children missing education, school attendance (including legal intervention), children in employment and child entertainment.

Q3b: What other funds are provided to EHE students or groups?

Other than what is called Education Otherwise than at School funding that is required for specific children's Education Health and Care plans, there is no other direct funding provided to EHE children or representative groups.

Q3c: How much is the county losing in FSM / Pupil premium type of funding?

Schools receive £1,345 of Pupil Premium / free school meal (FSM) funding for every eligible child. We do not hold free school meal data for electively home educated children.

Q3d: How much is the county losing towards allocated school money and any other income source funds?

Somerset receives the following pupil unit funding for each child on the school census:

- *Primary: £4,153*
- *Secondary: £5,164*

As I said above, given the number of children in Somerset who are electively home educated, the dedicated schools grant for Somerset is £6.5 million a year less than it would otherwise be.

Q3e: How much funding is being provided to the students known to have EHCP, EOTAS, or SEND?

The data set is very complex and further information will be provided when it is available.

Future Schools Provision in Crewkerne and Ilminster area **Agenda item 8 refers**

Petition presented by Oliver Patrick

Presented the following petition: -

Stop School Changes in Crewkerne and Ilminster

353 of 400 signatures

Conservative-led Somerset County Council wants to abolish our highly successful 3-tier school system in Crewkerne and Ilminster, replacing it with 2-tiers and closing Misterton School.

Coronavirus has put enormous pressure on school staff, students and families over the past year. The last thing they need is further disruption and upheaval caused by these proposed changes. [For details of these changes click here.](#)

We believe it is WRONG for the Conservatives to force these changes through when up to 80% of parents and carers oppose them. We say they should press 'pause', and think again.

We, the undersigned, call on Somerset County Council to shelve their plans for schools in Crewkerne and Ilminster.

When presenting the petition, **Mr Patrick** also asked the following questions at the meeting: -

- 1. How does the Council plan to combat the on-going threat posed by a National Funding Formula which leaves Somerset's schools out of pocket, whether or not they're in a 2-tier or a 3-tier system?**
- 2. What does the Council propose to do if Maiden Beech Academy doesn't agree to the transformation plans?**
- 3. Has the Council conducted any analysis of the risks that the transition to a unitary authority or authorities poses to its plans for schools in Crewkerne and Ilminster?**

Responses from the Cabinet member, Education and Transformation

Response to Question 1

Significant progress has been made due to many years of lobbying, and the introduction of the National Funding Formula resulted in a shift of funding towards areas with average levels of deprivation and towards small primary schools, both of which helped Somerset schools move away from historically low levels of funding. (See Institute for Fiscal Studies <https://www.ifs.org.uk/uploads/publications/bns/BN195.pdf>). However, the report demonstrates that, while small primary schools have benefitted, small secondary schools have been more likely to lose out from the reforms. As a result, Somerset is now average (95th out of 149 LAs) for primary funding but low (129th out of 149 LAs) for secondary funding. We will continue to make the case for fair funding, however, this case is less likely to be heard while actions that make schools less financially secure which can be resolved locally, such as structural reform, have not been delivered on.

Response to Question 2

The proposals include Maiden Beech as a primary in Crewkerne and this is the preferred option. However, should the trust elect not to form part of area proposals, reform is possible without the school forming part of the arrangements. However, the trust has already consulted on the changes that would be necessary if a decision is taken to proceed, and agreed a timeline for this change with the Regional Schools Commissioner, therefore we have no reason to believe cooperation would be withheld.

Response to Question 3

Both unitary proposals advocate a solution that would retain a single children's services organisation for the whole of the current county, as now, therefore the assessment of risk has been that it is minimal.

Questions from Holly Phillips

During one of your Nov/Dec 2020 consultation Q&As I asked if the merged Swanmead and Greenfylde school would receive extra financial assistance as obviously there will be unavoidable extra costs associated with operating one school over two sites. The answer was a blunt 'yes', which is good to know but hardly a very enlightening or informative answer.

We appreciate there will be transitional funding but what, if any, kind of financial packages will there be for schools to mitigate the financial implications associated with significant surplus floor area being opened up across the school estate as a result of moving 2 extra year groups to Wadham?

Obviously parents and staff have concerns and need reassurance that schools won't be financially disadvantaged as a result of your proposed changes.

In the case of a merged Swanmead and Greenfylde - will a certain amount of financial assistance be indefinite for as long as the school remains split site, or will there be a cut off point? Will the amount they receive actually cover all unavoidable extra costs or just lessen them? And will this extra financial assistance be guaranteed and protected from future budget cuts and changes in Council leadership?

Responses from the Cabinet member, Education and Transformation

I can give you absolute reassurance that a split-site primary school in Ilminster would be guaranteed split-site funding for as long as that was the arrangement. This is something that is included in the national funding formula which is the money provided by central government and so it would be in place whatever happened locally and as long as it was needed.

If a decision is taken to move forward, one of the things that we would be investing in is a detailed study of the accommodation options for an Ilminster school. Money has already been committed, subject to a decision to progress on the 17th, to invest in reconfiguring the accommodation so that Swanmead could serve Key Stage 2 pupils. It would be counterproductive not to look at the longer term at the same time, so if this goes ahead we would take the opportunity to think more widely about the future, including what the old Adult Education building on Ditton Street could be used for. Or whether Swanmead could be expanded to bring all pupils onto one site. Or in what circumstances the time would be right to consider a whole new building. If the decision on the 17th is that change is coming, this would create opportunities as well as challenges. We would want to leave no stone unturned in order to secure the right spaces for children to learn in.

Statement from Kathrin Khan-Davis

I do feel that this consultation is not being undertaken in a fair and considered way. It is wrong that a consultation of this nature, that constitutes such a dramatic change to our local areas education system is being pushed ahead regardless of the current COVID pandemic. By deciding to do this all online, you are alienating people who may struggle with either Internet access or the confidence to successfully navigate the online formats that you have chosen to use. This is not very democratic as it appears you do not want to make the process accessible to all. I also find it very strange that Somerset County Council would continue with this current proposal to change our local school's system, when there are quite significant potential changes occurring within the structure of Somerset County Council itself.

Two of my children have already greatly benefitted from their education received at Maiden Beech Academy in Crewkerne. I would like my youngest daughter, currently in Year 3, to also benefit from the same opportunities of a middle school education – benefits such as being taught by specialist subject teachers in fully resourced teaching environments adapted to that subject like science labs and art and design studios. These proposed changes to our schools' system will dramatically alter our future communities and result in detrimentally effecting our children's education. By changing age ranges and expecting our current first schools to teach pupils which they are perhaps inexperienced or no longer proficient in teaching, you will potentially be ill-preparing those effected pupils for their national assessments and future readiness for secondary education.

You will also be removing my right and that of my daughter and also of all the other current Year 3's and their parents about what school their children will attend in Year 5. Many of us have already planned for them to attend Maiden Beech Academy in September 2022 and my daughter especially is very keen to go up to middle school and learn and participate in the same environments and with the same staff in which she has seen her brothers benefit from. This is a concern shared by many other parents of children who have seen older brothers and sisters go up to Maiden Beech Academy.

As a parent and as a member of the local community, this proposal will therefore affect myself and my family quite significantly. I urge you to reconsider how this consultation is being performed and the way you are engaging with the people who will be most affected by the potential results of it.

Responses from the Cabinet member, Education and Transformation

Irrespective of the structures of local government in Somerset, and no matter which of the possible future models of local government is selected, we still need to secure the quality of education in the Crewkerne and Ilminster area. It wouldn't serve children's interests to wait until 2023 to address the current issues.

This is not the first time that the council has consulted on this issue and face to face meetings were very much a part of the earlier consultation. We know that other forms of consultation can discriminate against families who can't travel or where people have work or childcare barriers that mean they can't attend public meetings in person. No form of consultation is perfect. The online sessions and questionnaire were only one way that members of the public were able to give their views and we also received a number of postal responses. Over 600 responses were received to the online questionnaire, so a large number of people have been able to give their views.

The council has also received nearly 1,000 computers as part of the government initiative to provide online access to children and families. At this point in time over 800 have been issued across the county to families that didn't have access to technology.

One of the things that has come through this consultation is how highly thought of Maiden Beech is. This is huge credit to the work of staff at that school. However, this proposal is about the whole education system in the area and the future for the system as a whole.

We are also committed to a programme of continuing professional development for all staff, including those who could be teaching at a different Key Stage. If this proposal goes ahead, then we would work with the new schools to look at ways subject specialism for years 5 and 6 could be part of the approach to primary teaching.