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(Scrutiny for Policies, Children and Families Committee - 4 October 2021)

SCRUTINY FOR POLICIES, CHILDREN AND FAMILIES COMMITTEE

Minutes of a Meeting of the Scrutiny for Policies, Children and Families Committee held in the Luttrell Room - County Hall, Taunton, on Monday 4 October 2021 at 10.00 am

Present: Cllr R Williams (Vice-Chair, in the Chair), Cllr M Dimery, Cllr T Munt (attended as substitute), Cllr B Revans, Cllr L Vjeh and Cllr W Wallace
The Revd T Osmond, R Hobbs and E Tipper – co-opted members

Other Members present: Cllr C Paul

Apologies for absence: Cllr L Redman (Cllr Munt attended as substitute), Cllr James Hunt and Cllr J Williams

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

Ruth Hobbs declared an interest as Vice-Chair of Governors, Greenfylde Church of England First School, Ilminster.

2 **Minutes from the previous meeting held on Thursday 9 September 2021** - Agenda Item 3

The minutes of the meeting held on Thursday 9 September 2021 were approved as a correct record.

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

There were no questions submitted by members of the public.

4 **Scrutiny for Policies, Children and Families Committee Work Programme** - Agenda Item 5

The Committee considered and noted the Committee's current work programme and outcome tracker and the Council's Forward Plan of proposed key decisions in forthcoming months including forthcoming Cabinet meetings.

The following comments and questions were raised by the Committee: -

- Dr Rob Hart was asked to provide an update on progress on the Written Statement of Action (WSOA) to November or December meeting.
- It is essential that documents for meetings are made available in statutory timescales.
- Cllr Munt asked that consideration be given to extend the PQT deadline to 24-48 hours before a meeting. It was noted that flexibility for late

questions was usually exercised from Chairs where possible, Monitoring Officer guidance would be required for any change in the constitution to public question regulations and this would be raised at the Constitution and Standards Committee.

The Committee noted the meeting dates for the remainder of the Municipal year, as follows: -

- Monday 8 November @ 10 am
- Wednesday 1 December – now beginning @ 2 pm
- Tuesday 25 January 2022 @ 10 am
- Monday 28 February 2022 @ 10 am
- Monday 4 April 2022 @ 10 am

The meetings will be held in The Luttrell Room, County Hall, Taunton.

The work programme and outcome tracker was noted and will be updated, as discussed at the meeting.

5 **Changes to education governance arrangements** - Agenda Item 6

The Committee received an update and PowerPoint presentation from the Council's Assistant Director for Education, Partnerships and Skills, Amelia Walker who set out the changes to education and governance arrangements in Somerset.

Details around Schools Forum reform were set out to the committee in addition to key findings of the effectiveness of the Somerset Schools Forum. The key principles of the new constitution were set out, with the constitution being a live document and reviewed annually. The membership, draft timeline and funding, financial reporting, meeting cycle and relationships with other groups were included as part of the presentation.

Following the presentation, the Committee asked detailed questions and made comments, which were responded to by officers, as follows: -

- Greater collaboration was required with capacity through sharing resource and connectivity, educational settings were encouraged to share where economies of scale were needed and can be facilitated.
- Standalone Academies were able to facilitate sharing that suited the community and school.
- Reform of the Schools Forum aimed to create greater focus in achieving objectives, findings from the auditors set out the need with the ability to manage the deficit, which was a key area sought to be enabled through the reforms.

- The creation of the Strategy Board aimed to develop a clear strategy and allowed finance to enable this. Finance wouldn't drive strategy and was designed to help aid it enabling the process of challenge and decision making.
- The new Schools Forum Constitution will be shared following this session.
- The membership structure would be aligned to the regulations, with a key area of focus around behaviours and cultures.
- An election communication had been sent out to invite those who wished to stand to become a member of the Forum. There were 2 weeks for those to respond with membership to be decided for first formal meeting of School Forum in November, at which the Chair will be elected.
- The new annual reporting cycle set out 4 informal meetings with informal meetings to take place as a sounding board.
- The new Board would provide oversight of education in Somerset, no consultation had been made with children in Somerset at this stage, at the point the board was place this would include consultation with children and parents.
- Concern was expressed that there would not be meetings scheduled between October and January.
- Committee members had been impressed with progress that had been made in Schools in Ilminster and Crewkerne. Progress was long overdue and look forward to updates on future improvements.
- An agreed area of development was with governing bodies in effectively challenging school leadership and rationale behind decisions.
- Transparency and legitimacy of the recruitment process of the Chair and board members was considered key, it was contended that this was made by elected members but not those within the education system.
- It was questioned who carried out the Schools Forum audit and what were the Terms of Reference's. This was undertaken by SWAP, which undertakes internal audits.
- The relationship with Schools Forum and Education Strategy Board was considered relatively new and a developmental area with ongoing dialogue between the two key to the success to inform financial decisions and what is achievable.
- Concern expressed that informal meetings were not public meetings.
- The independent sector had not been purposefully missed out, the board hadn't had representation in independent non maintained schools, recruitment hadn't been successful.
- Representation from the Board and structure was questioned, upper schools were represented. There were reps from the geography of Somerset, but the one marginally overrepresented area was Frome.

There was not representation from West Somerset and were working extensively with West Somerset educational settings.

- It was within the gift of the Board to decide where the meetings would be held but it was considered important to allow meetings to be held virtually.
- Regular conversations were held with colleagues in Essex, Plymouth and Herefordshire in relation to their Schools Forum and learning from their experiences.
- Reviews were built into the meeting schedule to review the Schools Forum. The Strategy Board would be more iterative and facilitate the outcomes.

The Vice Chair thanked the Assistant Director for the detailed update.

The Scrutiny for Children's and Families Committee noted the changes to education governance arrangements in Somerset.

6 **Education, Health and Care - Assessments and Plans** - Agenda Item 7

The Committee received a PowerPoint presentation introduced by the Cabinet Member for Health and Wellbeing Councillor Clare Paul and presented by the Council's SEND Strategic Manager Claire Merchant-Jones and the Council's Assistant Director for Inclusion Dr Rob Hart.

The presentation covered the following areas: -

- Numbers of Education and Healthcare Assessments and Education, Health and Care Plans.
- Annual Reviews
- Working with Education Settings
- Working with Families
- Findings from Tribunal Review – this will be available through the [SEND Improvement Board \(somerset.gov.uk\)](https://www.somerset.gov.uk) (Executive summary was sent to the Committee on 30 September 2021).
- The commitment for 2021-2022 - collaborative outcome meetings will be scaled up to be available to more families; issuing of EHC plans within 20-weeks is consistently above the national rate of 61%; targeted training relating to EHC assessment and reviews will be delivered across settings, practitioners and families; and reduction in the number of Tribunals registered will be below 3.5% of decisions taken.

The Committee asked detailed questions and made comments, which were responded to by officers, as follows: -

- Concerns were expressed in relation to 30% of plans not meeting legal timeframes.

- It was acknowledged there were sometimes delays to ensure plans were correct, there was a commitment with working with families to issue plans within 20 weeks.
- Those plans that went go over 20 week timescale were delayed by a lot less than a year ago so a reduction in delays had been experienced.
- Holding discussions with schools before there were formal disputes to try to resolve and have conversations where possible. Offering more resources around costed plans was assisting to work more effectively with schools.
- As part of the annual review process, children 5 and under would have a review more frequently than annually but this had not been a priority, school transition meetings were in place.
- There was reported 3017 annual reviews, audits had been undertaken of new plans issues, these included multiple stakeholders to ensure plans were appropriate and improved where needed.
- Data on aged cases was requested at a regular report to the committee.
- A parent could ask for an EHCP up until the age of 25 (education social care needs assessment), it was hoped that an agreement can be made before ceasing a plan is agreed.
- A copy of the new autism pathway for the over 5's was requested.
- It was confirmed that there was no hold on the recruitment in the SEND team.
- Concerns were expressed in relation to problems experienced accessing therapies in a timely way which pushes those towards an independent therapy assessment.
- The Clinical Commissioning Group (CCG) had responsibility around commissioning health providers, to engage with CCG and providers of therapies to ensure a joined up process to access assessments.
- There was confidence there was consensus around ensuring the therapy requirements and support was available and well trained members of staff could undertake interventions.
- There were instances where tribunals could be a learning opportunity to lessen instances of a loss of tribunals in future. Critical evaluation and ongoing audit to implement mediation where possible was considered important.
- In view of the work involved it isn't feasible to shorten timescales from 20 weeks.
- Questions from members of the public attending via teams were referred to.
- The Vice Chair encouraged members of the public attending the committee via Teams to contact the Scrutiny Manager to ensure answers and responses could be provided to them following the meeting,
- It was requested if performance figures could be considered compared to neighbouring authorities and not just national comparison along with

the number of families compared to number of complaints, this was agreed to be provided in future.

- Vacancies in SEND team were considered, there were vacancies for 2 senior assessment officers and 1 assessment reviewing officer.
- Numbers of cases handled by individual officers were requested along with tribunals. It was estimated that there were between 87-91 live tribunals ongoing.
- Figures involved and the number of cases in tribunals were considered excessive, there were extreme cases where children not attending school for over a year.
- It was agreed this was number was too high. In an average year there were 1000 healthcare needs assessments which could be appealed and go to tribunal.
- Further clarification was provided that 3000 decisions a year could be appealed. Not all would end up in a hearing, there were the amount that had been appealed, many of which would be resolved before getting to a hearing.
- It was considered serious in those going to tribunal due to equalities issues and indicated a fundamental flaw in the process.
- It was questioned if providers felt confident about delivering EHC plan requirements, good examples of schools being told they could provide EHCP but this was not the same as the reality of being able to provide this.
- Families and schools had worked hard with to ensure support for advisory teams to help young people to stay in local communities.
- A List of specialists from the authority were requested. Families and young people had the right advice and looked to local providers and specialists from the CCG and educational psychologists through health, social care and education.
- Concerns were expressed in the lack of capacity when parents were progressing requests for special education. this had been picked up from therapy action plan with a good quality EHCP including information from parents.
- EHC tribunals would be added to the forward plan for future consideration to be looked at and to include appeals, free support offered to tribunals and the low uptake of mediating.
- It was clarified, there were 4000 plans, with the total number of complaints of this 3.5% of this total.
- Concerns were expressed over the number of tribunals, the context, management and working of the appeals process to be considered in future on the work programme.
- The Committee requested that an update report be circulated, with numbers as well as percentages with full data and sets of information to be included to provide more clarity in relation to tribunals along with the

number of complaints and families who make repeated complaints to be included.

- The Vice Chair asked that consideration be given to including an item on the agenda for the December meeting on the process of appeals process and tribunals.

In conclusion the Vice Chair thanked the officers for the detailed presentation.

The Committee noted the Education Health and Care Assessment Plan Update.

7 **Any other urgent items of business** - Agenda Item 8

There were no other items of business.

(The meeting ended at 1.12 pm)

CHAIR

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