

Children and Families Overview and Scrutiny Panel

Wednesday, 8 August 2018, County Hall, Worcester - 10.00 am

	Minutes
Present:	Mrs F M Oborski (Chairman), Mrs J A Potter (Vice Chairman), Ms P Agar, Mr T Baker-Price, Mr R W Banks, Ms R L Dent, Mr P M McDonald, Mr S J Mackay and Ms T L Onslow
Also attended:	Mr M J Hart, Cabinet Member with responsibility for Education and Skills Mr A C Roberts, Cabinet Member with Responsibility for Children and Families Mrs E B Tucker, Group Leader 2017 Group Mari Gay, South Worcestershire Clinical Commissioning Group Sandy Bannister (Corporate Equality and Diversity Manager), Catherine Driscoll (Director of Children, Families and Communities), Penny Richardson (Interim SEND Group Manager), Sarah Wilkins (Interim Assistant Director for Early Help and Commissioning), Nick Wilson (Interim Assistant Director - Education and Skills), Sheena Jones (Democratic Governance and Scrutiny Manager) and Samantha Morris (Overview and Scrutiny Officer)
Available Papers	The members had before them: <ol style="list-style-type: none">A. The Agenda papers (previously circulated);B. Presentation handouts for Future Provision Of Overnight Unit-Based Short Breaks For Children With Disabilities and Joint Local Area Special Educational Needs and Disability (SEND) Inspection - Local Area Action Plan (circulated at the Meeting)C. The Minutes of the Meeting held on 16 May 2018 (previously circulated). <p>(Copies of documents A and B will be attached to the signed Minutes).</p>
326 Apologies and Welcome	The Chairman welcomed everyone to the meeting. Apologies were received from Bryan Allbut.

327	Declaration of Interest and of any Party Whip	Councillor Steve Mackay declared an interest that he had a close relative who was looked after but not by Worcestershire County Council.
328	Public Participation	None.
329	Confirmation of the Minutes of the Previous Meeting	The Minutes of the Meeting held on 16 May 2018 were agreed as a correct record and signed by the Chairman.
330	Future Provision Of Overnight Unit-Based Short Breaks For Children With Disabilities	<p>The Cabinet Member with Responsibility for Children and Families, the Director of Children, Families and Communities and the Assistant Director for Early Help and Commissioning were invited to the meeting to update the Panel on next steps following the Cabinet decision on 12 July 2018 relating to the future provision of overnight unit-based short breaks for children with disabilities.</p> <p>Members were reminded that there had been a consultation on proposals for the re-design of overnight unit-based short breaks for children with disabilities between 8 January 2018 and 19 February 2018 and a Scrutiny exercise about this.</p> <p>A slide detailing the next steps of the process was circulated to the Panel. The Assistant Director advised that a Project Team had been established to take forward the recommendations from 12 July Cabinet Report which would cover the co-design activity, contractual matters, democratic process and research and intelligence to inform future decision making. It was noted that there were clear links between this work and the Worcestershire Local Area Special Educational Needs and Disabilities (SEND) Action Plan.</p>

Discussion Points

- The Director of Children, Families and Communities was working collaboratively with the Director of Adult Services to negotiate with the Worcestershire NHS Health and Care Trust a variation to their contract, effective from 1 August 2018 for the delivery of overnight provision at Osborne Court and Ludlow Road.
- It was confirmed that the next Report to Cabinet was likely to be December 2018.

- To inform the co-design process, there would be some further research during the autumn to look into the joint strategic needs and likely future demand for the overnight short break service. The research would take into account wider demographic changes and including trends in birth rates, data on numbers of children with disabilities in Worcestershire and nationally and trends in the number of young people transitioning to adult services.
- The numbers of children currently coming in and out of the system suggested that Worcestershire had a higher number of children accessing overnight unit-based short breaks in comparison to other local authorities, but in determining the future service offered, the Council needed to consider the changing nature of disability and the type of service required.
- Concern was expressed that it was still unclear what the future service demand was, especially as medical advances meant that there was likely to be more children surviving with disabilities and requiring ongoing care needs. It was confirmed that service demand information would be available by the autumn and would cover a 5 year period.
- A member asked about how the service was future proofing itself, given that demand was likely to grow and there were a number of families who weren't aware of the support available but might become aware and might request it. The Panel was advised the SEND Action Plan (the next Agenda item) identified that there needed to be a graduated response to care needs to address this.
- It was confirmed that the Clinical Commissioning Group's (CCG) contribution to the Service in respect of those children with ongoing health needs was being looked at as part of the SEND Improvement Plan.
- The co-design activity with parents, carers and wider stakeholders on the would include the provision for young people approaching the age of 18, to ensure that there was appropriate transition to adult services and/or independent living.
- No further cost savings for this service were envisaged, but it was noted that there was a shortfall in funding for the existing service which needed to be taken into account.
- The allocation of respite care was on a County-wide service not based on geographical demand.
- Ludlow Road and Osborne Court were NHS

provision and currently registered with the CQC but applying for Ofsted registration and Moule Close and Providence Road were the County Council provision and Ofsted registered.

The Panel requested further updates in due course on the

- engagement process with the advocacy and parent carer forum(s)
- work with the providers of overnight short break services on the remodelling of the Service
- financial savings required.

In addition, it was confirmed that Members from the Future Provision of Overnight Unit-Based Short Breaks for Children with Disabilities Scrutiny Task Group would be invited to observe future meeting with parents about the ongoing process.

331 Joint Local Area Special Educational Needs and Disability (SEND) Inspection - Local Area Action Plan

The Cabinet Member with Responsibility (CMR) for Education and Skills, the Director of Children, Families and Communities (DCS), the Interim Assistant Director – Education & Skills, Children, Families and Communities Directorate, the Interim SEND Group Manager and the Chief Operating Officer and Lead Executive for Quality and Performance NHS Redditch and Bromsgrove Clinical Commissioning Group (CCG), NHS South Worcestershire CCG and NHS Wyre Forest CCG attended the Meeting to discuss the Joint Local Area Special Educational Needs and Disability (SEND) Inspection - Local Area Action Plan.

The CMR advised the Panel that between 5 March 2018 and 9 March 2018, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the Local Area of Worcestershire to judge the effectiveness of the area in implementing the special educational needs and disability (SEND) reforms as set out in the Children and Families Act 2014.

As a result of the findings of the Inspection and in accordance with the Children Act 2004 (Joint Area Reviews) Regulations 2015, Her Majesty's Chief Inspector (HMCI) determined that a Written Statement of Action was required because of significant areas of weakness in the local area's practice. HMCI also determined that the local authority and the area's clinical commissioning group (CCG) were jointly responsible for submitting a written statement to Ofsted/CQC within 70

days of the publication of the Inspection Report (by 20 August 2018). In order to take into account the views of the Panel, the CMR was intending to make the decision to approve the written statement for submission to Ofsted/CQC around 9 August.

The CMR was currently receiving weekly briefings with the Assistant Director, Education and Skills on the progress of the Written Statement of Action, where he would explore any specific issues of concern. Update reports to the Cabinet and Council would follow a quarterly cycle for the first 12 months, supported with 6 monthly issue specific reports.

The Panel received a presentation and copies were circulated, which outlined:

- The Statement of Action
- Accessibility
- Action Plans: Structure and Content
- Monitoring and accountability
- Governance

Discussion Points

- It was suggested that the term 'local offer' wasn't easily understood and confusing for people looking to access support. It was confirmed that this was a term from the Children and Families Act (March 2014) used by all local authorities.
- It was confirmed that this was the first Inspection since the 2014 SEND Reforms, however the Local Government Association (LGA) Peer Review, between the 4 and 7 December 2017 had already highlighted some areas of concern and work was already underway to address some of the issues.
- Between 60 and 70 out of 150 local authorities with a local offer of SEND had been inspected and approximately a third of those had received a letter requesting a written statement of action.
- It was suggested that key concern 1 "the safeguarding concerns around: children and young people from London boroughs who were housed locally; the use of long-term part-time timetables; children taken off roll and missing education;" was very worrying. The DCS advised that very often the families placed in Worcestershire from London Borough's didn't have children who were looked after children and as a result the DCS of the placing authority wasn't obliged to notify the DCS of receiving authority

when this was happening. The DCS was expressing concerns about this nationally and also writing to London boroughs DCS to request notification of families who were relocating to Worcestershire including vulnerable children so their arrival could be tracked appropriately.

- In order for the Council to identify individuals and levels of vulnerability, schools were being reminded of their duties to pursue the transfer of pupil records with the previous school and to notify the Local Authority of pupils who leave and were admitted to the school.
- There was an increasing number of children who were being educated at home (currently approximately 700) and for some children this was well organised and supported but for others, it was a tactic to avoid education for varying reasons. It was confirmed that Worcestershire can and do issue penalty notices for non-school attendance.
- For children taken off roll and missing education, schools were being reminded of their responsibility to inform the County Council so that more robust tracking to monitor this could be carried out.
- It was confirmed that it was important for children to regularly attend school as they were better safeguarded when they were in school.
- In response to the concern about how schools managed children with Attention deficit hyperactivity disorder (ADHD), who were often on part-time timetables, the Panel were advised that the SEND Action Plan included a graduated response to building capacity in schools in order to be able to manage this appropriately.
- The audit process for the Action Plan included regional Ofsted oversight, the County Council's Internal Audit process and Scrutiny.
- A Councillor suggested that non-qualified teaching staff were carrying out exclusions in Academies, the Assistant Director pointed out that this was not possible as all exclusions were decided by the Headteacher and that there was a prescribed procedure in place for the process.
- It was suggested the Local Offer website was an important part of the process, in ensuring the local offer was accessible in a variety of ways and at all levels. It was confirmed that appropriate monitoring would be carried out to ensure this was the case.
- To ensure that the SEND Strategy was accessible to all, an easy read version was being published

and the CCG's were working with GP's to ensure that they were able to access the information and accurately signpost patients.

- It was confirmed that the Local Offer was on track to be launched in the autumn term.
- The review of Education Health and Care Plan's (EHC Plan) included those already in place and going through the process.
- The Assistant Director advised that the EHC Plan review would look at placement trends of children in special schools. It was noted that more children were attending special schools in Worcestershire than similar local authorities and it was important to ensure that there was sufficient capacity and support to meet the demand.
- 12% of schools were represented at the first consultation meeting with early year's settings, headteachers, governors and SENCO's to understand their responsibilities and support available to deliver a graduated response. It was suggested that direct correspondence with Governors, rather than through generic correspondence with schools may help to establish a better rapport with governors and in turn better engagement with schools.
- The development of a framework for the expectations and practice standards for the external SEND specialists had not yet been started.
- Concern was expressed about why some post-16 pathways were effective and others were not.
- It was agreed that the SEND Action Plan would be amended to include some awareness raising with parents in respect of schools responsibilities for part-time timetabling for children with SEND.
- The SEND Performance Dashboard would be shared with the Panel.
- The identification of schools with the lowest performing cohorts of pupils with SEND (attainment & progress) was being discussed with the Assistant Director, the Group Manager SEND as well as being a matter for consideration at the SEND Improvement Board and Vulnerable Children Partnership Board.
- Babcock were preparing data over the summer period to help with the identification of the lowest performing cohorts (attainment and progress) which would lead to a structured set of actions designed to support the school or setting to put an improvement process in place.

- The Statement said that too few EHC Plans were completed in a timely way, it was confirmed that EHC final Plan must be issued within 20 weeks of the initial request and that there was a variety of reasons why they were delayed, including volume of plans being dealt with and additional information requests.
- The CCG confirmed that an Executive Lead had been appointed to take an active part in implementing the actions from the Plan and working with the Worcestershire NHS Health and Care Trust.
- It was important that Children with Disabilities Register was updated as this would assist with the planning process.
- All members of the workforce were being invited, through service channels, to take part in an on-line quiz about the SEND Code of Practice – it was suggested by a councillor that this should be mandatory.
- A member suggested that children could be involved in the communication of action being taken to improve.

The meeting ended at 12.30 pm

Chairman