

Children and Families Overview and Scrutiny Panel

Friday, 10 May 2019, 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, Ms R L Dent, Mr P M McDonald, Mr S J Mackay and Ms T L Onslow

Also attended:

Mr A C Roberts, Cabinet Member with Responsibility for Children and Families
Jane Stanley, Worcestershire Healthwatch

Dr Frances Howie (Director of Public Health),
Catherine Driscoll (Director of Children, Families and Communities)
Nick Wilson (Interim Assistant Director - Education and Skills)
Liz Altay (Public Health Consultant)
Katie Clegg (Senior Education Adviser for Vulnerable Learners)
Samantha Morris (Scrutiny Co-ordinator)
Alyson Grice (Overview and Scrutiny Officer)

Available Papers

The members had before them:

- A. The Agenda papers (previously circulated);
- B. Presentation handouts for Commissioning a 0-19 Prevention and Early Intervention Service (circulated at the Meeting)
- C. The Minutes of the Meeting held on 6 March 2019 (previously circulated).

(Copies of documents A and B will be attached to the signed Minutes).

368 Apologies and Welcome

Apologies were received from Mr M J Hart and Mr B Allbut.

369 Declaration of Interest and of any Party Whip

None.

370 Public Participation

None.

371 Confirmation of the Minutes of the Previous Meeting

The Minutes of the Meeting held on 6 March 2019 were agreed as a correct record and signed by the Chairman.

372 Commissioning a 0-19 Prevention and Early Intervention Service

The Directors of Public Health, and Children, Families and Communities had been invited to the meeting to brief Members on the latest developments in relation to the 0-19 Prevention and Early Intervention Service.

The Director of Public Health welcomed the Panel's interest and informed Members that this was a time-critical moment in the tendering process, meaning she would be to some extent limited on the information she could share. She went on to provide the Panel with a presentation, including slides which had been shown to potential bidders. In the course of the presentation and resulting discussion, the following main points were raised:

- It was confirmed that the service would remain within the Directorate of Public Health and would not transfer to Worcestershire Children First.
- As part of the tendering process a 'competitive dialogue' would be held with potential bidder(s) to clarify the details of required outcomes. Until this process was complete, the final shape of the service would not be known. It was confirmed that more than one bid had been received.
- To set the context, Members were reminded that this was a service for the whole population.
- It was suggested that the estimate provided in the presentation that 36% of the 0-19 population were vulnerable, seemed high. In response, it was confirmed that this was a national assumption based on national data. The Local Authority did not have exact figures for Worcestershire, but there was no reason to believe that it would be more or less.
- It was confirmed that the reference to <5% of the population requiring statutory help was based on actual figures.
- Further information on what was meant by 'vulnerable' would be helpful, as it could be argued that all teenagers were vulnerable to some extent.
- In relation to levels of school readiness, although the figures had improved, the picture in Worcestershire was not as good as elsewhere. (Officers agreed to provide the Panel with school

readiness data). The Director of Children, Families and Communities confirmed that there was no link between attending nursery and school readiness.

- The Early Help Needs Assessment (EHNA) 2018 had shown increasing levels of need. It was confirmed that this did not necessarily lead to increased funding. The current service included some duplications and areas of overlap with a number of different service providers. Also, some practice was not in line with the national evidence base. It was suggested that outcomes could be improved with the same resources.
- In relation to school places for children with Special Educational Needs and Disabilities (SEND), it was confirmed that there were no children in the county without a place. However, it was acknowledged that there was an issue with funding for pupils with SEND. The Local Authority had twice bid for funds for a new special school, but no capital was available.
- It was confirmed that the available budget was adequate to provide the necessary universal services.
- In response to a question about community capacity and the role of the voluntary and community sector, the Panel was informed about the integration of a number of services to provide a universal countywide service. This included professional services involving a huge number of volunteers, such as breast-feeding advice. Services were led by professional experts who recruited and trained volunteers.
- Clarification was provided on the term 'universal'. This meant that the service would reach every child (as opposed to simply being available to every family).
- In response to a question about the amount of money available, the Director of Public Health acknowledged that this was a statutory service and as such was an absolutely top priority. She believed that the money available was sufficient to deliver a safe secure service which met national standards.
- A question was asked about whether an individual could hide the birth of a child from those in authority. In response, Members were told that every birth in hospital would generate an NHS number, placing the child within the system. However, it was suggested that simply registering a birth would not automatically create a link to the NHS system. This was linked to a previous

question about community capacity. It was suggested that trained volunteers working within an active community created a 'soft network' which would make it harder to hide the birth of a child.

- It was confirmed that Early Intervention Family Support was funded through school funding. The Director of Children, Families and Communities acknowledged that the boundaries between different teams working with children were not always clear and emphasised the importance of working together. Members were reminded that a social care assessment could be very intrusive, and the challenge was to put energy into meeting needs at the right time.
- In response to a question about how the service's linked with schools, Members were reminded that the Healthy Child Programme was delivered via schools and every school had a named school nurse. The Panel was also informed that every school also had a health improvement plan and safeguarding conversations would include a school nurse presence when the child was of school age.
- Clarification was requested about the role of the school nurse and Members were informed that, although on occasion they might work with individual children, they also worked more generally on school health improvement plans, meet with headteacher to discuss vulnerable children and hold various drop-in sessions such as Time4U in high schools.
- The aim was to create an integrated service which would have less chance of anyone falling through the gaps. For example, there was good information sharing between midwives and health visitors with health visitors providing one ante-natal check.
- In response to a question about how community activities would be provided in more rural areas, Members were informed that this would be discussed as part of the competitive dialogue. It was confirmed that potential bidders had been made aware of where children's centres were still in use.
- It was confirmed that the service would include a conversation with families about future contraception and this had been strengthened in the new specification.
- Figures were requested for the number of schools and youth centres that held Time4U drop-in

**373 Children Who
Are Educated
'Otherwise'**

sessions. It was agreed that these figures would be provided after the meeting. Members were reminded that the service also had links with outreach sexual health nurses.

- The competitive dialogue would include how to improve contact with those who were 'hard to reach'.
- Members were reminded that the Early Help 'windscreen' was not linear, and a child might be born at level 3 or 4.
- A question was asked about whether service improvements would make it easier for parents going through the process of obtaining an Education, Health and Care Plan. In response, the Director of Public Health commented that greater service integration could only help.
- In response to a question about difficulties in recruiting specialist speech and language staff, Members were informed that the aim was to skill up universal staff to assist. Those children requiring speech and language therapy would be referred to the specialist service.
- The contract had an annual value of £9.3 million. Concern was expressed that over the length of the contract, the service provider may request more money to provide the commissioned service. A question was asked about whether the Directorate was certain that the funding would be sufficient and continue to be available. The Director of Public Health reminded the Panel that the funding was part of the Public Health Ring-Fenced Grant and decisions on this were made by central Government. However, it was very unlikely that the local authority would be relieved of its statutory duty to provide this service. Based on the latest needs assessment, it was judged that £9.3 million would be sufficient unless something unusual happened. Commissioning officers within the local authority would hold weekly discussions with the service providers and so would have early knowledge of any such event.

The Assistant Director, Education and Skills and the Senior Education Adviser for Vulnerable Children had been invited to the meeting to brief Members on provision for children who were educated 'otherwise', with a specific focus on elective home education and alternative provision.

By way of introduction, the Assistant Director, Education and Skills made the following main points:

- This was a national issue that had been highlighted as being of concern by both Ofsted and the DfE.
- The legal basis for the Authority's work in this area was the 1996 Education Act, which was written at a time when the majority of schools were maintained by the Local Education Authority. Now the education landscape was fragmented with the majority of Worcestershire's children attending academies or free schools, which operated under different rules and different tracking systems. As not all schools were on the same system, there could be a degree of lag with manual input of data sometimes needed.
- Some words in the section of the Act governing this area were open to interpretation, such as 'suitable education' and 'reasonable' investigation.
- In the last 2 years, the focus had been on tracking and monitoring information and educating schools on their role and responsibilities.
- The rights of the parents had to be balanced against the local authority's duties and responsibilities to the child.

Members were given an opportunity to ask questions and the following main points were raised:

Elective Home Education

- In response to a question about the potential conflict between the rights of parents to home educate and the right of a child to a good education, Members were informed that the service had an absolute focus on the children and young people, but also had to comply with legislation.
- A question was asked about whether home education might be named as provision in an Education, Health and Care Plan (EHCP). Concern was expressed that home education would be unlikely to fulfil the needs of a child with profound Special Educational Needs (SEN). It was confirmed that the rights of all parents were the same if the child attended a mainstream or private school. The Local Authority had a duty to investigate the suitability of provision to meet the needs of the child as set out in the EHCP. However, if the child attended a special school, parents would need the consent of the Local Authority to home educate and would need to

present a plan of how they would meet the child's needs.

- A question was asked about what action would be taken if, at the time of the annual statutory review, it was judged that the provision was not meeting the child's needs. It was confirmed that the assessment would consider which specific areas were not being addressed and either parents would be encouraged to put the child back in school or an attendance order would be made. The Local Authority also had the power to put provision in place, where it may be lacking.
- In response to a question about what would happen if a child was moved to another county or was taken out of the country and not re-registered on return, the Panel was informed that although the system was not watertight, tracking would include going through available databases such as those of HMRC, DWP and the electoral register. Records in relation to benefit payments could be particularly useful. It was confirmed that the Border Agency would only be contacted if there were safeguarding concerns, which would be addressed through a partnership of social care, the Border Agency and the police.
- Members were informed that the service would look at the circumstances of the individual child and as a minimum, home education should offer numeracy, literacy and ICT. An assessment would cover how well a parent was preparing a child for their place in the community.
- Members were reminded that nationally, the number of children educated at home had doubled in recent years. The Assistant Director informed the Panel that, in his opinion, the Local Authority had good and strong policies in place, including the dedicated Children Missing Education Officers, Missing Monday meetings and live data analysis. Some cases were very complex, and the current volume was stretching capacity. The service was particularly busy in September at the start of the new school year.
- In response to a question about whether the Authority tracked unregistered schools, Members were informed that 'what is a school?' had only recently been defined. However, the Authority was working with Ofsted's regional office to look at patterns of data in order to identify unregistered schools.
- It was suggested that the Children Missing Education Officers were now getting control of the

situation and the development of the centralised reporting system (which could be used by schools, the community, health professionals and members of the public) was key.

- The Director of Children, Families and Communities commented that, regardless of the Authority's resource challenge, additional resource had been put into staff and infrastructure to support the Missing Monday system. It was confirmed that this service would transfer to Worcestershire Children First.
- A Member suggested that the Authority should expect the best for children educated at home as for all children. Officers acknowledged this and explained that an understanding of an individual child's aptitude, ability and special needs was required to assess whether the home education provision was suitable.
- It was acknowledged that, without primary legislation from central Government, the Local Authority could not force parents who choose to home educate to do anything. Members were reminded that Government guidance had recently strengthened the advice to Local Authorities meaning that Officers had the right to investigate further if they felt it was necessary.
- It was difficult to be clear on the reasons why parents chose to home educate as the majority of parents did not give a reason. Further work was needed to understand the dynamics of this. It was confirmed that enquiries on home education were dealt with through the Special Educational Needs and Disabilities Information Advice and Support Service (SENDIASS) which acted as an impartial resource.
- On receiving a request to home educate, an initial assessment would be made within 6 to 8 weeks. A decision would then be made about the suitability of arrangements. If arrangements were suitable, annual contact would follow. If there were concerns, the officer could serve a notice asking for reassurance that issues were being addressed.
- It was confirmed that it was possible for a child to be educated part-time in school and part-time at home. However, locally this was not accepted by schools as part-time attendance was illegal and responsibility would rest with the school.
- The figures in the report relating to the numbers of children being registered for elective home education appeared to show an increase in

2011/12. It was confirmed that this was an anomaly as a result of database migration.

- Concern was expressed about the potential for children educated at home to become NEET (Not in Education, Employment or Training) if their home education had not prepared them for life post-16. Members were informed that Officers were working with 15-year-olds to offer career advice and progression into training programmes.
- It was confirmed that the cohort of people opting to home educate was a dynamic list, with some choosing to move back into school provision.
- It was confirmed that the Local Authority would offer information, advice and guidance but not tuition or resources. If a parent chose to home educate, this would become their responsibility. The social side of education would only be picked up through the Council's universal services.
- A request was made for a breakdown by District Council area of the numbers of children being registered as EHE. It was agreed that this would be circulated following the meeting.
- It was confirmed that the Gypsy, Romany and Traveller Team working within Babcock Prime also worked with the EHE Officers. This cohort of children was included in the figures in the agenda report.

Alternative provision

- Concern was expressed that some placements were not as full time as they should be and may only offer a limited range of options, further narrowing a child's opportunities. The experience of children nationally was inconsistent. It was suggested that mainstream schools should aim to be more inclusive, only using alternative provision as a last resort for a limited time before reintegrating the child into mainstream school. A Member suggested that a child's educational outcomes would be worse in alternative provision than if they stayed in mainstream school.
- The Assistant Director informed Members that the Local Authority was working with school leadership teams to encourage reintegration into mainstream provision wherever possible. However, in reality it could be very difficult to reintegrate a child who was in Y10 or Y11. Work was currently being undertaken on permanent exclusions and in particular looking at a graduated approach with a focus on reducing permanent

exclusions and considering what 'no exclusions' would look like.

- It was confirmed that local authority maintained alternative provision would be monitored in the usual way and Ofsted would monitor those settings which were academies. Also, the service would monitor every child in alternative provision on a monthly basis, making changes in provision if necessary.
- A request was made for figures showing the capacity of each PRU and it was agreed that this would be circulated following the meeting.
- Surprise was expressed that there were 2 primary PRUs in Worcestershire. Members were informed that Perryfields PRU (which had been judged by Ofsted as outstanding) had been commissioned to look at the background of children accessing PRUs and current practice in schools. The intention was to develop good preventative work with the aim of reducing the number of exclusions. The evidence showed that good quality outreach worked.
- The emerging education and skills strategy aimed for no permanent exclusions, as the decision to exclude was life changing for a child. This was about the leadership of headteachers. The Panel was informed that there was some fantastic work going on, but there was a need to get consistency of practice across the county via strategic oversight. Good practice was shared through school improvement advisers, district briefings and general communications with schools.
- It was agreed that the work of the Medical Education Team (MET) would be considered at a future meeting. It was confirmed that this provision was not subject to Ofsted inspection. Anecdotally, some headteachers had expressed concern about the amount of education received by children in the MET.
- In response to the question asked by the representative of Healthwatch about the responsibility of the local authority if a child was missing from school for more than 10 days due to being in hospital, the Panel was informed that the local authority had a duty to provide suitable provision for children in hospital (if the hospital had no provision). It was confirmed that parents could not be charged for medical evidence and schools should not ask for it repeatedly. Members were reminded that EHCPs were developed as a partnership between health and education

374 Work Programme 2018/19

services.

The Panel was asked to review its work programme for 2018/19.

The Chairman suggested that the items on sufficiency work and placements should be brought together under one item.

Members were reminded that work was currently underway to refresh the Scrutiny Work Programme for 2019/20. Any suggestions for topics suitable for future scrutiny should be forwarded to the Scrutiny Team. Members would be asked to prioritise these suggestions at informal sessions in July.

The meeting ended at 12.08 pm

Chairman