

## **Children and Families Overview and Scrutiny Panel**

### **Wednesday, 13 November 2019, County Hall, Worcester - 10.00 am**

#### **Present:**

#### **Minutes**

Mrs F M Oborski (Chairman), Mrs J A Potter (Vice Chairman), Ms P Agar, Mr T Baker-Price, Mr B Clayton, Ms R L Dent, Mr P M McDonald, Mr S J Mackay and Ms T L Onslow

#### **Also attended:**

Jane Stanley, Worcestershire Healthwatch  
Mr R M Udall, Chairman of the Overview and Scrutiny Performance Board

Emma Brittain (Assistant Director of Family Front Door and Partnerships)  
Hannah Needham (Assistant Director, ADM Programme and Communities)  
Phil Rook (Director of Resources (WCF))  
Sarah Wilkins (Director, Education and Early Help, WCF)  
Robert Williams (Group Manager - Sufficiency and Place Planning, WCF)  
Samantha Morris (Scrutiny Co-ordinator) and  
Alyson Grice (Overview and Scrutiny Officer)

#### **Available Papers**

The Members had before them:

- A. The Agenda papers (previously circulated);
- B. Presentation handouts for Item 7 Performance and In-Year Budget Monitoring (previously circulated)
- C. The Minutes of the Meetings held on 11 September 2019 and 25 September 2019 (previously circulated).

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

#### **404 Apologies and Welcome**

Apologies were received from Dr C Driscoll, Mr M J Hart, Mr A C Roberts and Ms T Russell.

#### **405 Declaration of Interest and of any Party Whip**

None.

#### **406 Public**

None.

## Participation

### 407 Confirmation of the Minutes of the Previous Meeting

The Minutes of the Meetings held on 11 September 2019 and 25 September 2019 were agreed as a correct record and signed by the Chairman.

### 408 Progress Update on the Joint Local Area Special Educational Needs And Disability (SEND) Written Statement of Action/Improvement Plan

The Director of Education and Early Help, Worcestershire Children First (WCF) had been invited to the meeting to update the Panel on the Joint Local Area Special Educational Needs and Disability (SEND) Written Statement of Action/Improvement Plan.

By way of introduction, the following main points were made:

- The joint Ofsted/CQC local area inspection had taken place in March 2018 to assess the effectiveness of the implementation of the 2014 Children and Families Act in relation to SEND.
- The Written Statement of Action (WSOA) represented a whole system response involving schools and educational providers, health, and children's social care.
- Nationally, more than half of areas had now been inspected and, of these, half had been required to produce a WSoA.
- Worcestershire's WSoA had been signed off in August 2018 and had been monitored since by the DfE and NHS England. To date, there had been 5 monitoring visits, the most recent being in October 2019.
- The DfE and NHS England recognised that good progress was being made but there was still work to do. Following the inspection, a particular concern had related to the capacity of management to cope with the changes needed. At the latest monitoring visit, the DfE adviser had been confident that management capacity had improved with recruitment to a number of posts recently completed including the Assistant Director for SEND.
- An Ofsted/CQC re-visit (effectively a re-inspection) was expected before the end of the academic year. This would be a 'no notice' inspection involving a team of inspectors assessing progress against key concerns. If further work was required, the WSoA would be adjusted and further monitoring visits would follow.

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

- A letter had been received from the DfE in August 2018 to confirm that the WSoA was fit for purpose.
- Following the monitoring visits, although feedback was given, no formal written report was provided. The Director had been given the DfE Adviser's draft notes giving professional observations. This was very different to Ofsted monitoring visits which were more formal.
- In response to a question about the parent/carer survey referred to in the agenda report, Members were informed that this had been carried out by Families in Partnership, Worcestershire's official parent/carer forum, which had been established as a robust way of getting the voice of parents and carers. The July survey was a prototype which had been shared with approximately 150 families, of which around 50% had responded. There had been a range of feedback, including some negative comments relating to the Umbrella Pathway. Members requested that the feedback from this prototype survey be shared with the Panel and the Director of Education and Early Help agreed to follow this up with Families in Partnership.
- Members were informed that the Special Educational Needs and Disabilities Information, Advice and Support Service (SENDIASS) had received an additional £50k in funding from the DfE but there had been strict criteria as to how the money could be spent. For example, SENDIASS was not allowed to use this money to employ additional staff. The Panel was advised that the SENDIASS Manager had recently given a presentation to the SEND Improvement Board and it was agreed that the presentation slides would be circulated to Panel Members.
- Members were informed that the CCG had provided additional funding for a young person's adviser and this was recognised as a positive commitment from the CCG.
- In relation to the quality of practice across the local area, it was suggested that there were two main areas of reflection. Firstly, in relation to the planning and review of Education Health and Care Plans (EHCPs), it was important to recognise the importance of timeliness and ensure a customer focus by listening to the families. Secondly, it was essential to make sure that staff really understood

SEN assessment and planning. The service was not yet seen as a profession and had evolved over time. For example, it was only recently that professional development and training had emerged as something that all staff should undertake.

- A School Level Inclusion Profile had recently been developed as a tool for schools to self-assess on their level of inclusion. This was a method of recording management information and a way of challenging mainstream schools. The Profile had now been sent to all schools (including academies) and there had been a range of feedback, with a generally positive response. It was agreed that an example of the School Level Inclusion Profile would be shared with Panel Members.
- In response to a question about how schools would respond if management information highlighted an issue, Members were informed that this would depend on the school. An inclusive school might already be aware, whereas others may need external help. The Profile was a useful tool to provide support and challenge. Although the Profiles were not made public, some of the data used would already be publicly available such as Ofsted status and number on roll.
- It was confirmed that the draft notes from the monitoring visits would be shared with the Panel when available.
- It was confirmed that it should be possible for the Service to achieve 100% of Education Health and Care Plans being issued within 20 weeks, as this would meet the statutory timescale. In July 2019 63% of EHC plans were issued within 20 weeks. The next focus would be to use real time data and management information to improve the process. It was confirmed that an EHCP could still be issued while officers were waiting for certain pieces of information.
- In response to a question about whether any one particular contributor was causing a hold up, Members were informed that assessments which were required just before the summer holidays could impact on performance data. It was confirmed that health colleagues were keen to work with social care and had shown a willingness to accept that if there was an issue in a specific area (such as Occupational Therapy or Physiotherapy) there was now an arena for it to be brought to the table. It was suggested that the

issue of timeliness may be something that the Scrutiny Panel may wish to look at further in the future.

- A colleague from Healthwatch asked about the new support model to reduce waiting times for the Umbrella Pathway. Members were reminded that the latest data had been shared at the last meeting of the Panel. The new approach was not yet sufficiently embedded to see an improvement.
- A Member asked for further clarification on which service areas were still causing concern or were in need of further improvement. It was confirmed that the Team was in the process of RAG rating the WSoA and this would be shared publicly when complete.
- Management capacity had been a concern. It was confirmed that an additional Assistant Director and two Group Managers had been recruited and would be in post by 1 January. Leadership would be the key to improvement going forward.
- It was important for all parties to have a clear understanding of joint commissioning responsibilities especially for children with the most complex needs
- The service also had a fragile relationship with parents and carers and there was a need to fully understand this.
- Concerns highlighted following the monitoring visit included assessment and planning timescales, and reviews of EHCPs. There was evidence that a great deal of work had been done with mainstream schools but there was still more to do. Across the board, the service had improved but there remained a need to keep focusing and improving to develop a better understanding of the whole system.
- A question was asked about how long over 20 weeks children and young people were waiting for EHCPs to be completed. Although this data was not available at the meeting, the Director of Education and Early Help agreed to circulate it following the meeting.
- Members were reminded that there were national outcomes in relation to Preparing for Adulthood. It was important to ensure that young people were able to access appropriate training and employment opportunities. Outcomes also covered health, community and friendship. Preparation should start from the earliest stage. It was agreed that national outcomes would be circulated to the Panel.

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- Members were reminded about the successful co-produced recommissioning of overnight short breaks provision, where parents and carers had been involved to identify possible options. Proposals had been approved by Cabinet in September 2019.

It was agreed that a further update would be considered by the Scrutiny Panel in 6 months and the timeliness of ECHP would be added to the Panel's Work Programme.

The Director of Education and Early Help and the Group Manager Sufficiency and Place Planning had been invited to update the Panel on the School Organisation Plan after its first year of operation and prior to the Plan returning to Cabinet in December.

By way of introduction, Members were reminded that the Local Authority and Worcestershire Children First had a duty in relation to assessment and provision of education from funded 2-year-olds to post-16. The Plan had first been produced last year and only recently had included Early Years, Special Educational Needs and Disability (SEND) and Post-16.

In the course of the discussion, the following main points were raised:

- Although it was acknowledged that special schools did not technically have waiting lists, some children with EHCPs had not been allocated a school place. Further clarification was requested on the shortfall in special school provision. Members were reminded that SEND was a new area of work for the Sufficiency and Place Planning team and the team was currently trying to get accurate figures. It was estimated that there would be a shortfall of between 60 and 100 places over the next 5 years. It was acknowledged that not having a suitable school place was difficult for any family, but this was more stressful for parents of children with SEND.
- The Panel asked for further details on the projected shortfall of special school places and how the shortfall would be met.
- With reference to places for 2-year-olds, the Scrutiny Panel asked for further information on where in the County these were available.
- It was confirmed that sufficiency in relation to Pupil Referral Units was not within the remit of the Sufficiency and Place Planning team. Members

were reminded that the Assistant Director, SEND and Vulnerable Learners would be undertaking further work on alternative provision which would give a clearer idea of needs.

- Demand for alternative education and SEND provision was more challenging to assess as there was no simple equation of each child needing an educational place. Sufficiency in these areas was not linear and was also dependent on mainstream schools' attitudes to inclusion. It was further suggested that parental attitudes also played a part as sometimes parents would request a place at a special school when a child's need could be dealt with in a mainstream setting.
- Concern was expressed about the number of children with EHCPs who were attending PRUs. It was suggested that this should not happen on a long-term basis and may be because there were insufficient special school places available.
- It was agreed that the Assistant Director, SEND and Vulnerable Learners would be invited to a future Panel meeting to discuss the review of alternative provision.
- Members were informed that for the primary phase forecasts were 99.7% accurate and for the secondary phase, 99.4% accurate. Known children data was available from the NHS and used to model going forward, together with transfer rates.
- Members were reminded that there were 12 Mainstream Autism Bases across the County and it was confirmed that they would be part of the review of alternative provision and would inform SEN sufficiency. The ambition was to provide a continuum of provision.
- It was confirmed that cross border transfers were monitored as part of sufficiency planning. Concern was expressed about the future viability of middle schools situated close to borders with other authorities and it was acknowledged that a combination of 2-tier and 3-tier models made the situation more complex. Members were informed that the Team worked with other authorities on this issue.
- There were three levels of forecast: area-wide, education planning area and school level. This included academies and maintained schools.
- It was confirmed that the review of alternative provision would include the Medical Education Team. The Panel agreed that it would wish to see the review when it had been carried out.

## 410 Performance and In-year Budget Monitoring

The Panel was updated on performance and financial information for services relating to children and families.

In the course of the discussion, the following main points were made:

### Education

- Members were informed that under the new Ofsted framework, only exceptional schools would be judged as 'outstanding'.
- In relation to the % of good or outstanding schools, a Member asked why the County had remained below the national average for the last 12 months. Members were reminded that the School Improvement Team in Babcock Prime assessed and supported schools at an appropriate level. All maintained schools would receive 2 visits per year from a School Improvement Adviser. In addition, termly headteacher briefings were held and approximately 75% of schools attended. By maintaining contact with schools, officers were able to spot the early signs when things were not working. Schools were assessed as being in one of five categories ranging from light touch through to intensive support.
- Members were reminded that the data was inclusive of all schools, including academies. School improvement was therefore more of a challenge as the Local Authority had no remit with academies. However, the Service had good relationships with academy schools and many attended headteacher cluster groups and district briefings. Although in terms of numbers of schools, the split in the County was approximately 50/50 between maintained and academies, in terms of pupil numbers, more children were educated in academies.
- Members were informed about the DfE Improvement Programme. Schools requiring support were identified by the DfE and the full list was shared with the Local Authority. If the DfE and the Local Authority were both working with a school, it was important that the support was as joined up as possible.
- It was confirmed that, if a school was judged by Ofsted to be inadequate, it would automatically move to academy conversion, with the slate wiped clean and no Ofsted judgement attached.

However, the judgement of inadequate would remain in performance data.

- Concern was expressed about potential delay in getting academy trusts to take over an inadequate school. It was confirmed that this might be a more complicated process in the case of Voluntary Controlled schools.
- The Panel requested further data in relation to the improvement rate of schools rated as 'requires improvement (RI)' and 'inadequate', the length of time spent in the 'RI' and 'inadequate' category, and the time taken for an 'inadequate school' to convert to an academy.
- With reference to school attendance, the Director of Education and Early Help agreed to check whether the carry over of July data to August had an impact on annual data.
- Concern was expressed about the high level of outstanding enquiries in relation to children missing education. It was confirmed that these were looked at on a weekly basis. It was suggested that it could be argued that a high number of enquiries was positive in that it showed that vulnerable children were being identified.
- The high level of young people Not in Education, Employment or Training (NEET) in September was due to it being the start of term and the number of young people moving from school or college. The Local Authority was reliant on schools and colleges reporting where young people had moved to and this created a lag as reports were received through the course of the autumn term. Concern was expressed about the risk of children who were electively home educated becoming NEET.
- It was confirmed that there was currently no data in relation to 'off-rolling'. In the past Ofsted had identified some schools in Worcestershire as 'off-rolling' students and these schools had been put on a 'watch list'. It was confirmed that this was no longer the case, but officers were ever vigilant with tracking being done via intelligence rather than data. The Director had written to all schools to clarify the legal position with regard to part time timetables.
- It was confirmed that Personal Education Plans (PEPs) for Looked After Children were coordinated through the virtual school. The PEP was being re-designed to make it a more purposeful and child-focused tool. It was confirmed that Independent Reviewing Officers

(IROs) played an advocacy role for Looked After Children in relation to their PEP. Although it was important to ensure that the PEP was up to date, it was also essential that the Plan was of a high quality.

#### SEND

- The Chairman of the Panel was very concerned to learn that some children with Education, Health and Care Plans were electively home educated and questioned whether parents were able to provide an adequate education for pupils with SEND at home. She requested a further breakdown of the types of SEND of EHE pupils.
- She went on to express further concern about the number of children who had been assessed as needing SEN support when in school but who would not receive this when educated at home. This was something that would be further explored as part of the upcoming scrutiny exercise.

#### Social care

- It was agreed that in future, previous years' data would be included to allow comparison.
- The Panel requested further information on Worcestershire children who had been placed out-of-county in unregistered children's homes, including when, where and in what circumstances.
- Members noted that being placed out-of-county did not necessarily mean being far away from a child's home area if they lived near to the County border. It was acknowledged that this was a blunt indicator but one that all Local Authorities were measured on.
- In relation to the recruitment of staff, Members were reassured that on average staffing levels were fine, although there was some fluctuation from time to time.
- With reference to Looked After Children who became NEET, it was suggested that, as Corporate Parent, more should be done to identify employment and training opportunities within the Council. Members were reminded that social workers worked closely with the modern apprenticeship team and the Council was committed to working with other authorities and partners. The Panel requested figures for the number of LAC given work experience or apprenticeships with the County Council or

partners.

- A Member reported that he had recently met members of the Care Leavers Council who had not been aware of work experience placements within the Council. The Panel agreed that the availability of work experience placements for Looked After Children should be more widely disseminated.
- It was confirmed that not all children identified as being vulnerable to Child Sexual Exploitation would currently be the subject of a social care intervention. However, historical vulnerabilities would be flagged if a child was to come to the attention of social workers in the future. It was confirmed that the data was single agency data taken from Framework-i.
- Concern was expressed about levels of child poverty in the County, including the number of children having to be fed by food banks during the school holidays. It was confirmed that a Child in Need level 4 social care plan would include consideration of issues relating to poverty.
- It was confirmed that social worker caseloads were currently consistent and manageable, and the use of agency staff continued to be low, with the Family Front Door being fully staffed.

#### In-Year Financial Information

The Director of Resources (WCF) reported that the forecast overspend on Dedicated School Grant (DSG) budgets was £8.9m which was in line with the national position. Members were informed that the Government had recently announced a consultation on the Dedicated School Grant. It was confirmed that, although some local authorities had smaller deficits, some were far larger. There remained the need to monitor the deficit very closely.

In relation to non-DSG budgets, the Director of Resources noted a £925k overspend in Home to School and College Transport. Without this overspend, Children's Services would be under budget and the Service was in a decent place financially going forward.

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

- Members were informed that the overspend in Home to School and College Transport was due to the budget not being set properly, originally. A

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Member suggested that it may be helpful for families to have access to personal budgets to allow them to arrange their own transport. It was confirmed that this would be considered as part of the longer-term transport strategy, which would look at the best way to meet individuals' needs and use the available money as efficiently as possible.

- In relation to the overspend, Members were informed that tenders for the service had been received after the budget had been set and actual costs had been higher than anticipated. It was confirmed that this had been reported to Cabinet.
- A Member asked whether the budget for early years was sufficient given the crucial importance of work with this age group. The Panel was reminded that the 2020/21 budget for Worcestershire Children First was just about to be set and would be considered by the Panel at a future meeting.

The Director of Resources (Worcestershire Children First) and the Assistant Director of ADM Programme and Communities had been invited to the meeting to update the Panel on developments relating to Worcestershire Children First.

By way of introduction, the following main points were made:

- Agreed Key Performance Indicators (KPIs) for WCF had been included in the agenda papers. It was confirmed that further indicators would be added as education services were transferred from Babcock Prime to WCF. The Board of WCF had not yet met formally to consider performance monitoring.
- Members were reminded that the Council remained accountable for performance. As well as owning the Company as sole shareholder, the Council was the commissioner of services. Accountability was a two-way process.
- Contract monitoring meetings were held on a monthly, quarterly and annual basis. As the service remained in intervention following the Ofsted inspection, the Department for Education was also involved in performance meetings.
- The KPIs had been developed in collaboration with the service. The main aim was to provide 'canaries' to highlight any issues. The full suite of indicators had not been included in the agenda,

but this was monitored on a daily basis.

- Tolerances had been developed for each KPI and it was confirmed that these would trigger any performance rectification process. If performance continued as now, the rectification process would not be needed.

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

- KPI-EH1 *Proportion of the 'Troubled Families' programme target that has been successfully claimed* appeared to be performing below tolerance. It was confirmed that this would be highlighted at formal meetings and potentially there would be a request for a rectification plan. If poor performance continued, the Council could move to a formal rectification notice but it was hoped that this would never need to happen.
- The baseline for KPI-ED7 *Proportion of new EHCPs issued within 20 weeks* appeared to be low at 14.2%. Members were informed that this was based on 2017/18 performance which had been very low. It was confirmed that baselines would change as performance changed and these would be reviewed in April based on this year's performance.

In conclusion, the Chairman of the Panel welcomed the fact that relationships continued to work well, as they had done when the service was in-house, and she looked forward to a successful working relationship in the future. The Director of Resources confirmed that he was happy to provide the Panel with regular updates on the work of WCF.

## 412 Work Programme 2019/20

The Panel reviewed its work programme for 2019/20 and the following points were noted:

- The New Model of Delivery for Medical Education Provision had been included on the Cabinet Forward Plan for the December meeting of Cabinet.
- A proposal for a scrutiny task group on Elective Home Education would be considered by OSPB in November.
- Feedback on the Joint Targeted Area Inspection would be presented to the Panel when available.
- A Member suggested that the impact of child poverty in the County should be considered at a future meeting and noted that the issue was

currently the subject of an investigation by  
Worcester City Council.

The meeting ended at 12.55 pm

Chairman .....