

## **Minutes of the Children and Families Overview and Scrutiny**

### **Panel**

**Lake View Room, County Hall, Worcester**

**Wednesday, 22 March 2023, 2.00 pm**

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#### **Present:**

Cllr Steve Mackay (Chairman), Cllr Dan Boatright, Cllr Nathan Desmond, Mr Mark Hughes (Parent Governor Representative), Cllr Matt Jenkins, Cllr Jo Monk, Cllr Tony Muir and Cllr David Ross

#### **Also attended:**

Cllr Tracey Onslow, Cabinet Member with Responsibility for Education  
Cllr Andy Roberts, Cabinet Member with Responsibility for Children and Families

Cllr Alastair Adams, Chairman, Environment Overview and Scrutiny Panel  
Jane Stanley, Healthwatch Worcestershire  
Nicola Longworth-Cook, Healthwatch Worcestershire

Tina Russell, Director of Children's Services / Chief Executive, Worcestershire Children First

Phil Rook, Director of Resources, Worcestershire Children First

Sarah Wilkins, Director of Education, Early Years, Inclusion and Place Planning, Worcestershire Children First

Paul Smith, Assistant Director for Highways & Transport Operations

Stuart Payton, Transport Network Development and Commissioning Manager

Nikki Jones, Assistant Director for Education Quality and Improvement, Worcestershire Children First

Matthew Stiles, Virtual Headteacher, Worcestershire Children First

Samantha Morris, Overview and Scrutiny Manager

Alyson Grice, Overview and Scrutiny Officer

#### **Available Papers**

The Members had before them:

- A. The Agenda papers (previously circulated);
- B. The Minutes of the Meeting held on 17 January 2023 (previously circulated).

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

## **566 Apologies and Welcome**

Apologies were received from Councillors Kyle Daisley, David Chambers and Mike Rouse (Cabinet Member with Responsibility for Highways and Transport) and Tim Reid (Church Representative).

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

None.

## **568 Public Participation**

None.

## **569 Confirmation of the Minutes of the Previous Meeting**

The Minutes of the Meeting held on 17 January 2023 were agreed as a correct record and signed by the Chairman.

## **570 Home to School Transport**

Present for this item:

Cabinet Member with Responsibility for Education  
Chairman, Environment Overview and Scrutiny Panel  
Director of Children's Services, Worcestershire County Council (WCC)/Chief Executive, Worcestershire Children First (WCF)  
Assistant Director for Highways and Transport Operations, WCC  
Director of Resources, WCF  
Director, Education, Early Years, Inclusion and Place Planning, WCF  
Transport Network Development and Commissioning Manager, WCC

The Panel received an update on issues relating to home to school transport. By way of introduction, the Assistant Director for Highways and Transport Operations reminded the Panel that the County Council had a duty to provide home to school transport within certain criteria. The challenges currently faced by the Council were not unique to Worcestershire as referenced in the County Councils Network (CCN) report of March 2022 (Appendix 1 to the agenda report).

The Director of Resources (WCF) informed the Panel that the budget for home to school transport had a forecast gross overspend of £4.6m at the end of December (period 9). The budget had been set before the war in Ukraine and the consequent increase in fuel prices.

The Assistant Director for Highways and Transport Operations went on to make the following main points:

- Historically, the number of children requesting mainstream home to school transport had remained consistent year on year. However, 2022 had seen year on year growth and work was now being carried out to identify the reasons for this growth in demand.
- Demand for transport for children with Special Educational Needs and Disabilities (SEND) had been rising year on year. One of the key drivers for this growth in demand was the Children and Families Act 2014 which had increased the age of eligibility for SEND transport from 18 to 25. Unit costs for SEND transport were higher than for mainstream.
- The County Council (the Council) had a home to school transport policy which accorded with the Statutory Duty as set out in the Education Act 1996 and also included discretionary elements such as Post-16.
- The increased demand for SEND school places had created a challenge in terms of the availability of places at settings within the County, resulting in more children needing to travel out of county to ensure educational needs were met.
- The number of home to school transport operators in the county had reduced as a result of inflation and labour supply issues and this had had an adverse impact on contracts. Route optimisation work was more difficult with fewer operators.
- Currently, in-house operators were the provision of last resort but further consideration would be given to the option of internal service provision.
- As part of mitigation in response to budget pressures, weekly meetings were held (chaired by the Director of All-Age Disability) to ensure value for money for all new transport provision.
- The provision of transport assistance included the option of direct transport payments, ie payment for parents/carers to take the child to school themselves.
- A Corporate Transport Review was now underway covering mainstream and SEND transport. The Transport Service would work closely with WCF on a root and branch review which would include benchmarking against other local authorities. An outline timetable for the review was given in the agenda report with initial findings to be presented to the Council's Chief Officer Group and Senior Leadership Team in June 2023.

Members were invited to ask questions and the following main points were raised:

- Although it was acknowledged that similar challenges were faced by other councils, the Chairman asked that the Corporate Transport Review included consideration of best practice in other comparable local authorities. In response, it was confirmed that best practice elsewhere would be looked at, although it would be important to ensure that comparisons were between authorities of a similar nature, in particular with a similar rural/urban mix.

- A 2018 report had placed Worcestershire as the second most efficient authority in terms of commissioning, although current market conditions made commissioning more difficult.
- It was agreed that the Panel would be provided with figures on the cost of the discretionary element of home to school transport including the numbers and percentage of pupils this covered.
- In response to a question about the availability of suitable SEND provision and the impact this had on demand for transport, the Director of Children's Services reminded the Panel that transport provision was completely tied up with school sufficiency planning and the SEND improvement plan, one aim of which was to improve inclusivity in mainstream schools. She acknowledged that there was currently insufficient capacity in special schools in the county and too many children were in, out of county provision, with a consequent impact on pupils' journey times and on the cost of transport. The Corporate Transport Review would be aware of these issues. It was confirmed that the impact on home to school transport was taken account of as part of school place planning.
- The Cabinet Member with responsibility for Education reminded the Panel that planning decisions made by District Councils relating to the availability of land had an impact on where the County Council could site new schools which may have an impact on transport requirements. She asked those Members who were also District Councillors to bear this in mind when planning decisions were being considered.
- A Member of the Panel raised the issue of children who lived close to the border of two catchment areas and who attended an out of catchment school due to their catchment school being full. In these circumstances, a child would be entitled to transport assistance. However, younger children in the same family may not have the same entitlement and families were then faced with the prospect of having to arrange their own transport for younger children or sending them to a different school. It was essential that parents were clearly informed about this potential issue at the time of school application.
- He went on to suggest that the current home to school transport policy was not fit for purpose and asked that consideration be given to amending the criteria to prioritise siblings of children who were already receiving transport assistance. The Panel was informed that the policy would be reviewed as part of the Corporate Transport Review.
- It was confirmed that the eligibility criteria were clearly communicated throughout the school application process. This was a complex area and the information on the Council's website would be reviewed as part of the Corporate Transport Review to ensure clarity. Members were reminded that there was a postcode checker on the website to allow families to easily identify their catchment school and members of the Transport Team attended school open evenings to offer advice to parents.
- It was confirmed that active travel routes would be looked at as part of the Corporate Transport Review.

- A Member noted that, although post-16 travel assistance was discretionary, it was compulsory for young people to be in some form of education or training up to the age of 18. This appeared to disadvantage those on low incomes who may not be able to afford to pay for transport. The Panel was informed that advice had been sought on this issue and the Department for Transport had confirmed the Council's position. Further concern was expressed that this might lead to young people making decisions on their future based on which provision was easiest to get to. Members were reminded that the County Council ranked towards the bottom of local authority contribution rates for post-16 transport and parents were only required to contribute for the first two years. For students with SEND, transport was then free up to the age of 25. The Review would look at all policies including post-16 arrangements. It was confirmed that the contribution was not waived for students receiving free school meals, although schools had access to bursary funding which could be used to help where necessary.
- The Panel was informed that approximately 2100 children with SEND were currently provided with home to school transport and about 50% of children with Education, Health and Care Plans were entitled to transport assistance. In total 12,000 children per day were provided with home to school transport (including SEND and mainstream).
- It was confirmed that work was being undertaken to benchmark provision against other similar Councils and the findings of this work would be shared with the Panel in due course. A Member of the Panel suggested that figures for cost per head would be helpful.
- When the Transport Operations Team received a request for transport assistance, the first option would be to look at the possibility of a direct payment. If this was not possible, the next option would be to look at accessing a slot on existing provision. Only then would an individual taxi be considered. The Council's procurement efficiency had been eroded recently due to challenging market conditions and part of the transport review would be to look at how this could be mitigated. The Panel was reminded that route optimisation software was used to increase efficiency.
- It was confirmed that school-owned buses were not currently used for home to school transport as it was not legal to do this as it would break 'hire and reward' legislation.
- The Chairman of the Environment O&S Panel was pleased that the review was taking place and asked that consideration was given to the process for accessing vacant seats. He was concerned that, although parents may apply for vacant seats in March, they may not know whether their application had been successful until September or even later. In response, it was acknowledged that vacant seats were an annual challenge and recent years had seen increased demand.
- He went on to suggest that community transport operators may also have a role to play in home to school transport and asked that this was also considered as part of the review. Some community transport operators owned minibuses which may offer a more

flexible form of transport. However, the cost of buying a new minibus was often too high for operators and it was suggested that the County Council may wish to procure vehicles that could be leased back to community transport providers to help with home to school transport.

- He also suggested that school-owned buses could be used for home to school transport on a not-for profit basis and asked that clarity on this issue was pursued as part of the review.
- It was confirmed that the forecast 2022/23 budget for SEND home to school transport was £13m. Eligibility was based on the needs of individual children and was not means tested. Decisions were made by SEND caseworkers and reviewed by a panel.
- A Member of the Panel suggested that, with a challenging market, it was important to consider in-house provision and to look at electric vehicles to support Net Zero targets.
- Further information was requested on the Council's current use of community transport and it was agreed that this would be provided following the meeting.
- A Panel Member suggested that home to school transport provision should move with the times and consider a move away from traditional taxi firms. In response, the Panel was informed that this would be looked at as part of the review but was reminded that safeguarding was a primary consideration when procuring suitable transport. All drivers needed to have relevant DBS checks.
- A Panel Member suggested that keeping more pupils with SEND in mainstream schools would help to reduce the demand for home to school transport as mainstream schools would often be more local. The Director of Children's Services agreed that, for the right pupils, it was better to be in a mainstream school. As part of the overall SEND improvement plan and school sufficiency planning, there was a comprehensive programme to help and challenge schools on inclusion in mainstream. There was no simple solution to these issues and she thanked the Panel for their ideas and engagement.
- A Member requested further information on the cost of home to school transport in relation to alternative provision.
- The Chairman of the Panel sought an assurance that information was shared with parents in a timely manner in order to minimise anxiety at a stressful time. In response the Panel was assured that the Council's Home to School Transport Team would work hand in glove with WCF to provide parents with as much information as possible at the most appropriate time.
- The Cabinet Member with Responsibility for Education reminded Members that it was not possible to make exceptions for individual children as it was important to look at the bigger picture. She emphasised the importance of providing information to parents at the start of the application process.

It was confirmed that the findings of the Corporate Transport Review would be considered by the Panel in September 2023.

## 571 Educational Outcomes 2022 including Ofsted Update

Present for this item:

Cabinet Member with Responsibility for Education  
Director of Children's Services, WCC/Chief Executive, WCF  
Director, Education, Early Years, Inclusion and Place Planning, WCF  
Assistant Director for Education Quality and Improvement, WCF  
Virtual School Headteacher, WCF

The Panel was provided with an update on:

- Educational outcomes for children and young people educated in Worcestershire schools for the academic year 2021/22
- The overview of Ofsted inspections of Worcestershire's state funded schools for the academic year 2021/22.

The Director of Education, Early Years, Inclusion and Place Planning introduced the report and made the following main points:

- The Panel received an update on educational outcomes annually and this was the first report since the pandemic to include nationally reported data.
- When making comparisons with previous years, it was not a straightforward story. A new Ofsted Framework had been introduced in September 2019 and the period of time out of school due to the pandemic had resulted in a reduction in attainment nationally. Performance in Worcestershire remained mainly in line with statistical neighbours.
- As a result of school improvement work with maintained schools, the overall direction of travel was a positive one. Schools which had received Ofsted inspections were making good progress especially with reference to pupils with Special Educational Needs and Disabilities (SEND).

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

- Concern was expressed that outcomes for vulnerable pupils and those with SEND were below national figures. Members were reminded that these outcomes were for 2021/22. School improvement work was ongoing and it was anticipated that there would be an impact on outcomes in 2023. This work aimed to achieve improvements for all children and young people and included a focus on inclusion to improve everyday provision in the classroom and the development of an Inclusion Quality Mark.
- The first full year of inspections under the new Ofsted framework showed that improvement work was starting to have an impact with 62% of reports referring to positive SEND practice, but this was not yet showing in end of Key Stage outcomes.

- In response to a question about WCF's influence on academy schools, Members were reminded about the SEND Accelerated Progress Plan (APP) and associated challenge from the DfE to ensure that all schools were on board. A set of indicators had been devised and, where further investigation was needed, schools would be contacted. The team was confident that there was good engagement with academies.
- A question was asked about why, after relatively successful end of Key Stage 4 outcomes, results appeared to dip at A level (although this was not the case for T levels). (From 2020, T levels give 16- to 19-year-olds a technical alternative to A levels. One T level is equivalent to 3 A levels.) It was suggested that this might be due to the situation in Worcestershire where some high schools had their own 6<sup>th</sup> forms resulting in a larger number of smaller 6<sup>th</sup> form settings. It was suggested that larger 6<sup>th</sup> form colleges tended to produce better results. A Member suggested that Rochdale may be a useful case study for any future work on this issue where the opening of a new 6<sup>th</sup> form college had had a positive impact on results. Members were reminded that schools were now required to ensure students were aware of the full range of options available to them post-16, including FE colleges.
- A Member highlighted that the number of schools moving from 'requires improvement' to 'good' following an Ofsted inspection was worrying when compared with the national figure. He went on to request that further data was provided to show:
  - the split between maintained and academy schools
  - figures for previous years to allow analysis of trends.
- It was noted that figures for previous years would relate to inspections carried out under a different framework. For maintained schools, the school improvement team had recently changed the way it worked with schools which 'require improvement' including a greater emphasis on preparation for Ofsted using experience from recent inspections. For the current year, the trend was for schools to move from 'requires improvement' to 'good'.
- A question was asked about the psychological effects of Ofsted inspections on teachers and other school staff. The Panel was told that WCF had a very good connection with schools including a named school improvement adviser for every maintained school. In addition, WCC provided HR support (including mental health support) to all maintained schools and many academies. WCF's school improvement team received immediate notification of all inspections and would provide robust support to prepare the head and senior leaders, including a 'team around the school' at the time of the inspection. If the inspection did not go as well as expected, further support would be provided.
- The school improvement team aimed to identify when schools were in the 'Ofsted window' and proactively coach leaders to prepare for an inspection. A change of school leadership would also flag the need for more support with new headteachers being offered mentorship from an experienced headteacher for up to two years.
- It was confirmed that the worsening of outcomes at KS1 and KS2 was a result of Covid and, on the whole, the percentage gap from the national picture was consistent. In some areas the gap between Worcestershire



and national results had reduced slightly, and this was something that the school improvement team would continue to work on.

- The Virtual Headteacher noted that results for children who were looked after by the local authority had improved across the board and demonstrated a very positive picture. The Virtual School provided a very good service. Results were improving and he was confident that they would continue to improve.
- The Cabinet Member with Responsibility for Education suggested that the impact of covid on children could not be overestimated and schools were still dealing with the difficulty of getting some children back into school. The CMR thanked schools and the teams in WCF who were providing support for their work.

The Meeting was adjourned from 4-4.10pm.

## **572 Performance and In-Year Budget Monitoring**

The Panel received an update on performance and financial information for services relating to Children and Families. In the discussion, the following main points were raised:

### Performance Information

- With reference to Child Protection, it was confirmed that the decision to step back from pre-proceedings would only be taken where it was safe to do so and this decision would be taken by a manager. 25% of cases in pre-proceedings were successfully stepped down and work was now being undertaken to look at whether these cases had needed to go into pre-proceedings at all. It was important to emphasise to parents the importance of child protection and bring greater understanding and gravitas to the issuing of a Child Protection Plan, with the aim of making changes at an earlier stage. This approach was better for children and families, but also better in terms of the budget.
- The Director of Children's Services agreed with the Chairman of the Panel that 25% of cases being stepped down was high. She went on to explain that this was as a result of particular circumstances in this quarter (with two large families skewing the figures) but would be something that would be closely monitored in the future.
- With reference to the Family Front Door, it was noted that the primary reason for contacts was 'Parents struggling with managing their children's behaviour'. It was confirmed that in these cases support would focus on underlying causes as well as potential parenting issues.
- A Member noted that the Foster Care buddy system had been 'slow and limited to date'. The Director of Children's Services acknowledged that Foster Care recruitment was a challenge. Future recruitment would be more targeted, including targeting big employers such as the police and the health service. The service was also looking at regional recruitment options.

## Financial Information

- The Director of Resources confirmed that there was a forecast overspend of £8.4m at Period 9 as a result of Covid and inflation. This would be reduced by the year end and would be mitigated by reserves.
- Every local authority nationally was having difficulties managing demand for social care and Members' attention was drawn to the chart in the agenda pack which showed that WCF was not out of line when compared with other local authorities including statistical neighbours.
- With reference to the Dedicated Schools Grant, on 12 December 2022 the Government had announced its intention to extend the statutory override for the next three years to 2025/26. Whilst this was welcome in the short term, it essentially deferred the problem of funding and how to solve the historic deficit.
- The Director of Resources told the Panel about the Delivering Better Value in SEND programme which aimed to support local authorities and their local area partners to improve the delivery of SEND services whilst working towards financial sustainability. Further details of the programme would be shared with the Panel in the future.

### **573 Refresh of the Scrutiny Work Programme 2023/24**

The Panel considered suggestions for its 2023/24 Work Programme and the following changes were agreed:

- Current organisation of education within the County (2 tier/3 tier) to be given greater priority (no specific date agreed)
- Update on the Assessment Pathway for Children who have Attention Deficit Hyperactivity Disorder (ADHD) to be given greater priority (no specific date agreed)
- Update on Special Educational Needs and Disabilities (SEND) Accelerated Progress Plan to be considered in May 2023
- Vulnerable Learners (as a specific item) to be removed from the work programme
- Item on Children Missing Education to be added
- Nursery provision for 2-year-olds to be expanded to Nursery provision and wrap around care following Government announcements in the recent budget
- Domestic abuse and children update to be removed and covered by the OSPB under community safety/crime and disorder

The draft 2023/24 Work Programme would be considered by OSPB in April and submitted to Council for approval on 18 May.

The meeting ended at 4.40 pm

Chairman .....