

Minutes of: CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

Date of Meeting: 11 July 2024

Present: Councillor C Boles (in the Chair)
Councillors R Bernstein, D Berry, C Boles, U Farooq,
E FitzGerald, S Haroon, J Lancaster, G Marsden, M Rahimov,
L Ryder and G Staples-Jones

Also in attendance: Cabinet Member for Children and Young People, Councillor Lucy Smith.
Cabinet Member for Health and Wellbeing, Councillor Tamoor Tariq.
The Executive Director (Health and Adult Care), Will Blandamer.
Interim Director of Education and Skills, Stephen Holden.
Head of Strategy, Assurance and Reform, Rob Arrowsmith
Secondary Inclusion Lead, Nick Bell.
Director of Social Care, Linda Evans.

Head of Legal, Ruth Whittingham.

Head of Governance, Julie Gallagher.

Public Attendance: 3 members of the public were present at the meeting.

Apologies for Absence: Councillor L McBriar
Jeanette Richards, Executive Director, Children and Young People.

13 DECLARATIONS OF INTEREST

Councillor Boles made a declaration of interest in all matters under consideration due to his employment with an educational Alternative Provider in a neighbouring Borough.

Councillor Rahimov made a declaration of interest in all matters under consideration due to her employment with Acacium Group.

14 MINUTES

It was agreed:

That the minutes of the meeting held on the 7th March be approved as a correct and accurate record.

15 PUBLIC QUESTIONS

One question was received in advance of the meeting.

Responding Cllr L Smith, Cabinet Member for Children and Young People reported that all children and young people must be safe in school. The local authority is committed to

addressing any concern or risk identified and we strive to work in partnership with schools to ensure the safety and wellbeing of all students.

The process for identifying a school for a child with an EHCP should work as follows:

- Firstly, it is important to note that all decisions to name a school in a plan are taken based on individual circumstances, in consultation with parents, considering the child or young person's views and that of the proposed school.
- Prior to naming a school within a child or young person's EHC Plan, the local authority must consult the school and request a response within 15 days. If a child's parent or a young person makes a request for a particular maintained school the local authority must consult that school too. The local authority considers responses to consultation very carefully before deciding whether to name a school in the child or young person's EHC plan. The local authority must comply with parental preference unless it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources. All decisions are overseen by a multi-disciplinary panel, including representatives from education, health and social care to ensure a rounded view of the child/young person.
- Once a school is agreed upon, the local authority must be confident that the provision outlined in the EHC plan can be provided by the school and that any potential issues in doing this are addressed, whether by further financial support or advice and support from other services. This is carefully explored by SEND Officers and in consultation with schools.
- The EHC plan must be reviewed, at least annually (every 6 months for children under the age of 5 years) to ensure that it continues to reflect the needs of the child/young person, that they are making progress and the school named in the plan remains suitable. Should concern arise that this may not be the case at any time then an interim annual review may be requested.

Two further questions were submitted at the meeting, as one referred to a member of the public's personal experience, with regards a SEND Tribunal, the Cabinet Member provided assurance, that she would liaise with the questioner outside of the meeting.

Responding to a question from Kiera Delaney, with regards to problems with communication following the departure of senior staff within the SEND team; the Cabinet Member for Children and Young People acknowledged that there is work to be done to improve communication between the Council and SEND parents. With regards to the Ofsted action plan the Council were working to a timeline established by the Department for Education. Communication is a key priority for the Department, as is co-production with stakeholders when producing the Communication strategy.

Responding to concerns raised in relation to the failure to stream the meeting, the Head of Governance reported that the Council Chamber had closed due to health and safety concerns. The Council Chamber is equipped with static cameras no other committee rooms have this facility. It was agreed, in consultation with Elected Members, the Council would pause streaming of all Committee meetings until the Council Chamber re-opens.

16 MEMBER QUESTIONS

There were no member questions.

17 CORPORATE PARENTING CHAMPION

The Head of Governance reported following the unanimous agreement of the Corporate Parenting Notice of Motion, each Committee is required to appoint Corporate Parenting advocates, to champion their issues while considering matters at the Scrutiny Committee.

It was agreed that:

The following Members will be the Children and Young People's Scrutiny Committee, Corporate Parenting Champions:

Helen Chadwick
Councillor Ryder
Councillor McBriar.

18 BURY LOCAL AREA SEND INSPECTION REPORT

The Cabinet Member for Children and Young People, and the Cabinet Member for Health and Wellbeing, attended the meeting and provided Members of the Committee with a verbal update, following the recently jointly undertaken, Care Quality Commission and Ofsted inspection of SEND.

The Cabinet Member for Children and Young People reported that the inspection team, identified widespread, systemic failings in services and highlighted the challenge that we need to do more to improve the outcomes of children and young people with special educational needs.

The inspection identifies 6 priority actions which Bury Council and NHS Greater Manchester ICB are jointly responsible for, along with 3 areas for improvement. As a result of the inspection outcome, the local authority will be issued with an Improvement Notice, and we will be subject to monitoring visits followed by a re-inspection in approximately 18 months.

In considering the report's findings, the following issues were raised:

Members expressed concerns with regards to the report's findings and particularly, that the Scrutiny Committee had not been informed, in advance, of the extent of the issues identified, despite discussing SEND, at numerous previous meetings.

With regard to concerns relating to SEND, the Cabinet Member for Children and Young People reported that she had shared these concerns previously with the Committee. The Cabinet Member acknowledged that the SEND service was in need of improvement and that is why the department had worked to develop a improvement plan.

The inspection report highlighted the progress that the Council, working with its partners had made but that there had been insufficient time, prior to the inspection, to see any real impact.

In addition, the Chair, raised concerns about the lack of information, and detail shared with the Committee, to the extent of the problems facing the SEND service. The Cabinet Member for Children and Young People reported that she was happy to work with the Committee and suggested moving forward, that Members review the format and the type of information shared with the Committee.

The Executive Director (Health and Adult Care) reported that the recommendations, did not constitute a surprise. The Council, together with partners believe that they had made significant progress, including reducing waiting times and an increase in the number of Health Visitors, this is not, as of yet, transferring in to better outcomes for service users.

Members agreed that they would like to see a dashboard highlighting SEND performance, whilst at the same time measuring impact and outcomes. Responding, the Interim Director of Education and Skills reported that this information is regularly shared with the Improvement Board and can too, be shared with Members of this Committee.

Responding to a Members question, with regards to PIP, the Executive Director (Health and Adult Care)– reported that NHS partners are confident that can deliver and make progress, demand continues to be problematic, with some services experiencing a 300% increase in demand for services.

Members discussed priority 2 of the action plan; “to improve or embed the use of the graduated approach to identifying and meeting needs across the local area”. Members expressed concern that one of the impact measures, included website visitors and or, pages accessed per visit. Responding, the Interim Director of Education and Skills, reported that this is only one measure and part of a wider strategic plan that includes not only the number of clicks but outcomes/successes.

The Trade Union Representative reported that there is an excellent SEND graduated approach and toolkit but due to pressures in Schools, including reductions in staff and ability to undertake these activities, there is risk that this priority would not be deliverable.

Responding, the Cabinet Member for Children and Young People reported that the report highlighted the need to develop partnership working, the Council acknowledges this and this will be a key part of the improvement journey and plan, moving forward.

Members asked when will the Committee see positive lived experiences for young people, and expressed concerns that as Councillors, their casework still suggests problems with SEND provision across the Council. The Cabinet Member for Children and Young People reported, that we are good outcomes, however some of the legacy plans remain an area of concerns. It is envisaged that we will have indication of impact in six months.

With regards to point 7.2 of the action plan; children, families and stakeholders understand what support is available; members expressed concerns with regards to the identified measures. The Head of Strategy, Assurance and Reform reported that information gained via the website is one of a suite of measures, used to measure impact, others will include co-produced surveys for parents, young people and their carers.

It was agreed that:

1. Members to consider, outside of the meeting, the types and format of data to be presented to future meetings.
2. Members will consider to scrutinise the findings from the inspection report and may look in the future to establishing a short term task and finish group to consider this matter in further detail.
3. Representatives from the Children’s Services Department, will approach School SENCO Leaders to check their understanding of the SEND graduated approach and remind them of the SEND toolkit.

19 EHCP MONITORING AND PROVISIONS

Prior to consideration of the report, the Chair outlined the reasons for this request. The Chair reported that following the BBC Panorama documentary concerning the independent school ‘Life Wirral’, in which concerns were raised about the standard of provision, an update was requested.

The Cabinet Member for Children and Young People reported that this update describes the framework for overseeing such schools, Bury's use of this type of school and the national trends in the use and spend on these schools.

An accompanying report circulated ahead of the meeting provided information in respect of:

- The local authority aims to place young people who have an EHCP and require a specialist setting in a local maintained special school, the Council is able to do this for 70% of children in need of a special school to support their needs.
- High levels of expenditure on independent and non-maintained special schools (INMSS) is a national issue.
- In Bury, children placed in Alternative Provision are provided with temporary, part-time placements to support transition to the next setting.
- The local authority maintains an Alternative Provision Directory of approved providers. Providers on this directory have been through the LA procurement process which is now run annually.

The Chair raised concerns with regards to the substantial increase in the use of independent and non-maintained special schools (and alternative provision) and whether Ofsted could play a greater role in holding them to account and assurance that the schools are actually delivering what is asked of them.

Responding Nick Bell, Secondary Inclusion Lead reported that there are a broad range of ways to hold the provisions to account, and issues can be raised via parents the Council's LADO, annual conversation. The Council would then raise concerns to the Department for Education and Ofsted.

The Cabinet Member for Children and Young People explained that the Council have a legacy of poor EHCPs.

An ECHP Annual Reviews play a crucial role in potentially holding the provider to account however currently, the Council have not resourced themselves to make these interventions. The department have now appointed an Officer appointed to oversee attendance at the Annual Reviews.

The Secondary Inclusion Lead reported that the Council will visit providers, speak to young people and their carers and ask for information to ascertain if they are delivering against defined ECHPs. Further oversight would be provided by the Virtual Headteacher in relation to the Council's Looked after Children. In addition, a quality assurance framework is currently being developed.

It was agreed that;

1. Information will be provided to the Committee in respect of how many Annual Reviews of ECHPs have been undertaken in those in alternative or independent placements.
2. That the parents voice is captured in the quality assurance framework.

20 EARLY HELP AND SOCIAL CARE IMPROVEMENT JOURNEY UPDATE

The Cabinet Member, Children and Young People supported by the Director of Social Care, Linda Evans, provided Members with a verbal update in relation to the Children's Improvement Plan highlighting areas of progress in the last 6 months, providing an overview of current challenges and our areas of focus for the next 3-6 months.

An accompanying report circulated to Members ahead of the meeting was organised into two parts – the first focusing on the enablers of good practice; and the second considering practice improvement in key areas within Children's Services.

The report provided updates in respect of:

- Quality Assurance and Performance
- Systems & Support for Workers
- Leadership
- Workforce
- Improving the quality of practice
- Support for Care Experienced Young Adults

In subsequent discussions the following issues were raised:

Responding to a question about an imminent inspection visit, the Cabinet Member for Children and Young People reported that despite having a good plan in place, workforce issues including an over reliance on agency staff, slow pace of change will mean that the Council does not believe it will get a rating of good.

In response to a Member's question, the Cabinet Member for Children and Young People reported that she has a good relationship with her Executive Director and that she takes direction and encourages scrutiny.

It was agreed that:

The update be noted and the Children and Young Peoples Scrutiny Committee will continue to receive timely updates, mindful that an Ofsted inspection is imminent.

**COUNCILLOR
Chair C Boles**

(Note: The meeting started at 7pm and ended at 9.55pm)