

Minutes of: CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

Date of Meeting: 12 September 2023

Present: Councillor C Boles (in the Chair)
Councillors D Berry, C Boles, A Booth, U Farooq, N Frith,
L McBriar, J Rydeheard, L Ryder, G Staples-Jones and
M Whitby

Also in attendance: Isobel Booter, Director of Education and Skills, Sandra Bruce,
Rachel Meyrick, Rochdale Council
Sandra Bruce, Assistant Director (Early Help and School
Readiness)
Councillor Smith, Cabinet Member for Children and Young
People

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

Apologies for Absence: Councillor E FitzGerald

1 APOLOGIES FOR ABSENCE

Apologies are noted above.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES

It was agreed:

That the minutes of the meeting held on the 15th June 2023 be approved as a correct and accurate record.

4 PUBLIC QUESTIONS

The following questions were received in advance of the meeting:

Question 1:

Ms Garbett

A number of Bury Primary Schools have been awarded funding for resource provisions starting Sept 2023.

Please confirm the procedure followed for identifying suitable schools to develop resource provision and hence entitlement to funding.

From information published, some schools received very significant amounts of funding for these provisions - how was this funding calculated and what measures are in place to monitor how this funding is used?

How will the success of these resource provisions be monitored?

Answer 1:

Councillor Smith

The Resourced Provision unit is a well-established arrangement, with a number of mainstream schools having hosted a unit for many years. The Council is now increasing the number of RP units in order to create capacity to meet increasing demands. The Council has identified the needs that need to be met through new RP's, primarily ASC and SEMH, and the level of additional capacity required.

All schools were asked in 2020/21 to express an interest in hosting an RP, and the Council is now working with a number of them to develop new provision. In 2021 the DFE approved a number of the programmes but did not approve others which impacted on decision making. Schools have subsequently been selected based on existing evidence of meeting need, capacity to establish the provision, and a geographical spread across the borough.

Prior to formal establishment, the schools is required to consult widely on the proposal, and then, depending on whether it is a maintained school or an academy, there is a formal legal process to be followed. A specification has been produced that schools are expected to work to in relation to how the RP functions. This specification sets out amongst other things the referral pathways enabling admission to an RP place, and also the funding profile.

Whilst there are a number of historical differences, going forward all RP will be funding on the same basis. All RP will receive a fixed sum for the number of places available, and this will be topped up by an agreed amount for each place taken up. This recognizes that the school must meet certain costs regardless of whether all places are taken up throughout the year. The per pupil funding for each RP place, falls on a continuum between the cost of a mainstream school place and a special school place.

Ongoing monitoring of RP will look at how effective the provision meets outcomes set out in EHC plans, wider educational outcomes for the school, and inspection judgements. Resource Provisions are subject to Ofsted as the regulator and will be inspected when the host school is being inspected. In addition to that existing QA arrangements will extend to Resource provisions.

Question 2:

Ms Wilson

My question relates to the LA's bar graph representing selected statistics on EHCPs in Bury. I would like clarification on a few points where the graph and statistics appear misleading or lacking. Firstly, in relation to the percentage of EHCPs agreed/refused after assessment, can you confirm that the bar at the bottom of the graph does does not correctly reflect the actual percentage split of 97% agreed and 2% refused?

Secondly, the middle section of the graph provides the percentage split of requests that are agreed and requests that are refused. Can you clarify whether these

statistics reflect initial responses by the LA or whether they take into account requests that were initially refused but are subsequently agreed after mediation or tribunal. If they only reflect the LA's initial responses, can you provide the missing information, ie the percentage of requests which are initially refused but which are subsequently agreed via mediation or tribunal.

Answer 2:

Councillor Smith

The figures are an accurate reflection but we agree that the visual chart is not and would like to extend apologies.

This will be rectified on the next report. To confirm as of 1st August we had 260 cases go through an EHCP assessment pathway and of these we had 7 refusals that were subsequently issued as Support plans rather than EHCPs. This is where the 2.7%.figure came from

In regard to the supplementary question, these are initial responses to the requests as this is what we have to provide for our statutory returns. Tribunal and mediation information is then reported separately on the annual SEN2 return. While LAs aren't required to consider a further request for EHC assessment for 6 months following a decision to decline an assessment, in Bury, we will accept a re-submission at any time with additional advice, which means some of the refusals may have come back in as a further request. These requests are reflected in the figures as they are treated as formal requests.

In terms of Tribunal and mediation turnaround, as at 1st August (as per date of report): Please note to GDPR regulations we cannot give an exact figure other than it is below 5

Mediation: There have been less than 5 mediations on the issues of refusal to assess and the decision to be turned around and an assessment then subsequently carried out.

Tribunal: There has been under 5 appeals to the tribunal on the grounds of a refusal to assess .

In accordance with the Council Procedure Rules, Councillor Boles invited questions from other members of the public present.

Question 3:

Ms Kinloch

Is the Council aware of its failings to correctly respond to and deal with complaints made in accordance with its own policy? Formal complaints are frequently not being acknowledged or responded to, what are the routes you would suggest parents take to have their concerns addressed?

Answer 3:

Councillor Smith

This refers back to our last Scrutiny Committee about how many complaints and questions we were receiving and the inundation that we were trying to deal with too much in the system. We have now recruited more staff to deal with that workload and in addition we are trying to separate the complaints into complaints about staff and teams with complaints about service delivery.

Isobel Booler

The Chief Executive of Bury Council is very aware of the complaints in relation to SEND and is taking a personal interest in what they are about therefore thematic learning is being done including timeliness of responses. It does sadden me that this is a question but know there is a large amount being done to improve SEND provision across the local area and the commitment and partnership seen at the SEND Board today has the commitment to operationally improve the service. We have also got a corporate central team to look at what is happening with the phones.

Councillor Boles

In addition Councillor Boles added that this is an issue that has been brought to the Committees attention and hasn't been able to be covered in the depth that the Committee would want so later in the meeting we will discuss the proposal of establishing a task and finish group covering SEND.

Question 4
Ms Marek

At the Scrutiny Committee in June I asked a question relating to parents financing EOTAS provision while awaiting payments to be received. I was told at that Committee meeting I would be contacted with a response however three months later I have still not had any contact regarding that. My question today is parents being left in the position to finance their children's education due to the delays from the local authority in taking action when children are unable to attend school and there are delays in personal budgets or EOTAS payments. I would like to know what is being done to ensure children who are not able to access school are being provided with appropriate education and what is being done to ensure that timely payment of personal budget is being made to parents because where there a delays parents are impacted financially and missing more education.

Answer 4

Isobel Booler

It is really unusual circumstances where a child cannot attend school, there are two parts to this question. Bury is looking at its attendance processes and to strengthen them. Where it is that the placement is not suitable then that has to be done on an individual basis though an EHCP review. Once we then enter an EOTAS package and a personal budget they go through funding panels. An EOTAS policy is scheduled to be progressed by the end of October.

Isobel Booler made a commitment to meet with Ms Marek following the meeting to review the individual case to get a resolution.

Question 5

Ms. Hampson

As you are aware I have attended regularly, raised concerns and been given empty promises. I have followed the correct processes and procedures, I have also gone through the complaints process up to ombudsman which have been upheld and I have met with you, but still no accountability is held for children out of education. In addition there is no accountability for the legal framework to be followed with regards to EHCP's. I want to know who is the SEND team accountable to?

Answer 5

Councillor Smith

The SEND team is accountable to the Executive Director for Childrens Services and they are accountable to the Chief Executive of Bury Council. There is also a tribunal process that can be followed if unhappy with the decision of the Council.

Question 6

Ms Delaney

After tribunal, why are the orders not being followed, specifically for full time education and those out of school.

Answer 6

Councillor Smith

Orders should be followed and if there is a specific issue this should be picked up outside the meeting.

5 MEMBER QUESTIONS

There were no member questions.

6 YOUTH JUSTICE ANNUAL PLAN 23/24

Councillor Smith, Cabinet member for Children and Young People provided a brief overview of the reports. The update comprises two reports, one which details what happens to young people when they enter the youth justice system and the other about how we do crime prevention for young people and these are the annual reports.

Rachel Meyrick, Rochdale Council provided an overview of the report which covers Rochdale and Bury.

The six priorities of focus are:

1. Prevention
2. Disproportionality and diversity
3. Adolescent offer
4. Voice of the child
5. Induction and development of Board Members
6. Quality assurance and implementation oversight

Members were invited to ask questions.

Councillor McBriar sought assurances regarding the number of children under investigation in Bury compared to national averages and how long on average do investigations take. In response Rachel Meyrick, Rochdale Council advised that Greater Manchester numbers are comparable but nationally our numbers are higher. When Greater Manchester Police had their inspection the Head of the Police had an arrest approach so numbers went up significantly for people. The consequence of this is that more people were waiting to be interviewed and investigated and investigations take from two months to three years.

Councillor Rydeheard sought assurances regarding the scope of the Service Level Agreement review and when will see results. Members were informed that the Service Level Agreement should be completed by the end of the year.

Councillor Rydeheard asked if there is a way of knowing comparable authorities stance on data analysis capacity and when will the training support take place to increase this capacity. In response Rachel Meyrick, Rochdale Council advised that it is not an uncommon issue and Bury and Rochdale's particular problem was highlighted in the year as a person was unable to attend work and therefore the plan was reviewed in April to move data analysts into the wider ICT service so they are now training staff.

Councillor Rydeheard sought assurances on the turn-around programme. Sandra Bruce, advised in Bury we lead on the prevention element for Children and Young People. The Government sets numbers we should reach and in Bury in the 1st quarter we are ahead of what was requested. However, whilst we have turned around young people we have no longevity yet to see if they do enter the youth justice system.

Councillor Berry sought assurance regarding no transfers of young people who are in detention in police custody. In response Rachel Meyrick, Rochdale Council advised across Greater Manchester we have two out of hours provisions:

- Barton Moss, this bed should only be used when the young person is a risk to others and themselves and the person has to be at the unit for 10pm and under 16 provision. Sometimes children are arrested at night and they must remain in police custody until court the following morning.
- Safe Pace Bed at Burnage, this can be accessed through the night but it is not a secure provision.

The Greater Manchester youth justice service does receive a monthly report and scrutinise the data and provisions used.

Councillor Berry advised that reoffending occurs at around 30%. The best countries for low reoffending rates are Scandinavian countries at around 20%; what would need to be done to reach the same rate and would it be cost effective. Rachel Meyrick responded by advising she doesn't have the reoffending data this evening but the way the system reports on data is around 12 months behind. However, early prevention and getting to young people at the earliest opportunities is the best way for reducing offending rates.

Daniel Lewis, Youth Representative sought assurance on how officers will ensure the voice of children and young people is heard. In response Rachel Meyrick, Rochdale Council advised the service has recruited a participation worker to speak to children and young people and those who or in or have been through the youth justice service. The role will also include establishing a parent and young people forum to ensure lived experience is fed into any new service delivery going forward. In addition there are joint decision making panels, out of court panels and scrutiny.

Councillor Farooq sought assurances that the services provided are culturally sensitive and cases are considered individually. In response Rachel Meyrick, Rochdale Council advised that the service is culturally sensitive and does second other members from different workplaces and services into the support for children and young people Councillor Farooq asked if there is an opportunity to see the work that is done within the youth justice system that would be welcomed.

Councillor Boles sought assurances on what will happen if the amended policies and strategies to combat over representation do not work. Councillor Smith advised that next years annual plan will have better methods of measurement to show if polices transpire into better outcomes for individuals.

Councillor Staples-Jones questioned, considering children and young people from ethnic minorities are over represented in the youth justice system, what tailored support is being looked at in that area. In response Sandra Bruce, Assistant Director (Early Help and School Readiness) advised that the 11,000 young people involved in diversionary activities is when staff go out to places that we look at in terms of intelligence with police and early break where there may be drug and alcohol abuse. We do have the details of all young people we engage with in these places which can be broken down.

Helen Chadwick, Union Representative questioned regarding the CAMHS practitioner and Education Worker and it only being available to Rochdale Children. In response, Sandra Bruce, Assistant Director (Early Help and School Readiness) advised this matter has been picked up in the plan this year and they do work with bury children but funded by Rochdale Council in terms of the Education Worker, Bury Council has restructured and the education welfare attendance workers will be linked into MASH and the early help teams. In addition Helen Chadwick stated that the speech and language therapy is a good and creative use of funding.

Councillor Whitby sought assurance on governance considering challenges faced by the youth justice system. In response Rachel Meyrick, Rochdale Council advised there is a youth justice partnership board, in addition we have a development morning upcoming to go through the detailed action plan's that are responsible for delivery.

Councillor Rydeheard sought assurances on the improvement identified and the scope of the review identified in the report. In response Rachel Meyrick, Rochdale Council advised the team is confident the plan is being developed with all partners and is achievable. In addition Sandra Bruce, Assistant Director (Early Help and

School Readiness) advised there is an SLA governance meeting to look at this in light of action on the 29th September to develop action plan.

It was agreed:

1. Rachel Meyrick, Rochdale Council to provide the data on children under investigation.
2. When possible, for best practice globally to be considered in how we can improve youth justice rates.

7 SEND DEVELOPMENT PLAN

Councillor Smith provided an overview of the SEND Development Plan. The plan has been co-produced with our strategic partners and is under constant review. The service has progressed in co-producing a framework, quality assurance and co-production of a local offer. In addition Bury Council has requested the LGA to do a mini inspection which has provided great insight.

Members were invited to ask questions.

Councillor Whitby sought assurances concerning a news report that the Government had signed regarding 20% cuts to the number of new education health and care plans to children and Councils that have signed up. In response Councillor Smith advised we are not one of the Councils who are signed up to this project, however Bury Council is part of Project Safety Valve as Bury Council's high needs block was much higher than others. Isobel Booler, Director of Education and Skills advised Bury Council has entered into an agreement to eradicate the high needs deficit and this is challenging. It does not have any specific reduction costs or targets within it. The strategy has included maximising income with the schools forum and through the NHS, every spend in the DSG has been reviewed and Bury is confident we are only spending the high needs block on SEND. Bury Council has also reduced unit costs and improving practice such as EHCP banding in mainstream schools. Furthermore Bury has reviewed commissioning of out of borough placings and to give a better service, meet need earlier and identify need earlier because Bury Council issues the 5th highest number of EHC plans in the country and held a compliance rate at national which has now improved to 70% which is above national which does drive the expenditure.

Councillor McBriar sought assurances on the education restructures. Councillor Smith, Cabinet Member for Children and Young People advised the plan is a working document and updates are received fortnightly and will return to provide progress updates. In addition Isobel Booler, Director of Education and Skills advised the outreach service is starting recruitment and signposting schools to outreach services.

Councillor Frith sought assurances on how the backlog of assessments and knowing children's need assessment daily is it prioritised. In response Councillor Smith advised there is a large surge of EHCP which is only one form of support. In terms of the back log of assessments we are compliant with when EHCP's should be produced. Isobel Booler, Director of Education and Skills advised we have a strict statutory timeline but some cases do go on longer, we currently have 151

plans in progress and is the smallest number in over a year and all times we are trying to improve the experience.

Councillor Green reflected that Bury has looked to change processes and assessment is not considered necessary, the message coming through from parents is that those expectations are not being managed properly as no context has been given. In addition parents reported feeling overwhelmed with jargon and parents do not fully understand. In response Councillor Smith, Cabinet Member for Children and Young People advised that the Council is trying to meet need at an appropriate level. If this has not been communicated well work needs to be done.

Councillor Green added that there may be a scenario where a child needs support but the support may be provided by another authority. Councillor Smith, Cabinet Member for Children and Young People advised it is prevalent and being within the borough is much better and we are trying to get in borough support available.

Councillor Rydeheard sought assurances regarding the focus on emotional based school avoidance (EBSA) and the pathway. In response Councillor Smith advised that EBSA is being reported as the biggest reason for absence from school. Isobel Booter, advised it is national issue and has been exacerbated through covid and can see that in persistent absence and we now have an ESBA pathway.

Councillor Whitby sought assurances regarding the SEND-Co's refrigeration of the networks. Isobel Booter Director of Education and Skills advised that the SEND Co's she has spoken with have positively received the network, and offers a bigger training offer. Councillor Smith, Cabinet Member advised attendance has been quite high and at the last Head Teacher's conference addressed this. In supplementary Councillor Whitby questioned if the council is monitoring to ensure when SEND Co's are appointed they are being brought into this training programme. Isobel Booter, Director of Education and Skills advised attendance records and closer working between school policy standards team and the SEND team.

Councillor Ryder sought assurances on the recruitment of permanent staff for the EHCP Team. In response Isobel Booter, Director of Education and Skills advised there have been interviews today but there is no results yet. It is likely we will still have an agency worker for tribunals. In addition Councillor Boles asked why are we finding it challenging to recruit. In response Isobel Booter, Director of Education and Skills advised we now only have two agency workers and have increased capacity within the team.

Councillor Boles invited comments of the proposed task and finish group following concerns often raised at the Children and Young People Scrutiny Committees. A proposed scheduled was outlined to members.

In response Councillor Green advised that SEND issues make up a large percentage of Councillor casework and it would be welcomed if more training and visits to the teams could be widened to all Councillors. Councillor Booth advised that task and finish group is a good thing to do and would like to be put forward to go onto the group. Councillor Berry questioned if a lay person could be on this group, in response Councillor Boles advised that the task and finish group will meet with parents and carers to provide evidence at one of the meetings.

Members who wish to be on the Task and Finish Group are:

- Councillor Booth
- Councillor Farooq
- Councillor Frith
- Councillor McBriar
- Councillor Boles

It was agreed:

1. The task and finish group to be established

8 IMPROVEMENT PLAN UPDATE

Councillor Smith, Cabinet Member Children and Young People provided an update on the Improvement Plan for Children's Services and the Ofsted letter. Bury Council has continued to make improvements and you can see the impact.

Councillor Rydeheard sought assurances on the response to children who go missing. Sandra Bruce, advised before Ofsted arrived we are prioritising certain area and we had just started to have a focus on and we had refreshed the missing from home strategy, restructured the workforce and moved work force into the complex safeguarding team. Therefore Ofsted stated they could see had been done and were reassured but couldn't see the impact yet.

Councillor McBriar requested an update of financial sustainability as the department is at a £10 million overspend. Councillor Smith advised that financially we are in a difficult position but the department is committed to reduce. One element is a recent peak in residential and there is ongoing pressures on agency social workers. Jacqui Dennis, Monitoring Officer advised the Overview and Scrutiny Sub Group, titled the Performance and Finance Sub-Group will receive reports on the financial position and a further cabinet report is expected in November and Children and Young People Scrutiny Committee will be included in this.

Councillor Boles concluded that this is a positive approach but the concern is seeing the action. The letter does see impact in services in the majority of cases. The Children's improvement board will ensure the data for caseloads is shared with the Committee.

It was agreed:

1. The Committee note the report and the update.

9 URGENT BUSINESS

There was no urgent business.

COUNCILLOR C BOLES
Chair

(Note: The meeting started at 7.00 pm and ended at 9.00 pm)