

**MINUTES OF THE EDUCATION OVERVIEW AND SCRUTINY COMMITTEE,  
COUNCIL CHAMBER, WALSALL COUNCIL HOUSE.**

**Tuesday 11 October 2022 at 6.00 P.M.**

**Committee Members present:**

Councillor S. Ditta (Chair)  
Councillor B. Bains  
Councillor R. Burley  
Councillor S. Cheema  
Councillor S. Elson  
Councillor I. Hussain  
Councillor P. Kaur  
Councillor H. Bashir

**Portfolio Holder:**

Councillor Mark Statham – Education and Skills

**Officers Present:**

Sally Rowe – Executive Director, Children’s Services  
Sharon Kelly - Director Access and Inclusion  
Helena Kucharczyk – Head of Service, Quality Assurance and Performance Information  
Judith Nash – Head of Service, Inclusion  
Rob Thomas - Head of Access  
Craig Goodall - Principal Democratic Services Officer  
Edward Cook – Assistant Democratic Services Officer

Welcome and introductions were made.

**20/22 Apologies**

Apologies for absence were received for Councillors A. Hussain, S. Hussain, L. Rattigan and C. Towe, and Ms S. Guy.

**21/22 Substitutions**

Councillor S.B. Hussain was substituted by Councillor H. Bashir.

**22/22 Declarations of interest and party whip**

There were no declarations of interest or party whip for the duration of the meeting.

**23/22 Local Government (Access to Information) Act 1985 (as amended)**

There were no agenda items requiring the exclusion of the public.

## **24/22 Minutes**

A copy of the Minutes of the meeting held on 6 September 2022 was submitted [annexed].

### **Resolved:**

That the minutes of the meeting held on 6 September 2022 a copy having previously been circulated, be approved and signed by the Chair as a true and accurate record.

## **25/22 Ofsted Local Area SEND Revisit Inspection Outcome and Actions**

A report was submitted which provided an overview of the results of the recent SEND Inspection by Ofsted, the outcomes and the next steps to be taken to improve services. [annexed]

The Portfolio Holder for Education and Skills introduced the report and highlighted that the re-inspection had taken place to assess if improvements had been made since the inspection of 2019. Seven of the nine areas assessed showed improvements, but it was recognised there was still room for improvements through collaborations. An Accelerated Progress Plan (APP) was submitted to the Department for Education (DfE) on 6th October for the two areas of concern against which sufficient progress was not made, the 'local offer' and Education Care and Health Plans (EHCPs). This would be published following DfE approval and circulated to Committee members. The Head of Service, Quality Assurance and Performance Information added that a local offer coordinator had been appointed who would work on co-production with parents and lead on work with the Children's SEND group. The Inclusion team had been restructured to increase locality and community-centric work, whilst a recruitment drive was underway, coupled with training.

Responding to questions, the Head of Service, Quality Assurance and Performance Information and the Head of Service, Inclusion explained that work had been undertaken to increase co-production with parents, though there was work to do increasing the involvement of children. It was important to increase feedback to parents, so that those not involved were aware that co-production was occurring and the channels for this. There are 3 main channels for co-production which were parental membership of: interview panels; EHCP decision panels and quality assurance panels. There had been a significant reduction in overall exclusion numbers, but children with SEND continued to have higher proportional rates of exclusion. The Vulnerable Learners Group was looking at how working with schools and parents could prevent exclusion, and EHCP pathways were considering inclusion from early stages.

With regards to concerns about EHCPs not being updated, the Heads of Service noted that from September, recommendations from review pathways now directly inform EHCP plans. All EHCPs were expected to be digitised by 21 October. The responsibility for undertaking reviews lay with schools and many fell behind during the Covid-19 pandemic. It was expected all Plans would be updated by August 2023. The Local Authority did have statutory powers to ensure providers were completing EHCPs. EHCPs were not dependent on 'diagnoses' but rather on identifying needs. Early identification of needs could make a big difference, especially in early years. Local funding needs had been met but demand was increasing and work was being undertaken to identify areas in need of further future funding, locally and nationally.

Ensuring standards were met was being achieved through training, both through the national SENCO programme and additional local training. Senior locality officers were visiting schools to ensure training was being undertaken and reviewed as required and approximately 80% of schools are actively engaging in this.

The number of EHCPs going to tribunal had decreased but may increase as the process became more rigorous. Legally rights for children to attend mainstream schools may conflict with children's needs and can cause conflict. The appeal rate to tribunal in Walsall was 1.15% in 2021 compared to 1.84% nationally. Members asked to be provided with specific numbers regarding tribunal cases.

A 'local offer steering group' had been established to increase awareness and through the locality coordinators, attendance at the parent/carer group was increasing. Regarding recruitment and retention of staff, there was a need for increased numbers in the team, including senior caseworkers and educational psychologists. There were challenges nationally in recruiting suitable staff. A growing need for social and emotional health support had been identified and was a core area of need. In response to this a Trauma and Detachment Awareness Programme has been developed, which members asked to be circulated to them via email

#### **Resolved:**

1. That the Committee recognise the development of SEND in Walsall;
2. That the Committee confirm they are assured that there are robust plans in place to achieve improvement in the two areas of concern that were found not to have yet made sufficient progress at the SEND inspection;
3. That the Committee confirm that they are satisfied with the robustness of the governance arrangements for the ongoing monitoring of SEND Improvement and the identification of impact;
4. That the Committee confirm that they are assured by the plans to develop a wider robust SEND improvement plan over the next three months.
5. That the following information be circulated to Members:
  - a. When available, a copy of the full inspection report;
  - b. The specific number of EHCP applications in Walsall which have been taken to tribunals;
  - c. When available, a copy of the Accelerated Access Plan.
6. That the item remains on the Committee's work programme for further updates.

#### **26/22 SEND Transitions**

A report was submitted, providing an overview and update of SEND transitions within Walsall, including the process followed. [annexed]

The Head of Service, Inclusion explained that this year a parallel round of transition planning was being conducted with Years 5 and 6 and 10 and 11 both being completed simultaneously. Next year, a single round of transitions would be completed, but with the younger age group, Years 5 and 10, enabling additional time for planning, preparation, and consultations. Parental consultations had increased, and the early years offer has been strengthened, including 0-3 EHCPs.

Responding to questions, the Head of Service, Inclusion explained that EHCP transfer deadlines were different to mainstream deadlines, asking for preferences earlier in the academic year but with deadlines in Spring. Only 4 applications missed the deadline last year. The majority of EHCP applicants who request a mainstream school place do get these, so long as the child's needs are met. Efforts were being increased to improve services for older young people and readiness for post-25 life. A transitions toolkit had been produced for professionals so they know what support exists and a parent/carer toolkit is currently being co-produced with service users.

Regarding the end of EHCPs, it was explained that the Children and Families Act 2014 prevents EHCPs continuing when young people go to university. For others, EHCPs can end at different times as they are determined on the needs of the individual. Changes to EHCPs once an individual was over-18, should be led by the service user not their parents where possible. If an EHCP was removed, an application could be made in future for a new one. Annual reviews ensured that provision continued to match needs and also provided the possibility for those in special schools to return to mainstream education.

**Resolved:**

That a further update report be brought to the Education Overview and Scrutiny Committee at the meeting of 28 March 2022.

**27/22 SEND and Alternative Provision (AP) Green Paper**

A report was submitted in response to the national SEND review and AP Green Paper, which aimed to ensure consistent provision throughout the country.

(annexed)

The Director (Access and Inclusion) highlighted the main points of the Green Paper, including:

- Clarification of EHCP criteria and support available, to increase consistency;
- Digitisation of all EHCPs;
- Making mediation a prerequisite before tribunals can be lodged;
- SENCO qualifications;
- Clarification on budgets available;
- Inclusion dashboards and contextual league tables.

The new DfE regions group will have increased powers and oversight, including over SEND services, to ensure local authorities and trusts are delivering for young people.

Responding to members, the Director (Access and Inclusion) explained that the new training being introduced for SENCOs would come through the DfE, providing professional qualifications which were fully funded for staff.

**Resolved:**

That a further update report be brought to the Education Overview and Scrutiny Committee in the future, following the outcomes of the Green Paper consultation period expected in the Autumn of 2022.

## **28/22 Specialist Provision Review**

A report was submitted which provided an overview of the current position of Special Educational Needs and Disability (SEND) specialist school provision planning within Walsall.

(annexed)

The Head of Access explained that more than 100 additional places had been made within the authority for young people with SEND. The forecast model used to predict future places and needs was being continuously reviewed to ensure future needs could be met.

Responding to questions, the Head of Access explained that a pilot scheme working with 14 children across 10 schools who had been identified as being at higher risk of exclusion, had been conducted. This engaged with families and future schools, through taster sessions and early introductions to tutor groups. He reported that none of the children involved had been suspended or excluded. Whilst there was no specific reason why SEND pupils got excluded behavioural issues were often cited. The Head of Access also explained that whilst historically exclusions were sometimes used by schools to 'offload' challenging pupils the current project was increasing support for schools and increasing due diligence before such decisions were made. Learning between schools further helped reduce exclusions.

Regarding funding questions, it was explained likely need had been assessed for the next five years. Some of the immediate needs for pupils could be found and addressed in the short term but others require longer-term solutions. The Capital Strategy would address how these potential needs would be met.

### **Resolved:**

That a further update report be brought to the Education Overview and Scrutiny Committee at the meeting of 16 February 2022.

## **29/22 Recommendation Tracker**

The Principal Democratic Services Officer confirmed that the committee work program had been circulated.

### **Resolved:**

That the recommendation tracker be noted.

## **30/22 Areas of Focus**

Members noted the Committees Work Program and the Forward Plan for Walsall Council and the Black Country Executive Committee.

### **Resolved:**

1. That budget scrutiny be moved to the meeting of 12 January 2022.

2. That Children's Homelessness be removed from the Areas of Focus, being referred instead to Children's Overview and Scrutiny Committee.

**31/22 Date of next meeting**

The date of the next meeting will be 22 November 2022, at 6:00p.m.

There being no further business this meeting was terminated at 7.54 p.m.

Signed:

Date: