

EDUCATION OVERVIEW AND SCRUTINY COMMITTEE

8 OCTOBER 2019 AT 6.00 PM AT THE COUNCIL HOUSE, WALSALL

Committee Members present:	Councillor Lee Jeavons (Chair) Councillor Sarah Jane Cooper (Vice-Chair) Councillor Gazanfer Ali Councillor Daniel Barker Councillor Hajran Bashir Councillor Rose Burley Councillor Brian Douglas-Maul Councillor Sat Johal Councillor Pard Kaur Councillor Saiqa Nasreen
Portfolio Holders present:	Councillor Chris Towe - Education & Skills
Non-elected voting Members present:	Mrs Philomena Mullins - Archbishop of Birmingham's Representative
Officers present:	Ms Sally Rowe, Executive Director - Children's Services Mrs Sharon Kelly, Assistant Director - Access & Achievement Dr Emma Thornbery, Interim Lead for SEND Ms Isabel Vanderheeren, Lead on Transformation Dr Paul Fantom, Democratic Services Officer

58/19 WELCOME FROM THE CHAIR

The Chair welcomed all members of the Committee and asked everyone in attendance to introduce themselves.

The Chair noted that, in relation to two of the items on the agenda, he had received a number of questions from members of the public who were present at the meeting and he outlined the manner in which these questions would be addressed.

59/19 APOLOGIES

Apologies for absence were received on behalf of Councillors Farhana Mazhar and Lorna Rattigan.

60/19 SUBSTITUTIONS

Councillor Hajran Bashir substituted for Councillor Farhana Mazhar.

61/19 **DECLARATIONS OF INTEREST AND PARTY WHIP**

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

62/19 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 (AS AMENDED)**

There were no agenda items that required the exclusion of the public.

63/19 **MINUTES**

A copy of the Minutes of the meeting held on 3 September 2019 was submitted [annexed].

Resolved:

That the Minutes of the meeting held on 3 September 2019, a copy having previously been circulated, be approved and signed by the Chair as a true and accurate record.

64/19 **SEND LOCAL AREA IMPROVEMENT PROGRAMME**

The Committee received and considered a report on the SEND local area improvement programme established in response to the local area inspection that had been carried out by Ofsted and the Care Quality Commission [annexed].

The Chair invited Mr Anthony White to read out the question that he wished to address to the Committee:

'To what extent did cutting the Council budget contribute to the failure of the nine areas of concern in the Ofsted SEN report particularly in reference to re-employment of Educational Psychologists and the additional costs of tribunals which would not have been necessary if EHCP plans had been produced and implemented correctly? In other words, how much money are we spending now owing to poor financial planning?'

The Assistant Director – Access and Achievement, Mrs Sharon Kelly, advised the Committee that in relation to special educational needs and disabilities (SEND), there had been changes to the Code of Practice that had resulted in considerable additional responsibilities being placed on local authorities, including the implementation of Education, Health and Care Plans (EHCPs) and the local offer. She also explained the developments in respect of the inspection regime, in which the inspections are carried out jointly by Ofsted and the Care Quality Commission (CQC).

In updating Members, Mrs Kelly noted that the inspection of SEND in Walsall took place in February 2019 and that the inspection report had been made publicly available. The Authority had been asked to produce a Written Statement of Action (WSOA) to address nine significant areas of concern and that it had 70 working days to submit a first draft of the WSoA for approval by Ofsted and the CQC. Accordingly, working groups that included parents, carers, Children's Services staff and external partner organisations, had been

established to identify key areas for development in order to rectify the nine significant areas of concern. She also described the steps taken prior to the submission of the first draft of the WSoA for evaluation and that good feedback and some refinements had been received from Ofsted and the CQC. Mrs Kelly informed the Committee that the WSoA had been submitted today, 8 October 2019, and it was anticipated that a response would be received within 20 working days. Further progress reports would be made in due course to this Committee and to the SEND Improvement Board.

Mrs Kelly referred to the monitoring and accountability processes that were involved, with the necessity of a governance board being created to oversee the action plan and to work with the Authority. Therefore, the SEND Improvement Board had been created to drive forward the WSoA and the inspection process, and, owing to the partnership with health agencies, reports would be made to the Health and Wellbeing Board on impact and outcomes. A SEND Coalition group had also been established to work with parents and with representatives of the FACE Walsall advocacy group. Regarding a question received from Ms Alison Fisher (Minute 65/19 refers), Mrs Kelly confirmed that the terms of reference of the SEND Improvement Board had been signed off, but the terms of reference for the Coalition group were to be signed off.

The Portfolio Holder, Councillor Chris Towe, stated that he was sorry that he was not aware of this question from Mr White. He added that as the Cabinet Member he believed that the efforts being made by the Authority to save money were not in areas that would have an impact on children and, that when he had been Cabinet Member with responsibility for finance, where services for children were concerned, no savings were ever countenanced. He proposed to prepare a written response to Mr White's question, which would be forwarded to him via the Chair of the Committee.

With reference to the WSoA Monitoring and Accountability Plan (MAP), and the governance and accountability of arrangements, Councillor Burley noted that the SEND Improvement Board was principally composed of professionals rather than lay people, and that there was no representation from the other political groups. In response, Mrs Kelly pointed out that whilst there was representation from the parents' forum, the work of the Board had only recently begun and so this could be addressed. The Executive Director – Children's Services, Ms Sally Rowe, confirmed that the Board had been established to manage the governance arrangements in relation to the inspection and the implementation of actions, and was not, therefore, concerned with the development of services. However, and whilst there was already involvement of FACE Walsall, any feedback concerning wider representation would be welcomed. Further to Councillor Burley's point, Councillor Towe noted that representation by other political groups could be raised at the respective political party group meetings.

Resolved:

1. That the report be noted;
2. That the effectiveness of the actions set out in the Written Statement of Action be monitored by the Committee on a six-monthly basis;
3. That the appointment to the SEND Improvement Board of further representatives be raised and considered within the respective political party group meetings.

65/19 EDUCATION, HEALTH AND CARE PLANS

The Committee received and considered a report on Education, Health and Care Plans (EHCPs) to provide an overview of progress and future actions [annexed].

The Chair invited Ms Wendy Angus-Bovell, the parent of a child at the Jane Lane School, to read out the three questions that she wished to address to the Committee:

'Parents are having to buy in private education psychology assessments for their children, at considerable cost. Why is the LA not providing their service routinely as part of the EHCP process?'

'The EHCP planning process is unsatisfactory, with annual reviews not including other relevant professionals, changing needs not being identified or recorded, plans being lost, plans are poor with many not meeting statutory requirements. The sign off of plans and turn around by the LA is unacceptably slow leading to long delays in support. How is the LA addressing this and what are the timescales for improvement?'

'What assurance and evidence will the LA provide Scrutiny that EHCPs will be properly costed in relation to need, and that the right level of resources are given to the needs identified?'

Mrs Kelly commented that further to the production of the WSoA (Minute 64/19 refers), education psychology services and the EHCP planning process had been identified within the action plan as areas of weakness to be addressed.

The education psychology assessment processes were outlined by Mrs Kelly. For those children and young people requiring an EHCP needs assessment, this service provided a free-of-charge assessment to parents or schools. It also offered support to schools, which was centrally-funded as part of the EHCP offer, for those children and young people experiencing exceptional circumstances. Educational psychologists had links to all Walsall schools and it was the responsibility of schools to organise an annual review meeting and to discuss the arrangement of further support as required. However, it was noted that all schools could purchase additional support for children with EHCPs through the traded offer, although it was also recognised that it was not uncommon for parents to choose to access private educational psychological advice and that this could be done as part of the EHCP process. Mrs Kelly acknowledged that, having been highlighted in the inspection process, this was a significant area of development for the Authority and was being addressed in detail within the WSoA. She advised that the action plan was already in place to improve timeliness and quality. Having regard to the EHCP backlog, which three months' earlier had been 729 requests for annual reviews still outstanding, it was noted that this had now been reduced to under 400.

Mrs Kelly confirmed that two revenue streams were available to support the SEND needs of Walsall's children. The first stream was the designated schools grant for mainstream schools; the second, was the designated schools grant high needs block. Mrs Kelly explained each of the revenue stream's background and implementation, and, regarding each funding formula, the consultation process with the Schools Forum that was to be completed prior to approval being sought from Cabinet.

The Chair invited Ms Alison Fisher, who was a parent and member of the FACE Walsall complex needs group, who also ran a parent-carer support group for Walsall and Wolverhampton to read the question that she wished to address to the Committee:

‘Regarding EHCPs for children missing from education or in inpatient units at the moment and who are not able to access a school provision and what the LA’s commitment is to those children who are currently being failed or left aside because they are not in the provision and able to access tutoring at home through your statutory duties as well as having an EHCP which entitles them to that support?’

In response, Mrs Kelly pointed out that there was a connection to the funding issue and that a high needs funding review was being undertaken by the Authority, which included an audit of all current need and consultation with the Schools Forum and teacher representatives. She added that it was important for the Committee to note that the high needs budget was a set amount.

In terms of the EHCPs, Mrs Kelly reiterated that as well as outlining a child’s special educational needs, aspirations and outcomes, children were also on a transition and a pathway to adulthood, and that a request for an EHCP could be made by parents, children and schools, and, notably, parental requests had risen over the last two years. There was an expectation that for the majority of children with identified special needs, these needs would be met within mainstream education and the first £6,000 of funding should be met through the school. Having regard to the Authority not meeting the statutory 20 week timescale, which it was noted nationally was not being met by 65 per cent of local authorities, the Committee was advised of the steps being taken within the WSoA to address this. Specific actions included a restructuring of the Access & Achievement Division of the Children’s Services Directorate, the appointment of additional members of staff to the SEND team, the procurement and trialling of an online EHCP system to replace the previous paper-based system, and the provision of additional resources for the Special Educational Needs and Disabilities Independent Advice Service (SENDIAS).

Councillor Chris Towe expressed his agreement with Mrs Kelly’s response and he hoped that the Committee and members of the public would be reassured by the actions that were being taken by the Authority to deal with this very serious issue.

In response to a question from Councillor Barker regarding requests for assessment, which for Walsall had been 32.6 per cent in 2018, compared with 24.7 per cent nationally and 25 per cent regionally, Mrs Kelly advised the Committee that a single point of call had been put in place to quality assure and to ensure that requests were appropriate in relation to the criteria and guidelines.

Further to a question from Councillor Douglas-Maul on whether the need for additional resources had been taken up nationally, for example with the Local Government Association, Ms Rowe confirmed that it had been raised with both the LGA and the Association of Directors of Children’s Services (ADCS). She emphasised the importance of remembering that most of the children who were being educated in Walsall’s schools were having their needs met. Councillor Towe informed Members that he was to meet with Eddie Hughes MP and that he would be raising this matter with him.

Councillor Burley expressed her concerns regarding the backlog of EHCP requests and that children were being placed in schools that were inappropriate for them, which often resulted in them being excluded from schools. In responding to these points, Mrs Kelly noted the importance of there being a clear audit based on the needs of the child, not the head teacher or the parent, and for there to be greater transparency. She reported that it was in the primary sector, and for children with special educational needs and social emotional behavioural issues, that there had been the largest proportional increase in the number of exclusions. She also informed the Committee that when exclusions were not being carried out appropriately by schools, this was being challenged by the Authority.

Mrs Kelly pointed out that there was an error in section 2.4 of the report, which set out the nine areas of concern. In the fourth bullet point, it was stated that there was the lack of post diagnostic support for children and young people without the autism spectrum disorder. This was incorrect and should have referred to autism spectrum behaviours.

Resolved:

That the report be noted.

66/19 WALSALL RIGHT 4 CHILDREN TRANSFORMATION PROGRAMME

The Committee received and considered a report on the Walsall Right 4 Children (WR4C) transformation programme that had been launched in September 2018 [annexed]. This provided a further update on the activities intended to reduce the circumstances leading to children requiring statutory intervention and the Children's Services Transformation Lead, Ms Isabel Vanderheeren, reported on the key areas of progress.

Ms Vanderheeren advised the Committee that the WR4C Big Conversation had taken place in March 2019. This had involved collaboration with children and young people, their families, and practitioners, in order to inform the co-designing of the transformation programme. It was noted that 147 children and families had provided their views, and the feedback received was as set out in the Appendix to the report.

In terms of collaboration to develop an evidence-based locality offer to meet the needs of children in each locality and to provide families with the right help at the right time, it was reported that teams in Children's Social Care, Early Help and Education were involved. Particular attention had been given to the issue of the exclusion of children from school and for there to be more effective working with the voluntary, community and faith sectors.

In relation to the internal redesign of Children's Services, including the realignment of resources to localities so as to target services to meet the needs of vulnerable children, the Committee was advised that the Authority would be part of a DfE programme to develop family safeguarding. It was also noted that three levels of support were being provided to schools, namely: a universal training offer, a targeted offer (for those schools that have more exclusions than others), and a one-to-one offer to provide a rapid response where children were at risk of exclusion.

The Portfolio Holder, Councillor Chris Towe, informed the Committee that he had attended a number of the events arranged and noted the engagement of partners and that the programme was having its desired effect.

In response to questions from Councillor Douglas-Maul regarding the reading ages of Walsall children when compared to those nationally, and the impact of disruptive children on others in their class, Mrs Kelly emphasised the importance of early identification and early support for children, and intervention via the schools causing concern process to ensure that issues were dealt with appropriately and promptly.

Further to a question from Councillor Cooper regarding the 143 individual conversations with children and young people and their parents, as facilitated by Children's Services over an eight-week period, Ms Vanderheeren stated that she would provide further data demonstrating whether these related to primary or secondary schools.

Having regard to Councillor Kaur's question on how the conversations were being facilitated and how measurement was being undertaken, Ms Vanderheeren reported that in order to help improve consistency, use was being made of the practice tools for social workers, which included casefile and data audits.

Resolved:

1. That the report be noted;
2. That the data to be provided by Ms Vanderheeren be circulated to Members.

67/19 WORKING GROUP ON ACCESS AND INCLUSION

The Committee received and considered a report and initiation document setting out the objectives and scope of the working group and its reporting schedule [annexed].

The Chair of the working group, Councillor Barker, advised that it was anticipated that there would be four meetings of the group and that the final report would be presented to the meeting of the Committee due to be held on 26 March 2020.

Further to a question from Councillor Burley, Members were provided with clarification regarding the appointment of parent governors as non-elected voting members of the Committee. It was confirmed that a primary governor had now been appointed and that further efforts were being made to fill the other vacant positions.

Resolved:

That the report and the initiation document of the working group be approved.

68/19 WORK PROGRAMME 2019/20 AND FORWARD PLANS

Members received and considered the Work Programme and the Forward Plans of the Council and the Black Country Executive Joint Committee [annexed].

Resolved:

That the Work Programme and the Forward Plans be noted.

69/19 DATE OF NEXT MEETING

The date of the next meeting was 19 November 2019.

The meeting terminated at 7.32 pm.

Chair.....

Date.....