

EDUCATION OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 5 January 2021 at 6.00 pm

Virtual meeting via Microsoft Teams

Held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020; and conducted according to the Council's Standing Orders for Remote Meetings and those set out in the Council's Constitution.

Committee Members present: Councillor Lee Jeavons (Chair)
Councillor Gazanfer Ali
Councillor Daniel Barker
Councillor Rose Burley
Councillor Brian Douglas-Maul
Councillor Sat Johal
Councillor Pard Kaur
Councillor Farhana Mazhar
Councillor Saiqa Nasreen
Councillor Lorna Rattigan

Portfolio Holders present: Councillor Chris Towe – Education & Skills

Non-elected voting Members present: Mrs Philomena Mullins – Archbishop of Birmingham's Representative

Non-elected non-voting Members present: Ms Wendy Duffus – Secondary Teacher Representative

Officers present: Mrs Sharon Kelly, Director – Access & Inclusion
Mr Andy Crabtree, SEND Improvement Lead
Ms Trudy Pyatt, Head of Inclusion
Mr Rob Thomas, Head of Access
Dr Paul Fantom, Democratic Services Officer

1/21 WELCOME FROM THE CHAIR

The Chair opened the meeting by welcoming everyone, and explaining the rules of procedure and legal context in which the meeting was being held. He also directed members of the public viewing the meeting to the papers, which could be found on the Council's Committee Management Information system (CMIS) webpage.

Members and officers confirmed that they could both see and hear the proceedings.

2/21 APOLOGIES

An apology for absence was received from Councillor Sarah Jane Cooper.

3/21 **SUBSTITUTIONS**

There were no substitutions.

4/21 **DECLARATIONS OF INTEREST AND PARTY WHIP**

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

5/21 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 (AS AMENDED)**

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

6/21 **MINUTES**

A copy of the Minutes of the meeting held on 3 November 2020 was submitted [Annexed].

Resolved (unanimously by roll call):

That the Minutes of the meeting held on 3 November 2020, a copy having previously been circulated, be approved and signed by the Chair as a true and accurate record.

7/21 **INCLUSION STRATEGY**

A report was submitted to the Committee to provide an update on the Walsall Right 4 Children Inclusion Strategy 2020-2025. Also appended to the report were the Walsall Accessibility Strategy and the Walsall SEN Strategy 2025 [Annexed].

In opening the discussion, and further to the statement that had been made by the Prime Minister on 4 January 2021, the Portfolio Holder – Education & Skills, Councillor Chris Towe, provided the Committee with an update on the steps being taken by the Authority and by Walsall's schools and educational settings in response to the Covid-19 pandemic.

Councillor Towe confirmed that early years' settings, including nurseries and child minders, remained open. Vulnerable children and the children of key workers were continuing to use registered child care, child minders and other child care activities, including wrap-around care. Colleges, primary schools – from the reception class upwards, secondary schools, special schools, pupil referral units, and all alternative provision were open for vulnerable children and the children of key workers. All other children and young people would be learning remotely until the February half term, and help with remote learning was being provided, with schools being able to obtain lap top computers and other devices directly via the relevant DfE portal. Further information on the types of devices was awaited. Oak National Academy, a national online platform funded by the DfE, was providing sequenced plans of lessons and curriculum resources, including videos, work sheets and quizzes - all of which were compiled by teachers, and would provide further support to parents and schools during the lockdown.

It was noted by Councillor Towe that due to the present circumstances, the Government had stated that the examinations due to be held in the summer would not now go ahead as had been previously planned. Accordingly, the Government was working with Ofqual to consult rapidly and put in place alternative arrangements to enable students to progress fairly. It was anticipated that detailed Ministerial guidance to support schools and settings in this regard would be released shortly.

Councillor Towe concluded his statement by taking the opportunity to thank all of the staff in Walsall's schools and educational settings who always put the needs of children and young people first, and had done all that they could to support them through the difficult circumstances created by the Covid-19 pandemic.

The Chair thanked Councillor Towe for his statement and reiterated his comments by thanking all school and educational setting staff for their work at this difficult time. He noted the work that was being carried out to prepare lessons, deliver virtual teaching, and for the schools to be open for vulnerable children and the children of key workers.

Further to questions concerning the plans being developed for mass testing in schools, consultation with schools on testing and the assurances being given to parents with respect to the exposure of their children to risk in schools, the Director – Access & Inclusion, Mrs Sharon Kelly, reported that mass testing in schools was already planned. The testing kits were being delivered from January 2021 onwards and the roll-out of testing to primary schools was due to commence on 18 January 2021. For secondary schools, this would be for vulnerable children and the children of key workers, then for years 11 and 13, followed by a rolling programme as children returned to school. Further to the Prime Minister's statement, it was anticipated that this could be subject to change, however. In relation to consultation with schools, this was being led by the DfE – with information and training via online webinars having been provided. It was noted that it was not possible to provide 100 per cent assurance regarding transmission in schools, and that testing was not mandatory. Nevertheless, the assurance processes that had been put in place were very rigorous, and all schools had been supported by colleagues from the Health & Safety and Public Health teams on completing risk assessments in line with the guidance provided by Public Health England. Mrs Kelly also pointed out that since September 2020, the Authority had been a part of the HSE's national audit programme, which had given additional assurance that risk assessments have been rigorous and no issues had been identified by the HSE on any of the risk assessments in Walsall schools.

With reference to questions regarding parental consent for testing and the provision of tablet devices to children, Mrs Kelly indicated that as a part of the roll-out of the programme for testing a template consent form and letter developed by the DfE and Public Health England had been introduced in schools to enable parents and children of decision-making age to give their consent to testing. However, it was also noted that whilst consent was required for testing to take place, neither consent nor testing were mandatory. Working proactively with schools, social workers and carers, and in accordance with the eligibility criteria, the Authority had been able to procure and distribute digital devices for children eligible for the devices. This was being done via the schools and additional devices had been distributed to the Early Help service and also provided to care leavers. Reference was made to the DfE portal, the use of which would enable schools to procure any further digital devices, and the DfE guidance concerning the distribution of additional devices above that allowed for in the initial quota, which was awaited.

Further to this, Councillor Towe added that the Government proposed to offer a significant number of digital devices, and that the Committee would be kept informed of what was happening and the steps being taken to ensure that Walsall children and young people received their fair entitlement.

In response to a question from the Chair on whether the Government had issued any recent guidance regarding risk assessment, Mrs Kelly reported that this had been updated by the DfE and Public Health England. The guidance, together with additional support and resources, was being sent out to schools. In addition, the Authority had recommended that all schools should review their risk assessments in the light of the national lockdown and the possibility of new strains of the Covid-19 virus emerging.

Turning to the Walsall Right 4 Children Inclusion Strategy, Councillor Towe stated that this document articulated the Council's corporate vision for all Walsall children to have the best possible start, to be safe from harm, happy and learning well, and that the Council was committed to that goal. The Inclusion Strategy set out the aims and responsibilities of all those concerned with educational outcomes and the unlocking of learners' potential, whatever their abilities and needs. Councillor Towe emphasised how this was being put into practice, to deliver quality teaching and to challenge school leaders to promote good behaviour, positive relationships, resilience, emotional well-being and engagement in learning. Delivering results by school improvement and specialist provision review, but recognising that there would still be challenges to be addressed, he noted that the majority of schools had embraced this approach.

The Head of Inclusion, Ms Trudy Pyatt, informed the Committee that this was the second iteration of the Inclusion Strategy, and that there had been significant development since its introduction in 2018/19. She outlined the key principles as set out in the report, detailed the current position concerning the rolling-out of the programme to all head teachers and principals, and referred to the programme of continuous professional development and support. The advent of the Covid-19 pandemic had interrupted this but had also meant that all in education were facing the same issues, which facilitated partnership working via the RADY (Raising Attainment of Disadvantaged youngsters) concept, and the Inclusion and School Improvement teams were working proactively to close the attainment gap. A specialist provision review had been conducted to ensure that the needs of all learners were being met, with there being support around the issues of SEN and accessibility. In order to deliver programmes of training and support, it was noted that the Authority had also been working with the Educational Endowment Foundation.

During discussion by the Committee, particular reference was made to paragraph 3.3 of the report, which referred to the Authority as a 'champion of educational transformation with a strong moral purpose and democratic mandate to ensure good outcomes and a shared vision for our children, families and communities'. This was especially welcomed by Members as conveying a clear vision and sense of the actions to take place regarding the belief that schools are self-improving, as also indicated in paragraph 3.6 of the report, and in the transformation of attitudes towards capabilities and aspirations in Walsall. Furthermore, Members felt that these points should be more explicitly reflected in the narrative of the Inclusion Strategy document itself, and that this would be beneficial to all educational stakeholders in Walsall.

In response to a question regarding whether there was the capacity to ensure this could be implemented in all Walsall schools, Mrs Kelly stressed that the Inclusion Strategy related to how schools are led and operated daily, affecting all schools and school staff in Walsall, and that there was the resource to work closely with partners to achieve this. It was also noted by the Committee that the Inclusion Strategy could also be used as the basis for training to enlighten and strengthen vision and practice across schools.

Both the Chair and Councillor Towe reminded the Committee that the relationships between the Authority and the schools in Walsall were very good, having improved considerably during the last decade, and that there was a strong commitment to achieve the goals as set out in the Walsall Right 4 Children Inclusion Strategy.

Resolved (by roll call):

1. That the Committee's comments in relation to paragraphs 3.3 and 3.6 of the report be noted and that these be reviewed and explicitly incorporated into the narrative of the Walsall Right 4 Children Inclusion Strategy 2020-2025;
2. That the contents of the report be noted and, subject to the incorporation of the Committee's comments as referred to in resolution 1, that the Walsall Right 4 Children Inclusion Strategy 2020-2025 be adopted and endorsed.

8/21 SEND LOCAL AREA IMPROVEMENT PROGRAMME AND EHCPs

A report was submitted to the Committee to provide an update on the SEND Local Area Improvement Programme, delivery on the Written Statement of Action and the progress in improving the quality and timeliness of Education, Health and Care Plans [Annexed].

The report was presented by the SEND Improvement Lead, Mr Andy Crabtree, who informed the Committee that a virtual monitoring visit to review the actions taken on the Written Statement of Action had been undertaken by advisers from the DfE and NHS England on 20 November 2020. The feedback received on the progress made and handling of risk was very positive and confirmed that robust monitoring was being undertaken by the Authority. Mr Crabtree advised that since the Committee's last meeting, the SENDIAS contract had been awarded and that representatives from Family Action now attended Local Area Improvement Board meetings.

Mr Crabtree updated Members on performance with respect to EHCP processing and timeliness, and the reduction of the backlog, as reported to the Committee previously. It was noted that in June 2020 there had been approximately 370 EHCPs in progress (including the backlog) and that this had now been reduced to 170. He outlined the steps taken via sustainable processes and weekly case load and performance management reviews to eliminate the backlog, and confirmed that this now contained only three cases, which were of a complex nature, but they were being dealt with and closure was near. There had been some difficulties because of the restrictions imposed by the Covid-19 pandemic on, for example, the completion of assessments by educational psychologists. However, these issues had been overcome and the commitment to deliver on the completion of EHCPs and to eliminate the backlog had been fulfilled, with the Authority now being in line with the national average and aspiring to improve on this.

With reference to the challenges around placements, the Committee was advised that the high need funding review consultation had now been undertaken and had closed. In due course, the outcome of this would be reported to the Schools Forum and the Cabinet.

Both the Chair and Councillor Towe requested that their appreciation for all of the work done by Mr Crabtree and his team in reducing the backlog be recorded in the minutes. This was endorsed by all other Members of the Committee. In terms of aspiring to improve on the national average, Councillor Towe added that the Authority had the resources and processes in place to ensure that this was achieved, and he hoped that it would be beneficial to the Authority's grading when the next inspection was undertaken.

Resolved (by assent):

That the report be noted.

9/21 **ELECTIVE HOME EDUCATION**

A report was submitted to the Committee to provide an update on Elective Home Education, to summarise the law around EHE, explain how Walsall met its statutory responsibilities, and to present and explain data on EHE [Annexed].

Councillor Chris Towe introduced this item to explain the monitoring and support provided by the Authority. He noted that the numbers of children being electively home educated had risen significantly, both locally and nationally, during the recent lockdown and had continued to increase since the start of the current academic year.

The Head of Access, Mr Rob Thomas, presented the report by setting out each of the three main sections. He stated that EHE was a positive choice that some parents made to provide education for their children by themselves, by tutors or via flexi-schooling. He reported that EHE had risen by approximately 20 per cent in each year over the last five years, with the total number of children receiving EHE having increased from 211 to 450 during this period. He also noted that the increase during the current academic year had been significant when compared with the increases in previous years. In terms of the Authority's duties for monitoring, pre-meetings with parents and children, schools and other agencies had been introduced to alleviate any difficulties that might then remove the need for a child to be home schooled or allow a child to be placed in another school via the Fair Access Protocol. Where EHE was the preferred option for parents and children, however, processes were in place to ensure that children received a suitable education and to support families through annual plans and visits.

During discussion, the Committee expressed its appreciation of the steps that had been introduced to ensure that by regular monitoring and visits home schooled children were receiving an education that was appropriate. This was also endorsed by Councillor Towe, who reminded the Committee of the tragic case of Victoria Climbié, and referred to the developments that had subsequently been introduced to ensure that if children were being home schooled then they were appropriately looked after and educated.

In response to a question from a Member regarding whether there was a trend with EHE being chosen by the parents of those children who had attended particular schools, Mrs

Sharon Kelly advised the Committee that the Authority's Schools Causing Concern Protocol was instrumental in monitoring the numbers of EHE cases affecting each school setting. If necessary, the matter could be escalated and statutory guidance used to allow the Authority to intervene. Mr Thomas pointed out that the Education Inclusion and SEN teams work with parents and schools to identify any unmet needs that could be addressed through, for example, the production of an EHCP for the child.

The Chair described a virtual meeting that he had recently attended in which he had heard about the experiences of a young person who was now a youth advocate. This included the issues of bullying, and the failure on the part of a school to prevent this were mentioned by this young person. It was felt that should parents perceive that a school was not a safe environment for their children then this could have an impact on the increased numbers of home schooled children. The Chair enquired whether there was a difference between primary and secondary sectors regarding EHE and asked for a breakdown to be circulated by email to the Committee.

Resolved (by assent):

That the report be noted.

10/21 **WORK PROGRAMME**

Members received and considered the Committee's Work Programme [Annexed].

It was noted that an additional item had been added to the Work Programme, namely that a report to provide an update on the implementation of the Access and Inclusion Working Group's recommendations would be made to the Committee's meeting on 11 March 2021.

A Member requested that the Committee consider returning to a fuller programme of meetings, with a meeting to consider the impact of the Covid-19 pandemic to be held prior to the next meeting of the Cabinet. It was noted that as a response to the pandemic, a reduced programme of virtual meetings was introduced from 1 September 2020 and this was to be reviewed to allow Council and committee business to be reset with a new programme of meetings to be introduced for the forthcoming municipal year.

In the course of discussion, it was suggested by Members that a briefing note should be circulated in approximately four weeks and that an item on this should be placed on the agenda for the Committee's meeting on 11 March 2021. It was requested that the briefing note deal with the following matters:

- Update on Covid-19 guidance for schools, testing and the Council's strategy.
- Attendance at and the opening of schools, together with learning and what action the Council is taking to ensure that this is being carried out.
- Remote learning and the roll out of digital devices.
- Data concerning the number of schools where there have had been Covid-19 cases, so that the trends could be discerned.

Resolved (by assent):

1. That as requested by the Committee, a briefing note on the Covid-19 pandemic with reference to the four areas above, be circulated to the Members of the Committee in four weeks;
2. That an item on this matter be placed on the agenda of the meeting of the Committee to be held on 11 March 2021.

11/21 **FORWARD PLANS**

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

Resolved (by assent):

That the Forward Plans be noted.

12/21 **DATE OF NEXT MEETING**

The date of the next meeting would be held on Thursday, 11 March 2021 at 6.00 pm.

13/21 **DRAFT REVENUE BUDGET FEEDBACK AND DRAFT CAPITAL PROGRAMME – 2021/22 TO 2023/24**

A report was submitted dealing with the draft revenue budget feedback and the draft capital programme for 2021/22 to 2023/24 [Annexed].

As Portfolio Holder, Councillor Towe introduced this item and referred to the second report that had been made to the Cabinet on 9 December 2020. He informed the Committee that the capital programme allocations relating to the remit of the Committee for the next three financial years were as contained in the report, adding that externally funded schemes were being funded by the DfE.

The Head of Access, Mr Rob Thomas, reiterated the comments of Councillor Towe, adding that Appendix 1 of the report set out the corporate funding provided by the Council and Appendix 2 showed the externally funded schemes, which were mostly funded by the DfE. He noted that 2021/22 was committed and confirmed funding, whereas 2022/2023 and 2023/2024 were indicative funding based on the figures remaining the same. Accordingly, there might be some adjustment in the figures if, for example, there was a change in a school's status due to academisation, and in which case the funding would go directly to the responsible body/Academy Trust rather than to the Local Authority.

There were no further comments or questions from Committee Members.

Resolved (by roll call):

1. That the draft capital budget proposals attached that relate to the remit of this committee was noted;
2. That consultation continued on all revenue policy proposals previously reported, and that feedback would be presented to the Cabinet on 10 February 2021, along with further revenue options to close the gap to ensure a balanced budget was set for 2021/22, was noted.

There being no further business, the meeting terminated at 7.50 pm.

Chair.....

Date.....