

Meeting: Children and Families Select Committee

Date: Monday 19 December 2022 (commencing at 10:30am)

Membership:**County Councillors**

Sam Smith (Chairman)

Francis Purdue-Horan (Vice Chairman)

Callum Bailey

Anne Callaghan BEM

Robert Corden (**Apologies**)

Debbie Darby

Errol Henry JP (**Apologies**)

Roger Jackson

John Lee

Nigel Turner

Michelle Welsh

Substitute Members

Scott Carlton for Robert Corden

Jim Creamer for Errol Henry JP

Other County Councillors in attendance:

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| Tracey Taylor | - | Cabinet Member for Children and Families |
| Sinead Anderson | - | Deputy Cabinet Member for Children and Families |

Officers and colleagues in attendance:

- | | | |
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| Martin Elliott | - | Senior Scrutiny Officer |
| Laurence Jones | - | Service Director for Commissioning and Resources |
| Adrian Mann | - | Democratic Services Officer |
| Peter McConnochie | - | Service Director for Education, Learning and Inclusion |
| Lucy Peel | - | Service Director for Transformation and Improvement |
| Dr Mark Peel | - | Independent Scrutineer |
| Colin Pettigrew | - | Corporate Director for Children and Families |
| Charles Savage | - | Head of the Virtual School |

1. CHANGES TO MEMBERSHIP

The Committee noted that Councillor Francis Purdue-Horan had been appointed to the Committee in place of Councillor David Shaw, and had been appointed as

the Vice-Chairman of the Committee until the Annual Meeting of the Full Council in May 2023.

2. APOLOGIES FOR ABSENCE

Councillor Robert Corden	-	medical / illness
Councillor Errol Henry JP	-	other reasons

3. DECLARATIONS OF INTERESTS

No declarations of interests were made.

4. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on 10 October 2022, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman, subject to the following amendments:

- Membership (County Councillors): “Calum Bailey” was corrected to “**Callum** Bailey”.
- Item 5, bullet point 3: “there are an unknown number of children who have always been in EHE and were enrolled at a school” was corrected to “there are an unknown number of children who have always been in EHE and were **not** enrolled at a school”.

The Committee was disappointed to note that the draft Schools Bill introduced to Parliament in May 2022 had now been shelved. Members hoped that the proposed measures in the Bill to support the duties of Local Authorities to identify those children not in school and ensure that they received an efficient and suitable education would be introduced through the amendment of existing legislation.

5. NOTTINGHAMSHIRE SAFEGUARDING CHILDREN PARTNERSHIP ANNUAL REPORT 2021/22

The Cabinet Member for Children and Families, the Service Director for Commissioning and Resources, the Service Director for Transformation and Improvement and the Independent Scrutineer, attended the meeting to present the Nottinghamshire Safeguarding Children Partnership’s (NSCP) Annual Report for 2021/22.

The report was submitted to the Committee to provide assurance that the NSCP was fulfilling its duties and to demonstrate how the multi-agency arrangements in place had impacted on the safeguarding of children and young people in Nottinghamshire in the 2021/22 reporting period. The report set out what the NSCP had done as part of establishing the safeguarding arrangements required under the Children and Social Work Act 2017 and the statutory guidance ‘Working Together to Safeguard Children 2018’, to support and enable local organisations and agencies to work together to safeguard and promote the welfare of children.

The report noted that the NSCP was required to submit its annual report to the National Child Safeguarding Practice Review Panel (NCSPRP) and the 'What Works for Children' Social Care Centre.

The following information was presented to the Committee:

- The NSCP had been in place for four years, with the Council, Nottinghamshire Police and the NHS Nottingham and Nottinghamshire Integrated Care Board as the statutory members. A number of other agencies were also participants of the NSCP, with all partners working together across agencies to promote and improve the welfare of children, provide challenge, achieve the early identification of risk, share information and circulate learning to improve practice.
- A Strategic Leadership Group (SLG) was in place to oversee the NSCP, with an Assurance and Improvement Group working to recognise and drive the required improvement work. A Learning and Workforce Development Group was implemented to provide a strong training offer on best practice, linking with the Nottingham City Safeguarding Children Partnership. A Partner Forum was held four times per year to bring all partners and agencies together across the safeguarding sector.
- An Independent Scrutineer was in post who was experienced in the safeguarding field, but had no previous links to the sector in Nottinghamshire. Appropriate safeguarding arrangements were considered to be in place by the Scrutineer with a genuine, mature, three-way partnership operating between the statutory NSCP members, who were able to challenge and hold each other to account through direct and candid exchanges taking place via frequent and consistent communications processes. The NSCP showed a clear commitment to improving outcomes for children in a flexible way, where elected members were able to participate regularly and in an informed way.
- The NSCP's Practice Review Panel was operating to carry out the statutory Rapid Reviews when notification was given of a serious incident. All reviews were to be completed within 15 days to achieve resolutions and develop learning and understanding. The required timelines presented a challenge, but the reviews carried out so far (both locally and nationally) had achieved a good level of quality. Local Child Safeguarding Practice Reviews were also carried out for particularly complex cases as necessary.
- Ultimately, although there was still a need for improvement within certain areas of children's safeguarding, the Scrutineer considered that the right structures were in place and that there was a strong commitment to the safeguarding process by the partner agencies.

The Committee raised the following points in discussion:

- The Committee requested that any slides used in support of presenting reports were circulated to members in advance of a meeting, particularly if

those slides contained additional information to that provided in the meeting's agenda papers.

- The Committee asked of what groups the Cabinet Member for Children and Families was a member as part of the safeguarding process and requested sight of the minutes of the SLG and the Safeguarding, Assurance and Improvement Group (SAIG) going forward.
- The Committee expressed concern that as the annual report covered the period of 2021/22, the activity being scrutinised was historical rather than current. Members requested that a report was presented to a future meeting to explain the safeguarding activity that was being done in 2022/23 so that scrutiny of the live position could be carried out in the public domain.
- The Committee queried how the key priorities and actions set out in the 2020/21 annual report had been addressed by officers in 2021/22, where this was set out and how members had been involved, as this information did not appear to be addressed in the 2021/22 report. Members asked whether the annual reporting format had been changed between 2020/21 and 2021/22.
- The Committee queried how the Coronavirus pandemic had impacted on children's safeguarding during 2021/22 (in particular, if the impact of the pandemic had contributed to a serious incident triggering a Rapid Review) and how this had been reported. Members also asked whether face-to-face contact had returned to pre-Covid levels, to what extent remote provision was being continued and whether any incidents requiring a Rapid Review had been contributed to by resourcing pressures.
- The Committee observed that there had been continued pressure on the Multi-Agency Safeguarding Hub (MASH) during 2021/22. Members asked whether a greater awareness of the services available through the MASH had led to an increase in demand, whether further training was required across the partnership to establish more clearly what cases should be referred to the MASH, whether people could self-refer and whether the MASH had the right level of resources to meet the demand.
- The Committee noted that the Council had not been successful in a bid to the Family Hubs Transformation Fund. Members asked what lessons could be learned from this process in order to improve the chances of success in future bids.
- The Committee considered that, in developing Community Resilience work, the appropriate professionals should still be working alongside the voluntary sector in the provision of effective community-based support. Members asked how many courses were being delivered by the Early Help Service to support families and carers and whether, when these were being led by volunteers, appropriate support from professionals was still in place – as families attending the courses could present to the trainer with multiple and complex needs.

In relation to the points raised by the Committee, the Cabinet Member, Officers and the Independent Scrutineer provided the following responses:

- It was confirmed that the SLG was led by executive officers – with the Council's Corporate Director for Children and Families as the Chair. The Cabinet Member for Children and Families was a member of the SAIG, which worked to ensure that directions from the SLG were actioned.
- It was explained that the NSCP was required to compile and submit an annual report for the previous year to the NCSRP and that the annual reporting format had developed and changed over time. The NCSRP reviewed progress on specific key priorities and actions on an ongoing basis through a regular reporting process by all partners through the SLG and SAIG. It was suggested that the reporting outcomes could be shared with Committee members for the purposes of scrutiny of the live issues.
- It was set out that the impacts of the Coronavirus pandemic were an area of significant concern, particularly in the context of the most vulnerable children. It was noted that it was difficult for services to operate in a joined-up way during the pandemic, but partners in Nottinghamshire were able to move forward quickly and proactively to take creative steps in supporting children and families effectively. Face-to-face provision had resumed, but research had shown that many young people preferred to meet in a remote context and this option being made available on a continuing basis had improved attendance rates. The pandemic had generated important learning for partners going forward, who still needed to operate flexibly and creatively.
- Assurance was given that the NCSRP was satisfied with the NSPC Practice Review Panel's performance in the carrying out of Rapid Reviews and that the Panel had responded to these difficult situations very well within demanding timescales, supported by the appropriate level of resourcing. It was noted that the cases that came to Rapid Review were inherently distressing and represented a very difficult process for everyone involved so strong support measures for the staff carrying out the Reviews were in place. The Reviews had been conducted through a competent, transparent and mature process and a good level of learning had been generated.
- It was acknowledged that there were challenges at the MASH due to the large number of referrals being made and problems in the wider workforce market that resulted in high costs through the use of agency staff. However, assurance was given that the right workforce level was in place and that this situation was regularly monitored by the MASH Governance Group. It was noted that a need had been identified for wider knowledge in the sector of what should be referred to the MASH and that further consideration was required on establishing the most effective 'front door' to services, which should be tailored on a needs-led basis. Self-referral was also an available option so consideration was needed as to how people could be supported in accessing the right services at the right time. Any referral should be made to the MASH when a child protection response was required – rather than at a

stage when a child or family was in need of services provided through the Early Help offer.

- It was explained that the Family Hubs offered early support to families and that this support was not necessarily provided in response to a safeguarding requirement. As was the case with the Children's Centres programme, Family Hubs were being rolled out nationally in tranches, so it was now intended to secure funding in the future waves. It was noted that increasing Early Help services like Family Hubs would assist in mitigating pressure on direct intervention services such as the MASH.
- It was confirmed that the Early Help courses lead by volunteers formed part of a new, evidence-based programme being delivered through the Council and the NHS where the volunteer leaders were trained by professionals who still supported the sessions, which were always held in a professional setting. It was explained that the aim was to deliver training based on a given community's identification of its need and that this position was being kept under review. It was noted sessions under the previous programme were still being provided.

The Chairman thanked the Cabinet Member, Officers and the Independent Scrutineer for attending the meeting and answering Members' questions.

RESOLVED (2022/006):

- 1) That the Nottinghamshire Safeguarding Children Partnership's (NSCP) 2021/22 Annual Report be noted.
- 2) That the following issues raised by the Committee in its consideration of the Annual Report 2021 be progressed:
 - a) That the Committee continues to review the work of the NSCP by receiving and considering its annual report each year.
 - b) That a briefing note be circulated to Committee members on the progress being made on the key priorities and actions detailed in the NSCP's 2020/21 Annual Report.
 - c) That Committee members receive all minutes of meetings of the NSCP that do not include confidential information as they become available.
 - d) That information on the number of the parenting courses delivered via the Early Help Service and the number of attendees be circulated to Committee members.
 - e) That the Independent Scrutineer of the NSCP attend the Committee's meeting on 19 June 2023 to present a report on the current activities of the NSCP and on the progress being made towards its strategic priorities.

6. SPECIAL EDUCATIONAL NEEDS AND DISABILITY PROVISION AND SUFFICIENCY

The Cabinet Member for Children and Families, the Service Director for Education, Learning and Inclusion and the Head of the Virtual School, attended the meeting to present a report on how children and young people were being supported to remain in mainstream educational settings and on the specialist educational provision that was being provided and planned to meet current and future demand.

The report noted that the Council had a long-term commitment to inclusion that had been developed with school partners for over 30 years. It was noted that the Government's focus on raising the level of attainment in schools had resulted in some educational settings becoming less inclusive and accepting of children and young people with Special Educational Needs and Disabilities (SEND). Ofsted's current inspection framework for schools had also recognised this national trend and so had a specific focus on the educational provision and support for pupils with SEND.

The report set out how the 2014 Children and Families Act had replaced Statements of Special Educational Needs with Education, Health and Care Plans (EHCPs), which required a much lower threshold for an assessment than had previously been the case. It was noted that despite well-established routes for accessing SEND funding outside of the EHCP process being in place, there had been a significant increase in the number of EHCPs in Nottinghamshire over recent years. The total number of EHCPs had increased from 2104 in January 2017 to 3360 in January 2022, which represented an increase of 59.7%, with 42.4% of these new EHCPs having resulted in a specialist educational placement. The increase in EHCPs nationally had been 64.7% over the same five-year period. The report predicted that there would be an additional 2,500 EHCPs in place by January 2029 and that these would potentially require a further 1,000 specialist educational placements to be provided.

The report identified that many children and young people were waiting too long for EHC assessments currently and that the Council was unable to provide appropriate specialist provision to meet the assessed needs. The capital plans that were in place would address some of the needs in the medium term, but reducing the demand for EHC assessments would require other changes in the SEND system.

The following information was presented to the Committee:

- The number of children with complex needs had increased and the number of requests for EHC assessments was growing nationally, increasing by 32% locally since 2021. As it was required to provide support up to the age of 25 where needed, this was contributing to a growing level of service pressure and demand – including in specialist areas such as psychological assessment and commissioning. It was noted that Nottinghamshire had been historically underfunded in this area, but that there was now some catch-up underway in

national funding levels. However, the Council had been managing its resources available in the local High-Level Needs budget well.

- Work was being carried out so that the needs of many children with SEND could be met in a mainstream educational setting and it was noted that appropriate funding was in place. However, it had been identified that there could be a lack of trust by families in schools that the needs of their children would be met. There were also resourcing pressures being faced within schools in being able to meet the requirements of children with the most challenging needs. As a result, many parents were applying for EHCPs to secure a certainty of education from the end of Key Stage 2. It was noted that EHCPs should only be required by children who required access to a special educational setting in order to receive an education suitable for their needs.
- There were 11 Special Schools and Academies in Nottinghamshire, with around 1,200 students – which was lower than the national average. Six Enhanced Provision Units were also in place in mainstream schools. However, the number of special school places available had increased by less than 23% overall since 2016. As there was a growing need for specialist placements there had been an increased reliance on the private sector for provision (particularly in the context of short-term need), with more children now in individual and alternative provision – which came at a much greater financial cost. Ultimately, there was a need to ensure that the right number of places were available to achieve the most within the budget.
- A Placement Plan for 2021-26 had been implemented and additional specialist places were being developed. However, a potentially wide range of service needs had been identified, with a particular focus on autism. An approach to ensure that the right places were in the right area at the right time had been used – with the greatest concentration of EHCPs being in the Mansfield and Ashfield areas. High quality special school provision was required and local decision-making and accountability had been sought as part of the planning process. Localised education and healthcare development was viewed as being very important in order to ensure that funding and support was deployed on the basis of local need, with tailored solutions used to meet local challenges.
- Approval had been sought from the Department for Education to establish a new SEND free school and the current capital programme had been developed to ensure another 271 special needs places would be delivered between January and March 2023 – though there was still potential for a shortfall in this number. A new focus on alternative provision had been introduced to help mitigate against this risk, with partners working between local authorities and multi-academy trusts.
- There was still a lack of clarity on the future national funding for Nottinghamshire beyond 2024. As the demand for special needs places could vary from year to year, there were significant challenges to making effective forward plans for the required service provision. As a result, it was considered

important that work continued to achieve the right confidence levels for provision in mainstream settings.

The Committee raised the following points in discussion:

- The Committee expressed concern that as the number of children with special and complex needs was predicted to continue to rise and that some mainstream schools not being able to support children with special needs effectively risked more children being taken into elective home education. Members asked how the Council was involved in ensuring effective SEND provision and support for children in mainstream schools, how many children in mainstream schools had requested EHC assessments, how many of these assessments were ongoing and what the level of need was for special school places.
- The Committee expressed concern that some schools considered too many children as 'problem children' rather than 'children with problems', resulting in those children not receiving the right support and leading to tensions between the school and their families. Members noted that supporting children with special and additional needs in secondary schools could be particularly difficult due to the large number of classes with different teachers. Members asked whether the current waiting times for a special school place were reasonable, how many special school places were available relative to the current demand and what support was provided by mainstream schools to children waiting to be transferred from them to a special school place.
- The Committee noted that it was positive that the Council was developing further special school places and asked how the funding of additional places in the future would be managed, whether the projected funding available would meet the anticipated future demands and how any funding gaps would be closed.
- The Committee asked how officers across the Council would work together in a joined-up way to ensure that the provision of special school places was targeted in the right areas to meet local need. Members queried where the proposed new free school would be located and how special needs were being met locally in areas such as Ashfield and Mansfield where the numbers of EHCPs were high, but also in the areas where the overall demand was relatively low, such as in Rushcliffe.
- The Committee considered that as much help as possible should be provided to children with special needs to find the educational context that supported them best. Members queried whether enough work was being done within mainstream schools to identify and support children with dyslexia.
- The Committee noted that a scrutiny review of the situation relating to EHCPs would take place from January 2023.

In relation to the points raised by the Committee, the Cabinet Member and Officers provided the following responses:

- It was acknowledged that SEND represented a complicated and complex system so lived experience was now being used directly in seeking to make the system more accessible. The complex needs that schools were expected to meet were increasing, some of which were a result of the Coronavirus pandemic (particularly in the context of the transition from primary to secondary school being disrupted), and the increasing numbers were likely to remain a challenge for some time.
- It was explained that the Council would not be informed of every request by a parent to a school for additional needs support as this would be addressed by teachers in the first instance in consultation with a Special Educational Needs Co-ordinator when required (SENCO). In a situation where the SENCO considered that supporting a child's additional needs went beyond the school's current budget, the school would then look to seek support from the Council's High-Level Needs budget to implement the required provision. This did not require an EHC assessment to be carried out. If it was not possible to provide the right level of support in the mainstream school at this stage then an EHCP would be produced for the child's needs to be met at a special school.
- It was noted that approximately 100 children in Nottinghamshire entered special schools each year and that further capacity was being developed through the capital programme. It was confirmed that children in mainstream education who had an EHCP produced identifying needs that should be met in a special school would continue to be supported within their existing school if a special school place was not immediately available.
- It was noted that parental trust and confidence was at the core of ensuring that as many children with SEND and EHCPs had their needs met within mainstream education as the growing demand for EHCPs was increasing pressure at all levels – particularly in terms of the specialist input required. It was noted that although all children at a special school would have an EHCP, it was not the case that all children with an EHCP should attend a special school. It was acknowledged that there were not enough special school places to meet the anticipated needs fully and that work to address this was underway via the capital programme.
- Assurance was provided that the right level of funding was in place for the staffing costs to meet the required needs, with support from the High-Level Needs budget and a national minimum funding guarantee. Members were advised that every effort had been made to ensure fair funding and confidence in the Council's management of the High-Level Needs budget had been expressed at a national level. Focused work had been carried out to ensure that the right special schools were developed in the areas of greatest need.
- It was explained that a funding application had been made to the Department for Education for a new free school in Ravensdale, Mansfield. A location in Ollerton had also been considered, but it was concluded that the site was too

difficult to develop. Ultimately, special school places would be created in the areas of highest need, but every effort would be made to ensure that effective travel links were in place so that they could be accessed by children from areas where the levels of apparent need were otherwise low. However, predicting the future SEND requirements for a given area accurately was relatively difficult – particularly as special needs were not often identified until a child started mainstream school and that a child could transfer to a special school at any age or time.

- Assurance was provided that schools did carry out dyslexia screening. Schools should be aware of the specific needs of all of their pupils and work to meet them in a timely manner by investing in appropriate support measures.
- It was noted that school leaders had a responsibility to ensure that their schools were as inclusive as possible, but some schools had rates of exclusion that appeared relatively high – particularly as exclusions should only be carried out rarely and on the grounds of ensuring safety. It was noted that the Council also continued to monitor situations where a school moved a child to a part-time timetable, which should only be used on a short-term basis in very specific situations.

The Chairman thanked the Cabinet Member and Officers for attending the meeting and answering Members' questions.

RESOLVED (2022/007):

- 1) That the effective planning taking place to ensure that there is sufficient specialist educational provision for children and young people in Nottinghamshire be noted.
- 2) That the challenges around ensuring that there are sufficient resources available to support children and young people with Special Educational Needs to remain in mainstream settings be noted.
- 3) That the following issues raised by the Committee in its consideration of the report on Special Educational Needs and Disability provision and sufficiency be progressed:
 - a) That a task and finish review on the potential locations for the provision of additional specialist educational placements be carried out by Committee members.
 - b) That an item on the Special Educational Needs and Disability Government Green Paper be added to the Committee's work programme.
 - c) That a progress report on the provision and delivery of additional specialist educational placements be brought to a future meeting of the Committee.

7. RESPONSE FROM THE CABINET MEMBER FOR CHILDREN AND FAMILIES ON HOW AWARENESS OF THE FINANCIAL SUPPORT FOR THE COST OF SCHOOL UNIFORM IS RAISED

The Cabinet Member for Children and Families presented a written response to how awareness of the financial support for the cost of school uniform was raised, as requested by the Committee at its meeting on 10 October 2022 following its consideration of an item on Financial Support for the Cost of School Uniforms.

The Chairman thanked the Cabinet Member for the response.

RESOLVED (2023/008):

- 1) That the written response of the Cabinet Member for Children and Families to how awareness of the financial support for the cost of school uniform that was available was raised be noted.

8. WORK PROGRAMME

The Senior Scrutiny Officer presented the Committee's current work programme.

RESOLVED (2023/009):

- 1) That the work programme be noted.
- 2) That Committee members make any further suggestions for items for inclusion on the work programme for consideration by the Chairman and Vice-Chairman, in consultation with the relevant Cabinet Member(s) and senior officers, and subject to the required approval by the Chairman of the Overview Committee.

There being no further business, the Chairman closed the meeting at 12:50pm.

Chairman: