

## CHILDREN'S SCRUTINY COMMITTEE

26 November 2018

### Present:-

Councillors R Hannaford (Chair), D Sellis (Vice-Chair), S Aves, J Brazil, E Brennan, C Channon, G Gribble, R Hosking, T Inch, A Saywell, M Squires and C Mabin

### Apologies:-

Councillors F Biederman, J Hawkins, L Hellyer and J Mathews

### Members attending in accordance with Standing Order 25

Councillor J McInnes

\* 80

### Minutes

**RESOLVED** that the minutes of the Children's Scrutiny Committee meeting held on 17 September 2018 be signed as a correct record.

\* 81

### Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

\* 82

### Public Participation

There were no oral representations received at the meeting from a member of the public.

\* 83

### In-Year Budget Briefing

(Councillor McInnes attended in accordance with Standing Order 25 (1) and spoke to this item at the invitation of the Committee)

The Committee received the Report of the Chief Officer for Children's Services (CS/18/41) outlining those areas of specific pressures on budgets, over-spending in the current financial year and on action being taken to address this. The Report noted the Service was facing unprecedented pressures which had been increasing year on year, with inevitable adverse consequences for children and families. However, it was a credit to all staff that services continued to improve.

The position faced by Devon was also replicated in other large shire counties that were also disadvantaged in their funding share.

The Report had revealed that Children's Services were showing a forecast overspend of £9.9 millions at month 6, an increase of £1.2 millions from month 4. This included a forecast overspend in Children's Social Care of £6.5 millions with Placements continuing as the main budget pressure, with further pressure falling across the Disabled Children's short breaks, staffing and the Atkinson Secure Children's Home.

The overspend within Children's Social Care looked to be partially offset by remaining management action of £672,000, however there were associated risks and any reverse of the situation was unlikely.

The Report also highlighted expenditure in relation to the Service Improvement Plan and the funding of additional social work resource in the North and South of the County. Also raised was the lack of provision for children with very complex needs, with residential placement costs for Looked After Children rising from £6.2 million in 2016/17 to £11.7 million in 2018/19. Similarly, costs in relation to supported accommodation for aged 16+ had increased from £2.7 millions two years ago, to £6.1 millions in 2018/19, an increase of 126%. Overall, the Placements budget was overspent by £4.6 millions.

Children's Services also absorbed unfunded responsibilities to Unaccompanied Asylum-Seeking Children (UASC) at a cost of £500,000 per year, which was anticipated to grow.

The Report highlighted that the Non - Dedicated Schools Grant element of Education and Learning was forecasting an overspend of £3.2 millions at month 6 due to an exponential increase in the number of children with Education, Health and Care Plans which has not been matched by increased funding and overall increased costs.

Members discussion points with Officers included:

- the increased costs of £5.5 millions on Placements for an additional 17 pupils in 2018; the Chief Officer explained that 16% of children accounted for 46% of Placement costs and that a small number of pupils had a large financial impact;
- the Council was entirely reliant on the private sector for supplying residential care places and there was currently more demand than supply available, thereby increasing overall costs;
- the Commissioning Team was working collaboratively with the market to ensure sufficient supply; however it was a challenge to grow the capacity available to meet demands;
- challenges faced by the Atkinson Unit in terms of recruiting qualified staff to be able to increase the number of places available at the unit; and
- the increased complexities of children and young people, managing the expectations of care and meeting levels of Ofsted requirements, all of which drove up the cost of Placements.

\* **84**      **Risk Management Mid Year Report**

The Committee considered the Report of the County Treasurer (CT/18/97) summarising the risk management position for Children's Services mid-year for 2018/19. There were 16 risks recorded in the Risk Register, which related to Children's Social Care, Education and Early Help, and Children Legal Services and Communication; the risk with highest current score was identified as "Insufficient Capacity of the High Needs Block to Meet Demand".

In terms of the Council's budget setting process, for 2018/19 Children's Services was a High-Risk area due to the cost pressures including the High Needs Block, demand for Children's Social Care, the Education and Learning Services budget and Carefirst replacement.

Members Discussion points included:

- the impact of increased requests for assessments for Education, Health and Care Plans and the pressure on the Service to meet statutory deadlines and demand; and
- Foster Carers risk had reduced, with a robust recruitment process in place and no resignations in the past month – Members requested an update at the next Committee Meeting.

\* 85 **SEN Commissioning - Response to Recommendations from the External Review**

The Committee considered the Report of the Head of Education and Learning (CS/18/45) outlining the response to recommendations made following an independent external review of the Service; with areas for development already recognised by the SEN team and actions in place to address the issues raised. Key areas of the review included:

- Place Planning and Commissioning Arrangements – such as consideration of the joint strategic approach to SEND and long term strategic planning;
- Quality assurance and monitoring EHCPs – including consideration of the whole system approach to SEND and good practice in statutory advice, EHCPs and Annual Reviews; and
- Monitoring arrangements of educational settings - consideration of a review of the admission process into alternative provision and consideration of whole system approach to quality assurance providers.

The Report acknowledged the strengths and issues that were already identified across either the individual services or as a partnership under the SEND Improvement Board. The partnership was in a position of strength to move forward, embedding the strategic commitment to SEN within the practitioners involved at child and family level. Recent feedback from parents within the Local Offer Reference Group also welcomed developments and positive progress made, including:

- positive changes to the EHC Plan format, making the child's voice more prominent, strengthening the requirements on schools, clarifying the requirement for EHCP reviews, and making the layout changes suggested;
- inviting parent carers to share their experiences to support the professional development of the SEN 0-25 Team;
- the SEND Strategic Lead's willingness to listen to and work with parents;
- pro-active written communication to parents who were experiencing delays with their child/young person's EHCP; and
- more information from the SEN 0-25 team aimed at parent carers.

Members discussion points included:

- the provision of special school places available and delays in opening new schools in Devon;
- the number of Elective Home Educated pupils and how they were monitored – Members requested a Report be brought to a future Committee;
- Education, Health and Care Plans – the quality of assessments, meeting timescales and pressures on the SEN Team; and
- Graduated Response Toolkit – aimed to provide schools with the ability to support pupils with low level SEN and provide guidance on the types of support available.

\* 86 **Devon Inclusion Project and Annual Exclusion Report**

The Committee considered the Report of the Head of Education and Learning (CS/18/46) highlighting the work of the Devon Inclusion Project, which was a collaborative approach with Devon Schools to reduce the number of fixed term and permanent exclusions, reduce the number of children out of school on reduced timetables, and reduce those missing school due to medical needs.

The Report stated that over the last academic year (2017-18) the Devon Inclusion Project had six workstreams running:

1. Revised protocol for inclusion of Looked After Children;

2. Inclusion of children with medical needs in school;
3. Early Help;
4. Primary Work stream;
5. Supporting Inclusive Practice; and
6. Re-Commissioning.

The success of the Project and the workstreams was due to the considerable and invaluable commitment and participation of schools at both primary and secondary level and other key professionals from Health, Devon County Council, Devon Association of Governance (DAG), Exeter Diocese, parental representation & Babcock.

The Annual Exclusions Report provided an annual overview of exclusions in Devon benchmarked against the latest National Data and showed that the number of permanent exclusions notified to the Local Authority rose again in 2017/18. However, due to several exclusions overturned at Governor Panel or Independent Review Panel level, the number of exclusions upheld had fallen from 134 in 2016/17 to 118 in 2017/18 and was now at 0.12% of the pupil population. The Report also highlighted the number of permanent exclusions by Key Stages, pupil characteristics and by school type.

Members discussion points included:

- there were no permanent exclusions within special schools last year;
- there was an overall reduction in the number of fixed term exclusions;
- seven schools in Devon had agreed not to permanently exclude pupils through the 'Zero Exclusion Project' which aimed to re-engage children into education; and
- the level of children with SEN had increased whilst the numbers of teachers within schools had drastically decreased, making it difficult to address the underlying causes of exclusions.

\* **87**      **Education Performance**

The Committee received the Report of the Head of Education and Learning (CS/18/47) on the latest performance measures, highlighting key areas including: Early Years, Children in Care, requests for Statutory Assessments, transfers from statements, rates of Elective Home Education, rates of absence, Parental Responsibility and Penalty Notices and Ofsted outcomes.

The Report highlighted that Devon was in the top 1% of Local Authority's in England for its low level of admission appeals, with only two other Local Authority's having better rates. The percentage of successful appeals in Devon, where a decision was made in the parent's favour, had risen in 2017/18 with 14.9% successful compared to 11.1% in 2016/17. This was however, still significantly better than the national picture where 21.8% were successful.

The Report also included an Initial Attainment Report outlining that Devon's overall performance remained in line with or above regional and statistical neighbours. However, this academic year had seen a drop in progress at Key Stage 4, which had resulted in Devon's performance falling just below the national averages.

\* **88**      **Early Help - Payments by Result**

The Committee received the Report of the Head of Education and Learning (CS/18/48) providing an update from Early Help on an Expanded National Programme which aimed to provide targeted intervention for families with multiple problems, including crime, anti-social behaviour, truancy or low attendance, unemployment, mental health problems and domestic abuse. Local authorities and other partners identified families who required support in their area and assigned a key worker to act as a single point of contact. Central Government set local authority areas a target for the number of families they should support and made a payment where this support resulted in successful outcomes for the family. In Devon this

programme was included as part of the wider Early Help offer rather than as part of a separate programme.

In Devon, there had been a total of 1,313 claims, which was ahead of the cumulative target of 1,220 that Devon had projected for the end of October, and Devon was now in line with the National average for successful outcomes.

Members requested an update report in six months.

\* **89**      **Social Care Performance Report**

The Committee considered the Report of the Head of Children's Social Care (CS/18/44) on the challenges and pressures that continued to exist in parts of the Service, as well as the impact of significant efforts in recent months to bring about improvement in a number of practice areas. The majority of business information now available to leaders and managers in children's social care services was provided via an online portal which allowed users to better interrogate the available data.

Performance information related to contacts and referrals, single assessments, social care team caseloads, Children in Need, Children in care and care leavers, Child Protection (CP) plans, Service Priorities and Accelerated Improvement Periods.

\* **90**      **Commissioning Liaison Member Update**

Members considered the Report of the Commissioning Liaison Scrutiny Member (CS/18/43) updating the Committee on current and future childrens services commissioning activity. This included focus on the Community Health and Wellbeing Contract which had considered changes in commissioning for Public Health Nursing, Portage and Residential Short Breaks. The re-tender of the residential short breaks service had begun and the engagement of Members alongside parents and children in the design of these services would support the championing of disabled children in the commissioning re-design. Work undertaken by Commissioning Members also included the sufficiency and market strategies and Regional Adoption Agency (RAA).

Recommendations made by Commissioning Liaison Members were as follows:

- (a) that Members be involved in the engagement processes for disabled children, families and professionals in advance of the community based short breaks tender;
- (b) that a programme of involvement and oversight of new contracts be determined, with opportunities for Members to visit services and shadow commissioning officers;
- (c) that services that were re-commissioned in 2017/18 such as Advocacy, Young Carers and Childrens Centres be considered for quarter 3 and 4 of 2018, and
- (d) that following this, services that were commissioned in 2018 be considered in Quarter 1 and 2 of 2019 such as Homelessness Prevention and Residential Childrens Homes Framework Contract.

It was **MOVED** by Councillor Hannaford, **SECONDED** by Councillor Sellis, and

**RESOLVED** that the work of the Commissioning Liaison Members be welcomed, and the recommendations as outlined in the Report regarding the oversight of future commissioning activity be supported by the Committee and also drawn to the attention of the Cabinet.

\* **91**      **Children's Scrutiny Committee Work Programme**

**RESOLVED** that the current Work Programme be approved subject to inclusion of the following topics for future consideration and also those agreed at the meeting:

- Welfare Cases relating to the Atkinson Unit – older children and transitions
- Foster Carers Update and Emergency Placements

[NB: The Scrutiny Work Programme was available on the Council's website at <https://new.devon.gov.uk/democracy/committeemeetings/scrutinycommittees/scrutinyworkprogramme/> and the Council/Cabinet Forward Plan is available at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0&bcr=1> ]

**\*DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 5.10 pm