

CHILDREN'S SCRUTINY COMMITTEE

11 November 2024

Present:

Councillors T Adams (Chair), P Sanders (Vice-Chair), S Aves, J Brazil, C Channon, A Dewhirst, L Hellyer, P Maskell, M Squires, R Peart, R Radford, C Slade, J Wilton-Love and C Mabin (Church of England Diocesan representative)

Apologies:

Councillors J Bradford and J Trail BEM

Members attending in accordance with Standing Order 25:

Councillors A Leadbetter, L Samuel and C Leaver

* 174 **Declarations of Interest**

The Chair reminded Members they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item.

Councillor A Dewhirst declared an interest in all substantive items by virtue of being a Trustee of the Exeter Royal Academy for Deaf Education (the Deaf Academy).

* 175 **Minutes**

RESOLVED that the Minutes of the meeting held on 16 September 2024 be signed as a correct record.

* 176 **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* 177 **Public Participation**

There were no oral representations from members of the public.

* 178 **Responses of the Cabinet to Reports of the Committee**

The Cabinet Member for Children's Services discussed the forthcoming Cabinet meeting, highlighting two key reports on social care visits and the sufficiency strategy.

The Cabinet Member for Children's SEND Improvement Services had shared a detailed report on the latest National Audit Office report on SEND, emphasising the ongoing issues and the need for continued lobbying of the government.

* 179 **Scrutiny Committee Work Programme**

The Scrutiny Officer updated the Committee as to the work programme, and confirmed the next meeting in January would consist of the budget meeting in the morning, followed by the ordinary regular committee in the afternoon.

Members asked if the Committee could consider the Independent Education provision commissioning and procurement strategy, and it was confirmed this would be included in the SEND report to the January meeting.

The Chief Executive reported that the Ofsted ILACS Inspection report was in the usual quality assurance process, and that the Council continued to work with the Commissioner.

* 180 **Children's Scrutiny Budget Monitoring Standing Overview Group**

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

The Committee considered the report of the Children's Scrutiny Budget Monitoring SOG (LDS/24/36), following agreement at the last Committee meeting in November to set up a Budget Monitoring SOG that would consider and monitor the 2024/25 Children and Young People's Futures Budget and report back to the Committee.

The Report outlined the topics covered at the SOG, highlighted key points raised during discussion and detailed any agreed actions.

Discussion and questions followed and included:

- Concern around the ongoing budgetary issues, including transport, agency staff, and placements in the independent sector. The need for continued scrutiny and monitoring was emphasised.
- Members also raised questions about the safety valve agreement and the challenges of keeping within the budget, and Officers explained the complexities and ongoing efforts to manage SEND costs.
- Noted that inhouse children's homes were all inspected annually.
- Suggestion that Member visits be set up to visit the in-house children's homes, to be co-ordinated through the Corporate Parenting Board, and for those Members to also have sight of the regulation 44 reports.
- The importance of continuing with this Budget Monitoring SOG.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Maskell and

RESOLVED that the Committee:

- (a) Accept this report as an accurate record of the issues explored in the meetings ensuring transparency in Scrutiny activities.
- (b) Evaluate the effectiveness of the Budget Monitoring Standing Overview Group in helping Members understand the Council's in-year financial position and consider its continuation into future financial years.
- (c) Give regard and consideration of the learning and findings of this report in the item 2024/25 In Year Budget Position on the Committee's agenda.
- (d) Agree to action the following points:
 - (i) add a Masterclass on Education Traded Services to the Work Programme; and
 - (ii) consideration of regular appropriate visits to the In-House Children's Residential Homes as part of the Committee's work.

* 181

In-year Budget Position

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

The Committee considered the Report of Director for Children and Young People's Futures (CS/24/33), which set out the key budget issues for the service identifying risks and actions to mitigate.

The report stated that over the past 12 months, significant progress had been made in creating clear and realistic plans in key areas of financial risk across the service. The two most prevalent risks in children's social care services were (1) sufficiency and placement and (2) agency staff costs. In addressing the former, the service had made progress to stabilise the number of children in care down from 906 a year ago to consistently around 850 and the introduction of the 'Place Called Home Board' in March 2024 had brought increased scrutiny and rigour to the understanding of the County's use of placements.

The report discussed the Specific areas of Pressure: Children in Care and Care Experienced Young People; Market Sufficiency; Recruitment and Retention (Social Care); SEND, Dedicated Schools Grant and Safety Valve; School Transport; and Education – Core Services.

Members' discussion and questions followed and included:

- Detailed explanations were provided by Officers of the complexities involved and the ongoing efforts to manage SEND costs in response to Members' concerns around the safety valve agreement and the difficulties in keeping within the budget.
- The accelerated progress in reducing waiting lists for EHC plans had incurred additional costs, estimated at around £5 million, due to this faster action taken.
- The recent national budget announcement was highlighted, which had included additional investment in SEND, the exact amount for Devon had yet to be clarified, but was expected to help manage the additional costs incurred.
- Explained that the workstreams within the safety valve agreement included practice improvement, reducing waiting lists, and working with partners such as the NHS and schools to create a more inclusive approach.
- Concern that the month 6 budget position had not been reflected in the report, due to the timing of this Committee and Cabinet; and concern over the timely receipt of Agenda papers, which would be raised at the Governance Working Group.
- In response to concerns for private sector placements following the Government's Budget to charge VAT on independent schools, it was explained that an initial assessment had been carried out and would be circulated to the Committee.
- Noting the high cost of a single EHCP, Members requested a breakdown of the cost for an EHCP, which Officers undertook to provide, noting the process was complex and involved different stages and partners.
- Proposal to use the revenue from second homes council tax to fund housing for key workers, aiming to resolve the ongoing challenges in recruiting and retaining social workers.
- Concerns were raised about the reliance on agency workers and the need to reduce this dependency. The introduction of a regional agreement to cap agency rates was mentioned as a positive step.

It was **MOVED** by Councillor Maskell, **SECONDED** by Councillor Aves and

RESOLVED that the Committee:

- (a) welcomes the improvement and progress made over the past 12 months to deliver services that improve the lives of Devon's children and young people;
- (b) recommends to Cabinet that a report is presented to December Cabinet outlining the challenges, steps and progress in producing an agreed joint protocol with health colleagues to ensure that the Integrated Care Board and its partners make proportionate, appropriate and adequate financial contributions to care packages for children and young people supported by the service; and

(c) recognises the Inspection of Local Authorities Children Services (ILACS) has not yet fully concluded, and information remains unavailable for sharing.

* 182 **Children's Social Care Performance Report**

The Committee considered the report of the Director of Children and Young People's Futures (CS/24/34), with attached performance reports.

The Children's Services Improvement Partnership Board monitored the implementation of both the Social Care Improvement Plan and the Partnership Improvement Plan at its monthly meetings, which included consideration of the performance measures agreed for each of those plans. Additionally, the Improvement Board monitored the progress of audit activity and its findings at its monthly meetings, which included consideration of how audit activity was contributing to practice improvement and its links to the Learning and Development offer across Children's Services.

Appendices A and B to the report contained a detailed narrative explanation and analysis for the June 2024 data, and Appendix C, the Quality Assurance Update report March – August 2024, provided a detailed summary of the Monthly Collaborative Auditing Cycle Activity that had taken place across Children's Services.

Officers pointed out that the reports were unfortunately out of date due to the cycle of meetings of the Improvement Board and the Scrutiny Committee, the Improvement Board having last met in August.

Members' discussion and questions followed and included:

- Noted that the rate of conversions of S47s, as referenced at paragraph 3.3 of the report, was currently at 50% leading to a child protection conference.
- Work was ongoing and continued with partner organisations to bring down the number of care leavers not in education, employment or training: the Council had increased its number of care leaver apprenticeships.
- In response to concerns expressed about the quality of the children's social care service, particularly the audit results, Officers highlighted the steps taken to improve audit quality, including increased scrutiny, moderation, and support from improvement partners like Essex and Hertfordshire.

It was **MOVED** by Councillor Slade, **SECONDED** by Councillor Peart and

RESOLVED that the Committee:

(a) welcomes the initiatives to improve the number of care leavers in education, employment and training; and

(b) recognises the improvements made within the Quality Assurance process but raises concerns with the number of audits being returned currently.

* **183** **School Organisation Process Overview**

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

The Committee considered the Report of the Director of Children and Young People's Futures (CDS/24/35), on School Organisation Process Overview, School Closures and Relocations.

Following representations made by Councillor J Bailey at the Committee's meeting in September, regarding proposals to relocate Tipton St John Church of England Primary, Committee Members had supported a request to exercise their overview function in respect of school closures and relocations and agreed to add this to the work programme as a broader examination of the process by which the Council reached such decisions.

The report set out the different processes, depending on the type of school, for either closing or relocating a school; and also updated on the Schools Rebuilding Programme and the Department for Education requirements for that programme. Appendix 1 to the report summarised the process and key decisions for maintained schools; and Appendix 2 summarised the process and key decisions for academy schools. Officers also emphasised the role of the Council's Cabinet in decision-making.

Discussion then followed on whether or not the Children's Scrutiny Committee should be involved in the process of closing or relocating schools, noting that Tipton St John was a relocation and not a closure.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Aves and

RESOLVED that the Committee:

(a) welcomes the opportunity to review the school closures and relocations process; and

(b) asks the Council's Governance Review to consider if there could be any improvements to how elected Members have oversight of the process.

* **184** **Findings from the Ombudsman's Report into the Case of Mr C.**

The Committee considered the Report of the Directors for Integrated Adult Social Care and Children and Young People's Futures (IASC/24/14).

The report provided information on the public interest report issued by the Local Government and Social Care Ombudsman on 8 August into a complaint

about the Council, and there was a requirement that such reports were brought to the relevant Scrutiny Committee(s). The report found fault causing injustice and made a number of recommendations.

In its summary, the report underscored the importance of timely, co-ordinated and flexible transition planning tailored to individual needs. Whilst acknowledging the challenges posed by other factors, the report highlighted areas where proactive and collaborative approaches could have mitigated adverse outcomes. The directorates acknowledged the findings and insights and were committed to addressing the identified issues and would implement the improvements recommended.

Officers offered to circulate to Members some of the service changes and learning that had taken place since this case, together with a written response on the triage arrangements outlined in the action plan.

It was reported that a joint protocol with district and commissioning partners was being worked on, which would be brought to a future Cabinet.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Squires and

RESOLVED that the Committee:

- (a) welcomes the opportunity to review and comment on the report; and
- (b) notes the action plan and that future updates will go to both the Health and Adult Care Scrutiny Committee and Children's Scrutiny Committee.

* 185

Fostering Task Group

The Committee received the report of the Children's Scrutiny Committee Fostering Task Group.

The report set out the national and local context for children in care and the sufficiency of care placements, with the key issues and recommendations.

The Vice-Chair expressed his thanks to everyone involved in the Task Group.

It was **MOVED** by Councillor Slade, **SECONDED** by Councillor Maskell and

RESOLVED that the Committee:

- (a) endorses the report and recommendations and commends the report and recommendations to Cabinet; and
- (b) requests that Cabinet acts against the recommendations and that an update on the progress is brought back to the Committee in March.

CHILDREN'S SCRUTINY COMMITTEE
11/11/24

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

The Meeting started at 10.30 am and finished at 1.41 pm