

## CHILDREN'S SCRUTINY COMMITTEE

10 June 2019

### Present:-

Councillors R Hannaford (Chair), D Sellis, S Aves, F Biederman, C Channon, I Chubb, G Gribble, L Hellyer, R Hosking, A Saywell, M Squires and A Connett

### Apologies:-

Councillors J Brazil and T Inch

### Members attending in accordance with Standing Order 25

Councillors R Croad and J McInnes

#### \* 115 Minutes

**RESOLVED** that the minutes of the meeting held on 18 March 2019 be signed as a correct record.

#### \* 116 Items Requiring Urgent Attention: Ofsted's response to Written Statement of Action

(An item taken under Section 100B(4) of the Local Government Act 1972.)

The Chair had decided that the Committee should consider this item as a matter of urgency following receipt of a letter dated 13 May 2019 from Ofsted and CQC requiring the re-submission of a statement of proposed action within 20 working days. The letter had been tabled – see <https://www.devon.gov.uk/educationandfamilies/special-educational-needs-and-disability-send-local-offer/send-local-area-inspection>.

The Chief Officer for Children's Services reported that the written statement of action, which had been submitted to Ofsted on 10 May 2019, had been deemed not fit for purpose. Although the letter recognised strengths in the actions in the plan being closely linked to the areas for improvement identified during the inspection, concerns were raised around monitoring and evaluation, clarity of milestones and indicators of success, including addressing weaknesses in the identification assessment, diagnosis and support for children and young people with autistic spectrum disorder.

It was noted that the statement had been amended in light of these concerns and would be re-submitted. The Chief Officer undertook to share the amended statement with the Committee.

#### \* 117 Public Participation

The Chair read out a statement to clarify the Council's procedures for public participation at Scrutiny Committee meetings.

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged three oral representations made in relation to matters to be considered by the Committee.

Ms Sanchez spoke to item 6, Elective Home Education; Ms Palmer spoke to item 7, Devon Alternative Provision; and Ms Easton-Pool spoke to item 8, the EHCP Task Group report.

All three speakers raised numerous questions against the items and undertook to submit their questions to the Committee Secretary for further consideration by Members.

\* **118**      **Election of Commissioning Liaison Member**

In line with the recommendations of the 'Scrutiny in a Commissioning Council' Task Group Report, the Committee was asked to select a Commissioning Liaison Member, whose role was to work closely with the relevant Cabinet Members and Chief Officers/Heads of Service, developing a fuller understanding of commissioning processes, and provide a link between Cabinet and Scrutiny on commissioning and commissioned services.

The Commissioning Scrutiny Task Group Report can be viewed here:  
<http://democracy.devon.gov.uk/documents/s1830/Scrutiny%20in%20a%20Commissioning%20Council.pdf>

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

**RESOLVED** that Councillor Hosking be re-appointed as the Commissioning Liaison Member for the Children's Scrutiny Committee.

\* **119**      **Elective Home Education**

(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 Head of Education and Learning (CS/19/15) on Elective Home Education, which set out:

1. the Reasons Children become Home Educated;
2. the Legal Requirements relating to Elective Home Education (EHE);
3. Support provided by the EHE Service;
4. Action taken if concerns about the suitability of the EHE provision; and
5. EHE data.

Discussion points with Members and Officers included:

- the number of registered EHE pupils increasing at Years 9-11 due to a combination of factors including attending part-time college courses or suffering from stress/anxiety brought on by the pressure of exams and high expectations;
- there was no statutory requirement for a local authority to carry out any EHE visits, however, Devon did conduct monitoring visits and provide support if required;
- the responsibility for free school meals lay with the schools;
- it was difficult to assess the longer-term effects of EHE, as the DfE did not collate statistics; and
- at present, there was no right for a local authority to see the child to ensure elected education was taking place, unless there was a safeguarding issue, although Government was currently consulting on a potential change in the law in this area.

The Cabinet Member for Children and Schools reported that he was due to meet with the (new) Secretary of State shortly to address all areas of concern.

\* **120**      **Devon's Alternative Provision (Education)**

The Committee received the Report of the Head of Education and Learning (CS/19/13) providing an update on Devon's Alternative Provision (AP). A decision was made last summer to re-broker the provision to Wave Multi Academy Trust (MAT), a Cornwall based provider of Alternative Provision.

During the 2018 summer term, Ofsted had inspected provision at Dartington and Exeter, where both were judged inadequate, with safeguarding ineffective. A similar judgment had been made earlier in the year at the provision in North Devon.

In September 2018, Devon had agreed a new commissioning agreement with Wave, including a novation agreement upon re-brokerage. Wave had operationally run the provision from the start of the academic year.

On 1 November 2018, the Dartington, Exeter and North AP schools transferred to Wave Academy and renamed River Dart Academy, Stansfield Academy and Shoreline Academy respectively. As such, they did not carry the previous judgments and were unlikely to be subject to further Ofsted inspection for at least two years.

The Local Authority and Wave fully acknowledged that the loss of the inadequate judgment did not in any way remove the need for significant school improvement and significant work has been done since September, as outlined in the Report.

The re-brokerage of the Devon's AP had had a positive start and there had already been improvement across the provision. However, the legacy issues inherited by Wave would take some time to be fully addressed in a sector that remained under significant pressure due to numbers and the need of learners requiring AP.

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

#### **RESOLVED**

- (a) that Wave be invited to present a Masterclass session to Members in November, reporting on their first year as provider; and
- (b) that Member visits be conducted to the three AP schools, namely River Dart Academy, Stansfield Academy and Shoreline Academy, during the Autumn term.

\* 121

#### **The Education, Health and Care Plan Task Group**

The Committee considered the Education, Health and Care Plan (EHCP) Task Group Report, which covered the process of applying for and producing an EHCP in Devon, which put the needs of the child or young person at the centre of all decisions. The task group had been created to respond to concerns around the Council and local partners not meeting the statutory 20-week timescale in completing and issuing EHCPs.

The task group had sought to ensure that the recommendations contained within the report were based on evidence collected from all witnesses and was confident that with collaboration they were realistic within the timeframe specified. They were pleased that some of their recommendations had already been included in the Written Statement of Action and were being actioned.

It was believed that now was the opportunity for the Council to improve outcomes and experiences for all children and young people with SEN in Devon Schools, and that by working closely with local partners in a collaborative and cohesive way, the ambitions set out within the report could be achieved.

The Committee extended their thanks to all those involved in the production of such a comprehensive report.

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

**RESOLVED** that the Task Group report and recommendations be endorsed and commended to the Cabinet.

\* **122**      **Schools Funding in Devon 2019/20**

(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 Head of Education and Learning (CS/19/17) on Schools Funding in Devon 2019/20. The Department for Education (DfE) introduced an additional £900 million to school funding in 2019/20. This was the second year of the £1.3 billion committed to school funding as part of the move towards a fairer National Funding Formula.

In 2019/20 funding per pupil in Devon was £4,395 compared to the national average of £4,689, a difference of £294. Across the authority this equated to £27 million less funding, based on the October 2018 school census.

The reduction in funding has had a significant impact on pupils as in order to balance budgets, schools have had to make significant reductions in teachers and support staff, despite a rise in pupil numbers. This had resulted in larger classes, but less teaching assistants and pastoral staff to support pupil's engagement and learning.

As to the current maintenance position, there was a total backlog of maintenance for local authority maintained schools in the region of £42.6 million, with £22.9 million described as critical backlog maintenance against an allocation in 2019/20 of £4.65 million.

The report also outlined the Priority Schools Building Programme where ten schools in Devon had now been completed, with the second phase projects due to be delivered in the near future.

In discussion with Members and Officers the following points were made, namely:

- that Government lobbying should continue;
- the backlog of maintenance now needed urgently to school buildings;
- Academy schools were no longer part of local authority schools and therefore funding was clawed back by the DfE; and
- round 3 of the priority schools building programme had been deferred.

It was **MOVED** by Councillor Aves, **SECONDED** by Councillor Hellyer

**RESOLVED** that the Cabinet be asked to lobby the Department of Education over the need to increase funding for schools in Devon, highlighting in particular:-

- (a) the real term reduction in schools funding of 10% since 2009/10;
- (b) that Devon gets £294 per pupil less than the national average;
- (b) high needs pressures and including increased EHCP numbers;
- (c) the inadequacy of Government capital maintenance funding to meet the current school building maintenance backlog; and
- (d) the deferment of announcement of round 3 of the priority schools building programme.

\* 123 **Performance- Education**

The Committee received the Report of the Head of Education and Learning (CS/19/16) on the latest performance measures, highlighting key areas including: Early Years, Children in Care, requests for Statutory Assessments, transfers from statements, rates of absence, Parental Responsibilities and Penalty Notices, and Ofsted outcomes.

The Report highlighted:

- Devon was in the top performing quartile for Key Stage 2, Level 2 qualification at 19 years and older;
- Devon had also performed well on absence rates;
- performance in Key Stage 4 in English and Maths at grades 9 to 4 had improved slightly for Devon Children in Care, but was still below the national average;
- the number of children with an EHCP and those with SEN needs was above the national average;

\* 124 **Youth Service recommissioning**

The Committee received the Report of the Head of Communities Devon Youth Service commissioning intentions for the draft specification. The current contract with DYS Space Ltd for youth services in Devon was due to expire on 31 January 2020. Representations had been made at a marketing event with potential bidders on 15 May to extend the current contract by two months in order to allow more time for small providers to provide a collective bid.

There was a sense both nationally and locally that young people faced increasingly complex challenges, including county lines drug trafficking, knife crime and sexual exploitation, and that a compelling youth service offer was important in response.

Government had recently announced that they were reviewing the guidance that set out the duty of local authorities to provide appropriate local youth services. Also, a new Youth Charter would be developed to set out a vision for young people for the future, and the Home Secretary had announced in October 2018 a £200 million Youth Endowment Fund, to be delivered over 10 years, focussing on those most at risk of involvement in serious violence.

In order to ensure continuity of service provision, the Commissioners recommended that successful providers be required to operate out of the eight existing youth hubs in Devon.

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

**RESOLVED**

- (a) that the commissioning intentions outlined in the Report be endorsed; and
- (b) that a further piece of Scrutiny work be undertaken towards the end of the year to review the adequacy of wider youth services across Devon including the role of third sector and community run provision.

\* 125 **Risk Register - Annual Report**

The Committee received the Report of the County Treasurer (CT/19/53) Risk Management Annual Report, which set out the changes to risk management during 2018/19 and confirmed the role of the Committee as per the Risk Management Policy, summarising the existing risk position and links to visual reporting via power BI.

It was noted that as at 22 May 2019, there had been 13 risks recorded, of which the '*Demand for Children's Services exceeds the financial provision*' was initially assessed to be Very High

but, following mitigating controls by management, the current risk score had been reduced to High. The highest current risk remained as '*Insufficient Capacity of the High Needs Block to Meet Demand*'

\* **126**      **Ofsted Focussed Visits - 1-2 May 2019**

The Committee received the Report of the Report of the Head of Children's Social Care (CS/19/19) on the visit by Ofsted inspectors that took place on 1-2 May 2019. Focussed visits were part of the new Inspection Framework for Local Authority Children's Service. They were designed to support improvements and local authorities were invited to identify the area of practice they thought would most benefit from a Focussed Visit. Most local authorities were weaker in the area of Children in Need and Child Protection, and Devon was no exception. Devon had identified Children in Need as a priority for improvement.

A letter from Ofsted dated 28 May 2019 identified four key areas where progress had been made and where further progress was needed.

A new Board had been constituted to monitor progress against Ofsted's recommendations and to test and challenge progress against the wider Service Improvement Plan.

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

**RESOLVED** that a further paper be brought to Committee in November outlining progress against Ofsted findings and the four areas highlighted by Ofsted as needing to improve.

\* **127**      **Special Guardianship Task Group**

The Committee considered the Special Guardianship Task Group Report and noted the recommendations contained therein. The Report focussed on the experience of Special Guardians and reflected on the issues faced by them.

Members expressed their thanks to everyone involved in the production of such a comprehensive report.

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

**RESOLVED** that the Report and recommendations be endorsed and commended to the Cabinet.

\* **128**      **Children's Social Care - Office Site Visits**

The Committee received the Scrutiny Report on site visits to Children's Social Care offices, as part of ongoing work in monitoring the performance and effectiveness of the Council's arrangements to protect and safeguard children in Devon. A programme of site visits was carried out to each of the four Children's Social Care offices in Devon and the MASH in Exeter, and the Report reflected on some of the key themes that seemed to be affecting children's social care staff and partners across the County.

The Head of Children's Social Care undertook to provide Members with a copy of the recent (peer) review that had been undertaken in the MASH.

\* **129**      **Performance - Children's Social Care**

The Committee received the Head of Children's Social Care Performance Report, which noted:

- the challenges and pressures that continued to exist in parts of the service;

- the difficulties currently faced by Devon and other local authorities to complete and submit annual census return data;
- changes made to the service practice priorities and the commencement of a period of accelerated improvement; and
- the impact of continuing efforts to bring about improvement in a number of key practice areas.

\* **130      Commissioning Liaison Member Spring briefing**

The Committee received the Report of the Commissioning Liaison Scrutiny Member (CS/19/14) which highlighted in particular plans that were in place to visit the advocacy service to see how young people were benefitting. The advocacy service provided independent advocates for children and young people in care, care leavers, children and young people who were subject to child protection proceedings, and children and young people who had been adopted and were at risk of placement breakdown.

The Commissioning Liaison Member highlighted the potential benefit of appointing a Chair of the Commissioning Liaison Members.

**131      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:

- IRO Annual Report (briefing note)
- Young People Involvement in Services
- New Children's Healthcare Providers (Masterclass)
- Public Health Nursing (Spotlight Review)

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

The Meeting started at 2.25 pm and finished at 6.07 pm