

## CHILDREN'S SCRUTINY COMMITTEE

10 November 2020

### Present:-

Councillors R Hannaford (Chair), D Sellis (Vice-Chair), S Aves, F Biederman, J Brazil, C Channon, I Chubb, J Hawkins, L Hellyer, R Hosking, T Inch, A Saywell, A Connett, P Sanders and C Mabin (Church of England Diocesan representative)

### Apologies: -

Councillors G Gribble

### Members attending in accordance with Standing Order 25

Councillors I Hall and J McInnes

\* **186**      **Minutes**

**RESOLVED** that the Minutes of the meeting held on 8 September 2020 be signed as a correct record.

\* **187**      **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

\* **188**      **Public Participation**

There were no oral representations from members of the public.

\* **189**      **Announcements**

The Chair welcomed Mrs Saltmarsh to the meeting who was attending in her capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

\* **190**      **Scrutiny Committee Work Programme**

The Committee were updated as to the Scrutiny Work Programme and it was agreed that an update and review on the Sufficiency Strategy would be added as future items.

\* **191**      **In-year Budget Position**

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

The Committee received the In-Year Budget Briefing Report of the Chief Officer for Children's Services (CS/20/12) outlining those areas of specific pressures on the budget and on action being taken to address this. The Report highlighted that as of September 2020, the forecast position for Children's Services, including Public Health Nursing (PHN), was an overspend of £30.9m which included a funding shortfall for the Dedicated Schools Grant of £27.8m. The greatest cost pressures related to more children coming into care, placement mix and the SEND High Needs Block.

The Report noted that the budget for the Service had been increased year on year, partly in response to the growth in demand/unit costs and partly to enable important developments, and due to the outcome of the OFSTED Inspection in March 2020, the Council had allocated a further £2.2m in 2020/21.

Scrutiny Members had been examining the recruitment and retention of social workers; was recommending action to make the Council more competitive with neighbouring authorities; looking to reduce the current dependency on agency staff and build a permanent workforce which was both cost effective and would deliver improved service quality and improved outcomes for children.

At the time of writing, the High Needs Block of the Dedicated Schools Grant (DSG) was projecting a cumulative funding gap for the end of the financial year of £47.7m. The Council (and Government) recognised the national context of rapidly escalating demand and a legal framework that increased demand without the corresponding investment. As per DfE Guidance, the Council has held the SEND funding gap on the balance sheet rather than showing it as an overspend in recognition that the DSG was not part of the Council's revenue budget. A draft Statutory Instrument suggested that the deficit would be held until April 2023 within the balance sheet separate to the Local Authority's budget, which was also designed to allow national and local government time to tackle and resolve the fundamental drivers of SEND demand.

Children's Social Care had also seen a sustained increase in the number of children in care, building on increases in 2019/20. There were three main reasons for the increase:

- Improvement work had driven a firmer and more timely practice response in neglect cases, eliminating the drift identified by Ofsted in ILACS 2020;

- COVID lockdown had increased pressure on families and reduced their resilience particularly where adult mental health was a factor; and,
- Courts during COVID had delayed hearings, including final hearings, leading to a delay in those children exiting care through Adoption, Special Guardianship or other family-based outcomes.

The increase in the number of children in care coupled with placement mix (the balance of children in higher, medium and lower cost provision) accounted for most of the reported pressure in the in-year budget.

The Public Health Nursing Service (PHN) was in-sourced in 2019, and last year the Council supplemented the Public Health Grant allocation to PHN with an additional £1m. The challenges of recruitment in PHN have not been fully resolved in 2020 although it was expected to be in 2021/22.

Members' discussion points with Officers included:

- The need for an update and review on the Sufficiency Strategy;
- the SEND overspend in the High Needs Block had previously been noted by this Committee and the Council, and the Cabinet Member for Children's Services advised that the Council had been in contact with the government Minister, who had assured that investigations into SEND and High Needs block would be looked in to nationally to understand the current pressures faced by local councils;
- the spending variation across the country per child in the 0-25 age was between £274 - £1,075 –Members requested the figure for Devon's spend per child;
- the Edge of Care Service and the permanent costs per year required moving forward to allow better planning and reinvestment back into the service – Members were advised that the initial investment for Edge of Care was the business rates pilot, with the money saved being used to pay for the service moving forward;
- updates on the pressures in the school transport budget (projected £2.1m overspend year to end with £1.6m related to personalised transport) - including market pressures over the past 18 months where businesses had ceased to trade and the Council had to look further afield to get providers in place at increased cost, and the number of children that required personalised transport to access education, such as those with EHCPs, had resulted in more individual taxis required thereby increasing the budget spend;
- Public Health Nursing and any savings to be made and the recruitment of nurses to the service;
- Ongoing work to explore and identify a range of possible options and areas of savings for the 2021/22 financial year, to look at where there is resource within Children's Services that could contribute to the corporate challenge of ensuring a balanced budget;
- Early Help funding and the need to focus on prevention, early intervention and the root causes to overcome challenges; and,

- the suggestion that the Troubled Families initiative was renamed something more positive for families

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

**RESOLVED** that

Recognising that Early Help intervention achieves lasting and sustainable change for children and families, and that it is estimated that late intervention costs the public sector in England and Wales £16.6 billion every year, the Cabinet Member for Children's Services and Schools be asked to lobby the Ministry of Housing, Communities and Local Government and Devon MPs to:

(a) ensure that 2021/22 local government settlement includes ringfenced funding for the troubled families programme so that Early Help services in Devon can continue to be delivered throughout the next financial year;

(b) make a long-term funding commitment to the Troubled Families programme (or equivalent), ensuring that local authorities and partners are able to make long term, sustainable plans to prevent children and families reaching 'crisis point', and support them to thrive into the future;

(c) consider providing authorities (such as Devon) who have consistently shown their ability to deliver lasting and sustainable change for families through the Troubled Families programme, with ringfenced funding based on population and need, rather than 'results'.

\* **192**      **Improvement Plan - Post Ofsted Improvements to Children's Services**

The Committee received the Report of the Independent Chair of the Improvement Partnership and the Improvement Director (CS/20/13) updating Members on the response to the Inspection of Local Authority Children's Services (ILACS) undertaken in January 2020 where the Council was judged to be inadequate.

As part of the inspection, Ofsted found that senior leaders did not know about the extent of the failures to protect some of the most vulnerable children and young people from harm. Overall Ofsted identified eight areas for improvement, including the concerns about care leavers, and the Council immediately prioritised a response to ensure that children and young people were safe and that concerns identified by Ofsted were addressed.

Due to COVID-19, the publication of the Inspection Report had been delayed from March and as a result, the approach to improvement had taken two key phases to date:

- Phase 1 (April – July): an approach to improvement which was focused on addressing the context of the pandemic, ensuring vulnerable children, young people and their families were safe and supported appropriately and addressing the priority areas for improvement. During this phase the governance of improvement sat with the Devon Children and Families Partnership Executive.
- Phase 2 (July – November); a more comprehensive improvement plan was developed covering all the deficits identified in the ILACS and included the CV-19 response post lockdown. During this phase the governance of improvement became the responsibility of the Improvement Partnership, comprised of elected members, senior council officers, senior representatives of statutory partners (health, police and schools), the DfE and a representative from Cornwall Council.

The Report highlighted progress made around the eight priority areas identified by OFSTED which were:

- Services to care leavers;
- The quality of social work practice, to assess, support and protect children who experience neglect, and the effective use of pre-proceedings;
- The effectiveness of child protection conference chairs in responding to escalating risks and identifying when progress is not being made for children;
- Consideration of child protection medicals when children disclose physical abuse or present with injuries;
- Permanence planning for children;
- The quality and timeliness of life-story work;
- The assessment of children looked after placed with parents; and,
- Strategic oversight and grip on areas for improvement and oversight of senior leaders, including case audits and supervision.

Members discussion points included:

- The additional challenge of an OFSTED Inadequate judgement given to the Council at same time as responding to the COVID-19 pandemic had caused additional pressures which other council's did not face;
- An over dependency on agency workers and the need to develop a stable and able workforce;
- How to engage with young people when many parts of the county no longer had a youth service;
- how Scrutiny Members could have confidence in the oversight of information presented to them and how this could be improved to ensure the failings identified did not occur again;
- Members discussed that questions had been raised previously around care leavers accommodation and were reassured at the time about the

position of care leavers; whilst it was understood that senior officers were unaware of the situation, and without having direct contact with young people themselves, what assurances Members had that improvements were being made?

- Concerns around engagement with young people – those young people that were willing to speak and engage were often not experiencing difficulties at that time – how could Members be assured that they were hearing from the voices of the most vulnerable?
- how Members could be directly involved with overseeing children in care through increased transparency and the interrogation of data;
- how Devon could more effectively report on improved outcomes and how officers measured the efficiency of those outcomes;
- the need to include examples of best practice from other authorities within reports to allow Members to scrutinise effectively;
- the Self-Evaluation Framework which would be sent to Members once available; and,
- the ambition and long term plan of making Devon an Outstanding authority in Children's Services.

\* **193**      **Edge of Care Services**

The Committee received the Report of the Chief Officer for Children's Services (CS/20/14) updating Members on the implementation of the new Edge of Care service in Devon.

Proposals to develop an Edge of Care Service formed part of a response to concerns about the high numbers of adolescents entering care in crisis as a result of adolescent neglect or acute family stress, the high and increasing cost of services to children entering care as adolescents and the poor outcomes in some cases.

The Report outlined proposed updates to the 2019 Model due to significant developments and improvements in strengthening the relationship and ways of working with police colleagues; notably the joint work being delivered through the Adolescent Safety Framework (ASF) and co-designed Exploitation Strategy. Also, significant investments had been made in developing Early Help support and the commissioning of various health services through Children and Family Health Devon since the original model proposals were agreed, and further consideration was now being given to the appropriateness of some specific roles.

In responding to questions from Members, the Acting Head of Children's Social Care advised that the Council had invested significantly in Domestic Violence services and had been aware that demand on services drastically increased during the first lockdown in April. The current lockdown during November felt different to April and Children's Services were working as normal and able to continue meeting children face to face – at this time there the Service had not seen an increase in demand, however there was

sometimes a 2-3 week delay. Economically this was a very challenging time for families.

It was **MOVED** by Councillor Inch, **SECONDED** by Councillor Hosking and

**RESOLVED** that the proposed service model revisions as set out in section 3.12 against the model agreed by Cabinet members previously in April 2019 be approved and the current progress made with implementing the Edge of Care Service be noted and endorsed, and that a future report would be brought to the Committee outlining the progress and early outcomes of the service.

\* 194 **Support for Families during Pandemic**

The Committee considered the Report of the Chief Officer for Children's Services (CS/20/16) around the Council's response to vulnerable children in different phases of the Coronavirus pandemic, including the response now and data on Free School Meals (FSM) which showed a very significant rise in demand. Recent national debates about FSM had prompted Members to seek clarification about the Council's response.

During the first lockdown, the role of schools changed to supporting vulnerable children and the children of key workers, with the vast majority of children receiving their education at home. For the May half term and the summer holidays the DfE agreed that schools could continue to provide meals for entitled children. They met this requirement through a variety of routes, including the national voucher system, food parcels that families could collect or purchased gift vouchers for local stores.

As a Devon large rural county, the Council believed that local solutions were needed to ensure that during lockdown the most vulnerable people in Devon, including children and families, did not go hungry. To ensure support was available the Council allocated £1 million to a shared hardship fund, which was shared between districts along with a further £700,000 received from the government. The County Council was holding a further £100,000 in reserve for additional hardship funding over the winter.

The Report advised that before the pandemic the percentage of pupils eligible for and claiming FSM was rising in Devon and nationally; however, it was still significantly below that seen nationally.

COVID-19 had resulted in a significant impact of the number of families that had registered free school meals. The table below showed the increase in claims since March.

Authorised Claims	March/April	June/July	Aug/Sept
2019	206	572	771
2020	1,257	1,816	1,130

Members were informed that based on the October 2020 school census there were now 13,830 pupils claiming FSM in Devon. This figure could still rise as the census was not yet closed. At £3 per meal, it would cost about £41,940 per day to provide a meal to these children.

Families entitled to FSM, whose children would otherwise go hungry, have been encouraged to contact their District Council in order to access hardship assistance during the school holidays. The Council would write to the Government to clarify that, due to the financial position, the Council were limited in our ability to provide financial support for families beyond the Spring and to request that they properly fund support for all vulnerable people in Devon affected by the financial impacts of the pandemic.

Since this Report was written, the Head of Education and Learning updated Members that Government had announced additional funding and support for families which included:

- £170m Covid Winter Grant Scheme to support children and families over winter;
- holiday activities and food programme to be expanded covering Winter 2021;
- Councils would distribute the funds rather than schools as they were best placed to directly help the hardest hit families and individuals as well as provide food for children who required it over the Christmas holidays;
- Local Authorities would receive ring-fenced funding at the beginning of December;
- The Healthy Start scheme payments were set to increase, which would support pregnant women or those with children under the age of four who were on a low income and in receipt of benefits, to buy fresh fruit and vegetables;
- Additional funding for food distribution organisations; and,
- The full school census data set showed 14,774 children had now registered for Free School Meals in state funded schools.

Members discussion points with Officers included:

- whether the new package of funding and support would meet the needs of those hardest hit families in Devon – Members were advised that the Government announcements were made on 8 November and Officers were still awaiting further details;

- the Hardship Funding had been allocated to District councils and local suppliers to deliver the support at home which was deemed the best course of action as the demand currently placed on schools would be too much and staff were not in place over the holidays;
- the numbers of coronavirus cases in schools had significantly reduced in terms of number of cases and those pupils self-isolating in Devon. Evidence suggested there was no increased risk to children attending school and it remained a priority to keep schools open;
- the need to focus on young people's mental wellbeing where children were spending significant time at school but were unable to meet friends outside of school due to the national lockdown; and
- that there had been no move on schools being able to claim costs around COVID for the autumn term.

\* **195**      **Education and Inclusion Services**

The Committee received a report from the Head of Education and Learning (CS/20/15) on the future provision of Education and Inclusion Services in Devon.

In 2012, the Council commissioned out its statutory Learner Support Services to a joint venture with a private sector partner and Babcock Training Ltd (now Babcock Educational Holdings Ltd). A new partnership, Babcock Learning Development Partnership LLP (Limited Liability Partnership Joint Venture), was created, in which Devon County Council retained 19.9% ownership. The service level contract put in place with Babcock LDP was for a maximum of ten years (seven years plus three) and expired on 31st March 2022. The total value of the contract for 2019/20 was £8.8 million pounds.

The Council had been undertaking work on the future service design and the delivery model options for Learner Services in accordance with a commissioning timetable which allowed for any tender process or transfer of service required and a mobilisation period.

The pandemic incident management response required between March and July 2020 had a significant impact on the progress of the work to determine the future delivery model for Learner Services and it became clear that it would not be possible to meet the stringent consultation and competition rules set out in the Public Contracts Regulations 2015 legislation within the timescales needed. In August 2020, the Council's Cabinet approved an extension to the existing contract which would continue for a period of up to 12 months, to 31st March 2023.

Consultation had now been carried out with schools and a public consultation on the options being considered was also being prepared. Scrutiny members would be provided with a copy of the public consultation before it was launched. This public consultation would outline the options identified as the most beneficial along with the evidence base and rationale for this

assessment. A full business case would then be written to include additional cost modelling and analysis of the rationale for the option being recommended, including the cost of implementation in terms of work from other teams within the council.

The council would be consulting on views about bringing in all 3 services directly delivered by the Council, these were:

- Educational Psychology
- Early years support
- Children missing education

The full business case for the final recommendations being made would be taken to Devon Education Forum (schools forum), LG8, Cabinet Leadership and Cabinet for final discussion and agreement.

Members raised the possibility of further work and scrutiny on the recommissioning of Babcock Services in order to better understand what was provided by Babcock and how bringing inhouse three of the main services would affect the contract. The Head of Education and learning explained that there were 66 elements of statutory delivery that were included within Babcock services, and the recommissioning focussed more on how the service was delivered rather than what was delivered.

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

**RESOLVED** that a more detailed session with Members into the recommissioning of the Babcock contract be arranged to explore in more detail.

\* 196 **Children's Standing Overview Group**

The Committee received the notes of the Standing Overview Group.

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

The Meeting started at 10.30 am and finished at 1.40 pm