



Essex County Council

People and Families Policy and Scrutiny Committee

10:30	Thursday, 18 June 2020	Online Meeting
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The meeting will be open to the public via telephone or online. Details about this are on the next page. Please do not attend County Hall as no one connected with this meeting will be present.

For information about the meeting please ask for:

Graham Hughes, Senior Democratic Services Officer

Telephone: 033301 34574

Email: democratic.services@essex.gov.uk

Essex County Council and Committees Information

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Please note that an audio recording may be made of the meeting – at the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

		Pages
**	Private Pre-Meeting for PAF Members Only Please note that Members are requested to join via Zoom at 9.30am for a pre-meeting.	
1	Membership, Apologies, Substitutions and Declarations of Interest	5 - 5
2	Minutes To approve as a correct record the minutes of the meeting held on 14 May 2020.	6 - 10
3	Questions from the Public A period of up to 15 minutes will be allowed for members of the public to ask questions or make representations on any item on the agenda for this meeting. No statement or question shall be longer than three minutes and speakers will be timed. Please try and let us know the day before the meeting if you wish to ask a question by emailing democratic.services@essex.gov.uk	
4	Respite Care update	11 - 19
5	Deprivation of Liberty Safeguards update	20 - 26
6	Work Programme	27 - 30
7	Date of Next Meeting To note that the next meeting is scheduled for Thursday 23 July 2020, which may be a private committee session, public meeting, briefing, site visit etc. - to be confirmed nearer the time.	
8	Urgent Business To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.	

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

9 Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

Agenda item 1

Committee: People and Families Policy and Scrutiny Committee

Enquiries to: Graham Hughes, Senior Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership

(Quorum: 4)

Councillor J Chandler	Chairman
Councillor J Baker	Vice-Chairman
Councillor J Deakin	
Councillor B Egan	Vice-Chairman
Councillor M Durham	
Councillor C Guglielmi	
Councillor M Hardware	
Councillor J Lumley	
Councillor P May	
Councillor R Pratt	
Councillor P Reid	
Councillor C Souter	
Councillor M Steptoe	
Councillor L Wagland	

Non-elected Members

Richard Carson
Lee Cromwell
Marian Uzzell

Minutes of the virtual meeting of the People and Families Policy and Scrutiny Committee, held at 10.15am by video conference on Thursday, 14 May 2020

Present:

County Councillors:

J Chandler (Chairman)

J Baker (Vice Chairman)

B Egan (Vice Chairman from appointment at Minute 2)

C Guglielmi

M Hardware

J Lumley

P May

R Pratt

P Reid

C Souter

M Steptoe (from 11.55am)

L Wagland

R Carson (Education co-opted non-voting member), Sharon de Cortez-Westfield from Healthwatch Essex (until 12 noon) and Graham Hughes, Senior Democratic Services Officer, were also present.

It was agreed to re-arrange the published agenda order so that Urgent Business was considered before Work Programme. The remainder of the agenda running order to remain unchanged.

1 Membership, Apologies, Substitutions and Declarations of Interest

The report on updated Membership, Apologies, Substitutions and Declarations was received and noted. Councillors M Durham, M Hardware, M Steptoe and L Wagland were welcomed as new members and those members who had stood down were thanked for their contributions to the deliberations of the Committee. Apologies for absence had been received from Councillors Deakin and Durham.

No declarations of interest were made.

2. Appointment of Vice Chairman (vacancy)

The Chairman expressed gratitude to Councillor Henry who had served as Vice Chairman but had now moved to other responsibilities and no longer served on the Committee. To fill the vacancy the Chairman asked for nominations for a second Vice Chairman. Councillor Egan was proposed by Councillor Souter and seconded by Councillor Baker. There being no further nominations, it was **agreed** by general consent that Councillor Egan be appointed as a second Vice Chairman of the Committee.

3. Minutes

The draft minutes of the meeting held on 12 March 2020 were approved as a true record and signed by the Chairman. A record of an informal discussion about the Meaningful Lives Matter programme with Essex County Council officers on 9 April 2020 was also noted.

4. Questions from the public

There were no questions from the public.

5. Educational Attainment update

The Committee considered report PAF/09/20 comprising an annual report on educational attainment in Essex schools dated 20 April 2020. Supplementing the report at the meeting was a brief power point presentation which had also been published alongside the agenda papers.

The following joined the meeting to introduce the item:

County Councillor Ray Gooding, Cabinet Member – Education;

Clare Kershaw, Director - Education;

During the introduction the following was highlighted:

- (i) The format of the annual report had been reviewed in consultation with the Chairman and Vice Chairmen earlier in the year and now focussed more on strategies and actions, some detailed case studies and deep dives into areas of concern.
- (ii) 90% of primary schools and 84% of secondary schools were rated as good or outstanding which compared favourably with national figures and statistical neighbours. Tendring and Maldon were the districts that recorded the lowest percentage of schools achieving the good or outstanding measure for primary and secondary schools respectively. A new OFSTED framework for primary schools was expected for the next academic year;
- (iii) The good level of development measure for Early Years Foundation Stage stood at 74.5% in 2019 which compared favourably with national figures and statistical neighbours;
- (iv) Overall Essex was achieving expected standards at Key Stage 1 with Brentwood and Uttlesford the highest performing districts but Tendring was struggling for reading, writing and maths. Harlow and Colchester districts each struggled with one of the

three subject areas. It was a similar picture for key Stage 2 with Tendring again struggling;

- (v) There had been a drop in the average progress scores for Key Stage 1 to 2 across all indicators with Maldon the highest performing district and Tendring the lowest;
- (vi) Overall 63.9% of Key Stage 4 pupils achieved 9-4 for English and Maths. Harlow and Tendring districts struggled with this measure.

During subsequent discussion and questioning from members the following were acknowledged, highlighted or noted:

- (vii) Maintaining high levels of attainment moving between KS1 and KS2 required simultaneously focussing on reading, writing and maths whilst at the same time overseeing all schools in Essex which was a significant challenge. Improved continuity of staff together with further encouraging the value of reading outside of school would be critical to improving this measure.
- (viii) There was some indication that secondary school pupils could 'switch-off' from the curriculum, particularly if the new GCSE's were viewed as too hard. However, this did not fully explain the decline in KS4 measures such as Progress 8. Greater flexibility to enable pupils to focus on a smaller number of subjects may improve some individual performances.
- (ix) Tendring performance figures could be disproportionately impacted due to the small number of secondary schools in the district. A sub-group of the Tendring Strategic Group, comprising the CEOs of academy trusts, had been established to focus on key non recruitment/retention and attendance issues in the area.
- (x) A national definition was used to identify those vulnerable in Essex. However, an Essex pilot project looking to increase the outcomes of disadvantaged children was advocating a whole-school approach and not just focussing on specific groups.
- (xi) Disadvantaged children in Essex did not perform so well compared nationally. The recent SEN service redesign was responding to that in supporting schools to develop more customised responses and support for disadvantaged children. Essex County Council had established separate strategic teams for emotional and mental health, autism, and speech language and communications, to help schools in developing their teaching programmes. A SEN Inclusion Partner was allocated to each cluster of schools to help support their SEN training and support. A Trauma Perceptive Practice programme had been established

for all the school workforce to help them understand challenging behaviour and support pupil health and wellbeing.

- (xii) As part of improving overall outcomes for all pupils with SEN, there needed to be further improvement in the overall practice of supporting all pupils with any degree of special needs and not just those with ECHP plans.
- (xiii) Some members questioned the links between educational performance and local job and skills performance data. A major challenge for schools was to enthuse young people and to support their aspirations which may not necessarily always be academic.

Conclusion:

The following actions were agreed:

- (i) A breakdown of performance data for Harlow schools would be sent to Councillors Hardware and Souter.
- (ii) A breakdown of data on apprenticeships to be provided to all members to help clarify those completing apprenticeships compared to those entering them.
- (iii) An update on the Disadvantaged Pupils Pilot would be scheduled into the Committee's work programme.
- (iv) That the new more focussed format of the annual report should be continued for future years.

6. Urgent business

Councillor Reid asked an urgent question relating to the support being put in place to help nurseries and child minder services to re-open after the enforced closures due to the pandemic.

Clare Kershaw responded on behalf of the Cabinet Member:

- ECC had set up a brokerage system (using large providers as hubs) so that parents could access child-care support;
- A helpline was in place for all providers to seek advice and guidance which included financial advice and eligibility for, and signposting to, grants and funding that may be available;
- Many Early Years providers had decided to temporarily close at the start of the pandemic and furlough staff. The Government had since

clarified the furlough rules for nurseries stressing that furlough was only permitted for those parts of their business that were not already receiving public funding;

- Government advice was that before an early Years setting could re-open a full risk assessment had to be undertaken, taking into account the premises and staffing levels. ECC had put in place a framework to help providers undertake that assessment. It was acknowledged that initial take-up for undertaking this assessment could be low;
- The Government was currently only advising the use of PPE in limited circumstances and, instead, advocated other protective measures such as hand hygiene, and the regular cleaning of surfaces, toys and soft furnishings.
- Child minders could now start operating in single households.
- It was acknowledged that there was no guarantee that all Early Years settings would survive and re-open after the pandemic restrictions were relaxed.

The Chairman thanked Clare Kershaw for her oral update.

Councillor Gooding and Clare Kershaw then left the meeting.

7. Work Programme

The Committee considered and noted report PAF/10/20 comprising the current work programme for the Committee.

8. Date of Next Meeting

The next meeting would be on Thursday 18 June 2020.

There being no further business the meeting closed at 12.08pm.

Chairman

Respite Care update

Reference Number: PAF/11/20

Report title: Respite Care in Essex - update	
Report to: People and Families Policy and Scrutiny Committee	
Report author: Graham Hughes, Senior Democratic Services Officer	
Date: 18 June 2020	For: Consideration and identifying any follow-up scrutiny actions
Enquiries to: Graham Hughes, Senior Democratic Services Officer at graham.hughes@essex.gov.uk.	
County Divisions affected: Not applicable	

1. Introduction

This item is to be updated on follow-up/action points agreed as a result of a discussion on respite care on 10 October 2019.

2. Action required

The Committee is asked to consider:

- (i) **the attached latest update (Appendix 2).**
- (ii) **To consider any follow-up work and how it wishes to continue to monitor the service review underway.**

3. Background

- 3.1 This item is a follow up on previous discussions on respite care held on 27 June 2019 and 10 October 2019. The first discussion had initially been prompted by issues raised in a petition received on the services provided at Lavender and Maples facilities and was expanded to include broader discussion about respite care in Essex.
- 3.2 A link to the meeting papers for the above meeting in June is here - [PAF 27 June 2019 meeting papers](#).

In particular, at the 27 June 2019 meeting the Committee recommended that the Cabinet Member:

- (i) Undertake a review of the respite care assessment process to address issues raised in the meeting specifically around the transparency of the process and the eligibility criteria thresholds and to consider service user representation on the assessment panel;
- (ii) Review procedures to improve communications with families and carers particularly around the assessment process, appeals process;

Respite Care update

- (iii) Investigate and check that social workers are providing all necessary advice on options and process to escalate dissatisfaction with assessment outcomes, including the formal complaints procedure;
 - (iv) To report back on the review being undertaken to investigate further empowering some families through the Direct payments Scheme.
 - (v) Provide further information on historical trends for overnight respite care demand with particular reference to the type of service provided at Lavender and Maples.
- 3.3 On 10 October 2019 the Committee received an update on planned actions as a result of the discussion in June. A link to the meeting papers for that meeting is here – [PAF agenda papers - 10 October 2019](#) . An extract of the minutes of that discussion is attached as **Appendix 1** to this report.
- 3.4 For this update the Cabinet Member and officers have been asked to respond to and provide the following:
- Update on the workshop held before the lockdown and next steps
 - To include how the service review and future working with service users may need to be reframed if current pandemic restrictions continue for a significant period of time and how much can be progressed remotely.
 - To include some comment on how the pandemic has impacted on this client group (families retrenched, shielding, schooling etc) and how that may impact on future service provision particularly around addressing anxieties and managing expectations.
 - To include some comment on developing flexibility in the service offer and direct payments provision.
 - Opportunity to highlight some of the specific ECC actions taken and provision during the pandemic for vulnerable groups – link with Essex Welfare Service etc.

4. Update and Next Steps

The update is attached as Appendix 2(i) and 2(ii). County Councillor Louise McKinlay, Cabinet Member for Children and Families, and Russel Breyer, Director of Local Delivery (South), Essex County Council will attend to present the update. Next steps are as proposed under Action Required.

5 List of Appendices

Appendix 1 – extract minutes from 10 October 2019.

Appendix 2 – update from Cabinet Member and senior officer

Extract of the minutes of a meeting of the People and Families Policy and Scrutiny Committee held on 10 October 2019

Minute 4.

Respite Care

The Committee considered report PAF/23/19 which specifically addressed action points arising from the June 2019 meeting of the Committee. The following joined the meeting to introduce the update and support the discussion.

Councillor Louise McKinlay, Cabinet Member – Children and Families,
Christina Pace, Head of Strategic Commissioning and Policy, Essex County Council,
Russell Breyer, Director Local Delivery (Children and Families).

During discussion the following was highlighted and/or noted:

- A review had been undertaken to determine the focus of future work as part of developing a three year strategy. The focus would go beyond just residential care and include other options such as foster care, direct payments.
- The Cabinet Member confirmed that the Maples and Lavender facilities would not close during the three year strategy review period.
- The service would also look to increase fostering numbers.
- Families had indicated that they wanted more opportunity to highlight their own profile, circumstances and challenges during the assessment process. The service had recruited a development officer whose priority would be to further develop that assessment process. The appointee was a full-time senior social worker who would not be distracted by case work.
- The volume of cases for the assessment panel was high with only a 10-15 minute timeslot available for each case. The family social worker represented families at the hearing.
- Through engagement with families the service would scope out how to improve communication and feedback on the assessment process.
- In the end a professional decision would be made on assessing need. However, the families' social worker had an ongoing relationship with families and would review arrangements if they were visibly not working for them.
- The service was looking to find better ways to communicate with families and involve them more in developing future service design.
- Families would be invited to join workshops being held to help shape future service design. The service was also exploring how to include families that were using foster carers in those discussions.

Respite Care update

- The managers of the Lavender and Maples short break homes would also help shape the offer for those being considered for respite care.
- A late appendix report had been tabled at the meeting. Members queried whether data was available on the number of applications and referrals made. Whilst contributors did not have precise figures to hand they did stress that the complexity of cases was increasing and that they were increasingly having to respond to that challenge often with further resource. There had been some disruption to services and in some cases officers had worked through other options with families and in most cases they had been able to meet needs within a reasonable timeframe.

Conclusion:

The Chairman thanked the contributors for their update. The Committee were encouraged by the work now being planned to include families in future service design. It was agreed that a further update would be provided in Spring 2020 once the workshops had been held and further work on preparing a draft strategy undertaken

Service Briefing

Briefing Prepared by R. Breyer, 10.06.2020

Update on the workshop held before the lockdown and next steps.

A family engagement workshop was held before the lockdown, led by Cllr McKinlay supported by ECC Officers. The workshop contained representatives from users of all types of respite, including in-house residential (Maples and Lavender), family based respite (specialist foster carers), and direct payments, whereby families retain the flexibility to make their own arrangements. The users of each type of provision were able to exchange information and views about how they use the provision, what they see as the benefits, what they find challenging about each, and how they would like to see the service shaped going forward. All types of respite are valued highly by those who use them, and some groups are devoted to and passionate about the service they receive, but it is fair to say that all groups learnt from each other. Notes were made and have been fed into the respite workstream of the CYPWD development group.

The plan to hold a further workshop has been delayed due to the pandemic, which caused families to need to focus on keeping their child safe, and has also required a high level of officer capacity. As it is now clear that the pandemic is a longer-term feature of life, the workshops will be reconvened as a priority, using either technological solutions or social distancing as appropriate. Future workshops will contain one representative from each type of provision so that the meetings can make effective contributions to plans going forward.

To include how the service review and future working with service users may need to be reframed if current pandemic restrictions continue for a significant period of time and how much can be progressed remotely.

As referenced above, now that we understand that the pandemic will, in some form, shape how we do things for the foreseeable future, the workshops will be reconvened using the most appropriate available method. The CYPWD development officer has been tasked with setting this up. In terms of actions by officers to deliver on plans made, these can be taken forward with minimal delay as we now have established facilities for remote working.

To include some comment on how the pandemic has impacted on this client group (families retrenched, shielding, schooling etc) and how that may impact on future service provision particularly around addressing anxieties and managing expectations.

Children and young people with disabilities are amongst the most vulnerable in society. In terms of the pandemic, those with health complications are especially vulnerable and often at extremely high risk.

The pandemic and how families have responded to it has shown very clearly that no-one understands this better than families themselves. In very many cases, families

have made the decision to provide maximum protection and safety for their child or young person themselves, shielding them effectively using their own knowledge and listening to the advice of health professionals. Different families have required differing levels of support to achieve this, ranging from minimal to very high.

A significant factor for many families has been the availability of schooling. The provision of schooling has represented a significant challenge for the education system, both in terms of providing on-site provision where families have needed this, and in the input schools have been able to provide to children at home. Different schools have performed differently in the face of these challenges, so the experience of families has been variable across the county. Social care and other partners have endeavoured to support families to mitigate the pressures and challenges (for example by the development of a 'Rapid Response' team). The Essex Family Forum have just finalised a report of a survey into families experience of SEND education provision and this is due to be published in the next few days.

In terms of the impact on future service provision and how we support families going forward, it is too early to give a definitive picture. There are some things we know already, some things we can predict and plan for, and probably some elements that are unknown to us yet, as the course of the pandemic and routes to recovery unfold. What is clear is that the pressure on families has been enormous, and whilst very many families have responded with incredible fortitude and resilience, for some the impact has presented severe challenges.

In social care terms, additional services have been provided to a number of families with significant additional resources required to make these possible. An example would be a young person who has high health needs who is at a residential school during the week, returning home at weekends. As she has been unable to move between school and home due to the risks, the family made the difficult decision that her needs would be best met by remaining in school at weekends. Social care funded the additional provision.

We are currently working with health, education and voluntary sector providers to model emerging needs as children begin to return to school and outside life. This work is in its early stage but planning is taking place across a broad range of need. For example, the pressures and challenges of the pandemic has caused mental health issues for children, young people, and families. We are in discussion with mental health providers about how we jointly meet these challenges.

To include some comment on developing flexibility in the service offer and direct payments provision.

The ambition and strategic aim of the CYPWD service is to achieve a fully flexible offer that gives families genuine choice, and that has sufficient capacity and reliability to meet the need. There are four main strands to a flexible respite offer, brief comments are made on each below.

- a) In-house provision of overnight respite. A three-year commitment was given in November 2019 to make no further changes to the provision at Lavender and Maples while a review of the overall provision was undertaken. Although there

has been some delay caused by the pandemic and by the departure of the senior commissioning officer leading this work, this is now being made a priority. A new commissioning team has been engaged and the terms of an options paper have been established and work begun. A timescale for the paper has not been finalised but November 2020 would be a realistic target.

- b) Independent sector provision. This sector provides essential capacity over a broad geographical area, flexibility to provide additional capacity where required (sometimes at short notice), and in some cases specialist health care that the in-house provision is not able to provide. It is an important element of a flexible and responsive service. However, ECC has not previously commissioned provision from the independent sector across the county, instead 'spot-purchasing' places on an 'as and when' basis. This approach does provide flexibility, but the pandemic has indicated that, in uncertain times, a more predictable purchaser-provider framework may offer greater certainty to all parties, and may encourage more providers into the market. The commissioning team has begun the work of researching this.
- c) Family-based care (specialist foster carers). ECC's fostering service have recruited a new manager tasked with prioritising the recruitment of specialist foster carers for CYPWD. This service is also reviewing rates paid to foster carers with a view to increasing rates to attract or develop experienced carers to ECC.
- d) ECC's Direct Payment rate has recently been significantly increased to £12.91 per hour to enable families to purchase support. Further work is being undertaken to review this rate, to enable families to exercise maximum choice (for example a differential in the rate for overnight provision is under consideration). The regulations around the use of direct payments had already recently been relaxed to give families greater flexibility. Further relaxation has been temporarily introduced during the pandemic phase, as it was not considered fair or helpful to reclaim unspent funds from families where, for example, a PA had been unable to provide a service due to risk or sickness, and where families had sourced creative alternatives.

Opportunity to highlight some of the specific ECC actions taken and provision during the pandemic for vulnerable groups – link with Essex Welfare Service etc.

- a) The Essex Welfare Service has been established and operational, a separate report is requested in respect of this.
- b) A CYPWD 'Rapid Response' team has been set up with partners to address severe pressures caused by children being unable to be in school.
- c) Further temporary flexibility around the use of direct payment has been introduced.
- d) Specific additional resources have been provided to families where these have been necessary (ranging from accommodation, to PPE, to educational materials).
- e) Multi-agency planning around recovery needs has taken place.
- f) A CYPWD Development Team is now fully staffed to support developments in the service going forward.

Overnight Short Breaks (OSB) offer to Children with Disabilities 10.06.2020
Prepared by Helen Sumner, CYPWD Specialist Service Manager (Development)

Introduction

This report follows the overnight short breaks engagement meeting held with families on 2nd March and the contact with these families since this event.

It considers how the service review can be progressed if current pandemic restrictions continue for a significant period of time. It also provides feedback on the impact of the pandemic on this client group and considers how anxieties can be addressed and expectation managed going forward. It also provides data of the consultation between social workers and the OSB hub, forum outcomes and the numbers receiving different types of support within the CYPWD service.

Engagement Meeting:

The engagement meeting was attended by 10 parents whose children access a variety of overnight short breaks (OSB), Cllr McKinley and representative from ECC's CYPWD service. Essex Family Forum were unable to attend.

Further engagement:

The plan is to arrange further meetings with one parent representative from each type of OSB to continue discussions around improving the service offer/outcomes for children and young people. Due to COVID 19 further meetings have been put on hold.

Consideration will be given to how engagement with these families can continue via virtual meetings and how parents whose children are not attending school can be supported to engage.

Some families have taken the decision not to access OSB during the current period, especially those whose children are vulnerable medically.

How the pandemic has impacted on children and young people with disabilities and their families:

Many families are concerned about their children returning to school; many have good routines in place and feel there has been less stress and anxiety for their child which has resulted in reduced behaviour of challenge. However, for other families having their child at home has led to an increase in challenging behaviour.

Families have found WhatsApp messages and video calls from their social workers helpful and many children and young people have found it easier to engage virtually. Many families are becoming more exhausted as the lockdown continues. They have been resilient and have coped, but for some the pressure is increasing especially as parents are returning to work.

The mental health of some parents has been negatively impacted by the lockdown. Young people due to transition from school to college in September are anxious about this as they have been unable to attend college open days.

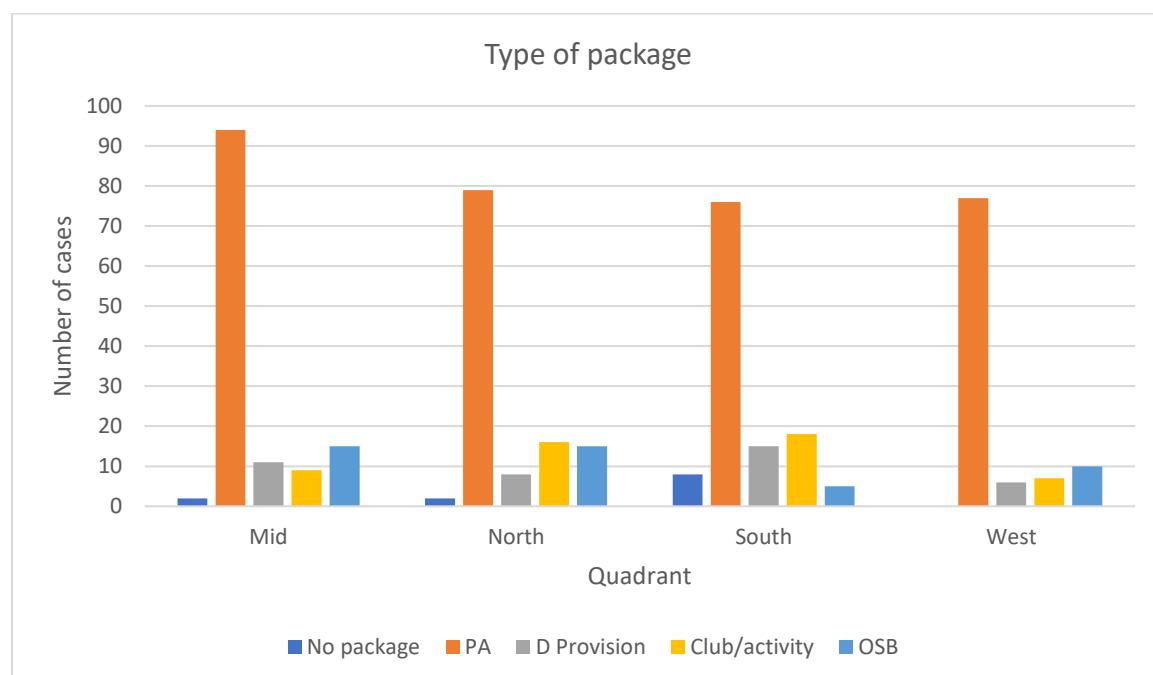
The flexible use of direct payments has been useful for some families.

Extended family such as grandparents not being able to provide support has had an impact on families.

The numbers of CYPWD accessing school has increased as the lockdown has progressed. On 20th May there were 4,404 attending school, 1222 of whom were 'vulnerable' children (across all social care categories, not just CYPWD). This was an increase of 62% from the beginning of lockdown and followed the drive by government and ECC for school to encourage more children to attend.

Current packages provided to Children and Young People with Disabilities across Essex:

Data from 404 cases that are open to the CYPWD service, with regards to the type of support the child/young person is receiving. This is around 1/3 of the cases that are open to the CYPWD service.



Deprivation of Liberty Safeguards update

Reference Number: PAF/12/20

Report title: Deprivation of Liberty Safeguards - update	
Report to: People and Families Policy and Scrutiny Committee	
Report author: Graham Hughes, Senior Democratic Services Officer	
Date: 18 June 2020	For: Consideration and identifying any follow-up scrutiny actions
Enquiries to: Graham Hughes, Senior Democratic Services Officer at graham.hughes@essex.gov.uk.	
County Divisions affected: Not applicable	

1. Introduction

This item is a new agenda item that has been suggested by the Audit Governance and Standards Committee and agreed by the Chairman in consultation with senior officers.

2. Action required

The Committee is asked to consider:

- (i) **the attached update (Appendix 2).**
- (ii) **any follow-up work and how it may wish to continue to monitor the challenges being faced and progress being made.**

3. Background

- 3.1 A backlog of Deprivation of Liberty Safeguards assessments was highlighted in an internal audit report presented to Essex County Council's Audit Governance and Standards Committee (AGS) in June last year. At its July 2019 meeting, the AGS concluded that sufficient progress was being made against the Internal Audit recommendations requested that the Chairman of the People and Families Policy and Scrutiny Committee consider if the Safeguarding Service was sufficiently resourced to meet the demands being laid upon it. An extract of the relevant Internal Audit Report presented to the June 2019 meeting, and an extract of the minute of the AGS meeting in July 2019 are attached in **Appendix 1** to this report.
- 3.2 The PAF Chairman has subsequently had discussions with senior officers and agreed that an update item should be presented to the Committee for discussion.
- 3.3 Presenting officers have been asked to update on three aspects:
 - on the management of the backlog referred to in the AGS discussions;
 - to now also update on the impact of the Covid-19 pandemic; and

Deprivation of Liberty Safeguards update

- to update on plans for new legislation introducing Liberty Protection Safeguards.

4. Update and Next Steps

The update is attached as Appendix 2.

Fiona Davis, Director of Safeguarding and Quality Assurance, and Giles Goodeve, Service Manager, Safeguarding and Quality Assurance (both Essex County Council) will attend to present the update.

Next steps are as proposed under Action Required.

5 List of Appendices

- Appendix 1 – (page 1) extract of Internal Audit Report presented to 3 June 2019 meeting of the Audit Governance and Standards Committee.
- (page 2) Extract minutes from the Audit Governance and Standards Committee held on 29 July 2019.
- Appendix 2 – update from senior officers

6 Further reading

Social Care Institute for Excellence – Deprivation of Liberty Safeguards (DoLS) at a glance: Published: May 2015:

<https://www.scie.org.uk/mca/dols/at-a-glance>

Social Care Institute for Excellence – Liberty Protection Safeguards - Latest Developments.

<https://www.scie.org.uk/mca/dols/practice/lps>

Deprivation of Liberty Safeguards update

APPENDIX 1 (page 1)

Extract of Internal Audit Report presented to June 2019 meeting of the Audit Governance and Standards Committee:

Audit Review Title	Function	Recommendation	Last Status Update	Owner	Risk Rating
Deprivation of Liberty (DoLS) (ASC6 1718)	Adult Social Care	<p>Timeliness of DoLS Decisions</p> <p>Best endeavours need to be made to ensure DoLS assessments and decisions are progressed promptly and issued within the statutory timescales, in a cost efficient way, having regard to the financial budget available</p>	<p>Update: 22.11.18: Actions to be taken:</p> <ol style="list-style-type: none"> 1. Triage system review: DoLS team are now adding the oldest historic cases to the priority list so this is now up to 2016. 2. Work with external agency: Allocation of 40 cases per month since to external agency since December 2017. Current progress means online with projection to complete 500 cases. Regular meetings with ECC DoLS Team and the provider. 3. Review of targeted use of BIA's: Frontline staff (social workers) prioritised for this year's training to achieve maximum potential allocations. Due to re-organisation in ASC, some qualified staff were displaced and others moved into new roles resulting in less capacity to complete assessments. Reduced volume of re-approvals BIA's as a result. 4. Financial penalty: Learning agreement completed by staff on undertaking the training is now strengthened to support accountability for allocations, awaiting ALT approval. 	Director, Safeguarding & Quality Assurance (Adult Social Care)	Major

See overleaf for extract minute of the update discussion on 29 July 2019

Extract of the Minutes of the meeting of the Audit, Governance and Standards Committee, held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Monday, 29 July 2019

5 Update on Implementation of Internal Audit Recommendations

The committee received an oral update from Fiona Davis, Director and Giles Goodeve, Service Manager, Safeguarding and Quality Assurance, Essex County Council.

Members were given the context for the audit that had been undertaken and informed of the legislative framework that enabled adults to be deprived of their liberty in hospitals and care homes when the person lacks the relevant capacity.

The legislation placed specific responsibilities on the local authority as the supervisory body as it must arrange for assessment to be undertaken and complete the process for authorisation. There had been a significant increase in the number of requests for assessment.

Members were informed that, arising from the Internal Audit there had been three recommendations with management actions and whilst these were either completed or on track, regrettably these updates had not been uploaded on to the 'Team Central' system to inform the Internal Audit service. In consequence it appeared as if the internal audit recommendations had not been addressed. Since the identification of that weakness they had developed a more robust system.

Resolved:

1. The Committee were satisfied that sufficient progress was being made against the Internal Audit recommendations
2. The Committee requested that the Chairman of the People and Families Policy and Scrutiny Committee consider if the Safeguarding Service was sufficiently resourced to meet the demands being laid upon it.

Deprivation of Liberty Safeguards

Report authors:	Fiona Davis, Director of Safeguarding and Quality Assurance Giles Goodeve, Service Manager, Safeguarding and Quality Assurance
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1.	Current DoLS backlog:
	<p>The context in Essex, as with other Local Authorities nationally, is that we have had difficulties with managing the backlog of cases previously and this is further challenged by the circumstances we are currently facing with COVID-19. These challenges relate to volume of cases and delays associated with completing the assessment and authorisation process.</p> <p>The backlog in Essex has been steadily dropping with specific plans to manage and monitor this over the past 3 years. The currently backlog is 3614 as of 08.06.20.</p> <p>The primary route that ECC has used to manage the backlog is by using a contract we have with an external provider and in addition Independent Best Interest Assessors. This provider has supported Adult Social Care with a consistent number of cases over the past 2 years and we have used primarily to support reduction of the backlog.</p> <p>In January 2020 we agreed with the provider a plan to significantly increase the number of cases they would take on a monthly basis to bring down the backlog more quickly, which was due to commence in March. Due to the on-going pandemic we have had to place this plan on hold as these cases involve access to care homes who have been unable to accommodate these requests in order to manage the safety of residents and staff. We are in discussions with the provider to resume them taking cases when the impact of COVID-19 on care homes is at a suitable level for the adults and assessors.</p>
2.	COVID-19:
	<p>Unlike the Care Act, the Mental Capacity Act 2005 (MCA) – (and the related Deprivation of Liberty Safeguards (DoLS)) was not amended by the emergency Coronavirus Act which went through Parliament in the week beginning 23 March 2020. However, the Government has released guidance on applying the MCA and DoLS during the pandemic. This means that the Deprivation of Liberty Safeguards (DoLS) remain in place in their current form, mental capacity assessments and best interest duties remain.</p> <p>The guidance emphasised that alternative ways of undertaking assessments should be utilised where possible (video technology etc) and</p>

	<p>that the Supervisory Body (the Local Authority) should make every effort to ensure peoples human rights are not impacted.</p> <p>Essex County Council is experiencing difficulties with completing our MCA/DOLS work, only in as much as this relates specifically to the national social distancing measures and not to any other action Essex has taken in relation to the legislation. This is particularly in respect of the most vulnerable people who are not able to participate in the assessment process via technology as the outcomes would be unreliable, and where care homes are unwilling, or unable, to facilitate assessments due to COVID 19 cases, or where the adults fall into the groups of individuals who the Government instructed to self-isolate.</p> <p>Adult Social Care in Essex has responded to the pandemic situation by agreeing an approach to the triage of all new cases received since the pandemic period commenced. This involves assessing all new cases and for those triaged as priority and these fall into 3 categories:</p> <ul style="list-style-type: none"> • Urgent assessments in very specific cases that cannot be undertaken using any other methods may require a visit. (N.B. Essex has now agreed to progress trialling the use of video assessments as per the national guidance, but this wasn't in place at the start of the pandemic period and is always considered prior to any face to face visit). • Cases which are progressed through a process of undertaking equivalent assessment (through reviewing all relevant records and discussions with all relevant parties); and • Cases that are put on hold as the assessment can be delayed. <p>The central MCA and DoLS Team are continuing to monitor all cases through discussion with providers with a focus on welfare, best interests and managing the risks to individual adults.</p>
3.	Liberty Protection Safeguards:
	<p>The Liberty Protection Safeguards legislation was passed into law in May 2019. The new Liberty Protection Safeguards (LPS) is due to come into force in October 2020 via the Mental Capacity (Amendment) Act 2019. The LPS will replace the Deprivation of Liberty Safeguards (DoLS) as the system to lawfully deprive somebody of their liberty. The legislation will create Responsible Bodies to authorise an incapacitated person's deprivation of liberty. The identity of the Responsible Body will depend entirely upon the arrangements for the person's care which could be:</p> <ul style="list-style-type: none"> • An NHS Trust or Local Health Board if the person is being cared for in the hospital, or • A CCG or Local Health Board for arrangements under NHS CHC, or • A Local Authority in all other situations, such as care homes, supported living and private hospitals.

	<p>The Council has already undertaken key actions in preparation for the new legislation including:</p> <ol style="list-style-type: none"> 1. Set up an internal / external implementation group. 2. Identified the task and finish groups required to support implementation. 3. Ensured leadership level awareness and understanding of the new legislative changes. <p>The Government indicated in 2019 that the two new Codes of Practice would be released in spring 2020. This would have left very limited time to ensure each organisation was ready. The current crisis situation has meant that the Codes of Practice have not been published, meaning Councils and other Responsible Bodies are unable to undertake the key planning required to implement the new legislation. There is currently no further indication from the Government on the implementation timings of the Liberty Protection Safeguards. We await an update on any potential timing changes to implementation which will affect how we plan for any new date.</p>

Work Programme

Reference Number: PAF/13/20

Report title: Work Programme	
Report to: People and Families Policy and Scrutiny Committee	
Report author: Graham Hughes, Senior Democratic Services Officer	
Date: 18 June 2020	For: Discussion and identifying any follow-up scrutiny actions
Enquiries to: Graham Hughes, Senior Democratic Services Officer at graham.hughes@essex.gov.uk.	
County Divisions affected: Not applicable	

1. Introduction

- 1.1 The current work programme for the Committee is attached.

2. Action required

- 2.1 The Committee is asked:
- (i) to consider this report and work programme in the Appendix and any further development or amendments;
 - (ii) to discuss further suggestions for briefings/scrutiny work.

3. Background

3.1 Briefings and training

Further briefings and discussion days will continue to be scheduled on an ongoing basis as identified and required.

3.2 Formal committee activity

The current work programme continues to be a live document, developed as a result of work planning sessions and subsequent ongoing discussions between the Chairman and Lead Members, and within full committee. Some items have been put on hold as a result of the pandemic.

3.3 Task and Finish Group activity

The final report of the Task and Finish Group looking at certain aspects of the multi-agency response to drug gangs, knife crime and county lines is being finalised. In view of the current pandemic crisis, there will be discussions with Cabinet Members and senior officers to determine an appropriate time to publish the report.

Cont....

Work Programme

3.4 Chairman and Vice Chairmen meetings

The Chairman and Vice Chairmen meet monthly in between scheduled meetings of the Committee to discuss work planning and meet officers as part of preparation for future items. The Chairman and Vice Chairmen also meet the Cabinet Members for Education, Children & Families, and Health and Adult Social Care on a regular basis.

4. Update and Next Steps

See Appendix.

5. List of Appendices –

Work Programme overleaf.

People and Families Policy and Scrutiny Committee: 9 June 2020

2020 Work Programme (dates subject to change and some issues may be subject to further investigation, scoping and evaluation)

Date/timing	Issue/Topic	Focus/other comments	Approach
Items identified for formal scrutiny in full committee			
18 June 2020	Respite Care – <i>follow up</i>	To be updated on the parent and carers workshop held, status and options for completing the full-service review during the ongoing pandemic.	Cabinet Member and Lead Officers to attend
18 June 2020	Deprivation of Liberty Safeguards	Arising from Audit Committee agenda item and change in legislative framework. Also to now include a pandemic context	Lead officers to attend
23 July 2020	Special Educational Needs – Care Quality Commission/Ofsted Inspection – <i>follow up</i>	To be updated on the multi-agency action plan and improvement actions being taken	Cabinet Member and Lead Officers to be present. Multi-agency – health representatives to also be in attendance.
23 July 2020	Special Educational Needs – Essex County Council restructure: <i>further follow-up</i>	Scrutinise service changes arising from public consultation	Review feedback on implementation.
10 September 2020	Education portfolio update: further <i>follow-up</i>	1. The draft Early Years Strategy to be presented ahead of launch; 2. A further update on wellbeing programmes and personal resilience; 3. Update on disadvantaged Pupils Pilot (requested at May 2020 during discussion on Educational Attainment)	Last discussed in January 2020. Cabinet Member and Director – Education to be present
TBC	Drug Gangs, knife crime and county lines - <i>follow up</i>	Responding to referral from Full Council to look in particular at multi-agency working	To receive the final report of the Task and Finish Group established to look at the issue.
TBC	Adult Carers (strategy)	To be scoped	TBC
TBC	Adult Community Learning – <i>follow up</i>	Consider new national outcomes framework and how being benchmarked against it – to include measuring the social investment.	TBC

Cont....

Date/timing	Issue/Topic	Focus/other comments	Approach
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Task and Finish Group reviews

To finish	Drug gangs, knife crime and county lines	Multi-agency working arrangements	Evidence sessions completed. Report being finalised.
To start	Domiciliary care	TBC	TBC – start date delayed due to current Corona pandemic

Further issues under consideration

TBC	Safeguarding/Safeguarding Boards	Previous years have considered the annual reports of the two Safeguarding Boards	To scope and focus on specific operational issues rather than just the work of the two Boards.
TBC	Autism services	Issues identified during joint briefing with HOSC including transitions between services, timing for support and diagnosis, promoting employment, and consistency of mainstream school offer.	To be scoped.
TBC	Provider relationships – <i>follow-up</i>	1. Refreshed Market Strategy 2. Further update on initiatives to improve supplier relationships	Opportunity to review and comment on draft and revisit any issues from previous discussions.
TBC	0-19 contract with Virgin Care – <i>further follow-up</i>	Continue review of contract performance, and the revised (more outcomes focussed) KPIs.	Cabinet Member, Virgin Care, and Barnardos to be invited.
TBC	PREVENT	TBC	TBC
TBC	Hip fractures and falls Prevention – <i>follow-up</i>	Follow up on Task & Finish Group recommendations that are relevant to PAF	To be picked up during work on domiciliary care.