
Minutes of the meeting of the People and Families Policy and Scrutiny Committee, held at 9.30am on Thursday, 14 March 2024 in the Council Chamber, County Hall, Chelmsford.

Present:

Cllr Ray Gooding (Chairman)
Cllr Marie Goldman
Cllr Ian Grundy
Cllr Jeff Henry (substitute)
Cllr Daniel Land
Cllr Sue Lissimore
Cllr Peter May (Vice Chairman)
Cllr Aidan McGurran
Cllr Michael Skeels
Cllr Wendy Stamp
Cllr Mike Steel

Graham Hughes, Senior Democratic Services Officer, Paul Turner, Director Legal and Assurance, Emma Tombs, Democratic Services Manager, Gemma Bint, Democratic Services Officer and Sharon Westfield de Cortez were also present throughout the meeting.

1 Membership, Apologies, Substitutions and Declarations of Interest

The report on Membership, Apologies, Substitutions and Declarations was received and noted.

Apologies had been received from Cllr Eddie Johnson and Cllr Carlo Guglielmi for whom Cllr Jeff Henry was substituting.

2 Minutes

The minutes of the meeting held on 11 January 2024 were approved as a true record and signed by the Chairman.

3 Questions from the public

There were questions from 18 members of the public relating to agenda item 4. A link to those questions and the responses from the Cabinet Member and Lead Officer is [here](#).

4 SEND Update Part 2: Next steps, improvement work underway and progress since regulatory inspections

The Committee considered report PAF/09/24. Cllr Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability and Ralph Holloway, Head of SEND Strategy and Innovation, attended the meeting to introduce the item and respond to questions.

As part of introducing the update, the following was highlighted:

- Previous local area CQC/OFSTED SEN inspections.
- National context including that there were significant numbers of local areas across England with High Needs Block (HNB) accumulated deficit amounting to tens of millions of pounds in numerous local authorities. In Essex the HNB was in an accumulative surplus enabling some further investment in early intervention, outreach and the SEN workforce.
- Partnership working in the SEND local area.
- There had been some areas of improvement. It was acknowledged that some families were still not getting the expected level of service that ECC would want to provide to them.
- Governance arrangements and financial sustainability were outlined.
- SEND data headlines on Education Healthcare Plans (EHCPs) were outlined. There had been a 75% increase in the number of children and young people with EHCPs since 2016 which placed immense pressures on the local SEND system.
- Through the Inclusion Strategy and Inclusion Framework there was an increasing focus on inclusion in mainstream schools to ensure that all children and young people felt supported.
- ECC was at bottom end of performance for EHCPs and were not completing EHCPs in a timely manner. ECC did have plans to address the backlog and were looking at possible digital solutions and were waiting on a DfE lead as well.
- There was a focus on improving quality and the speed in which EHCPs were completed. Coordination and Oversight Groups (COGs) also were looking to improve the Annual Review process. A sufficiency and funding COG was addressing the issues around capacity.
- There had been 2293 pupils in special schools in 2015 and by 2023 that figure had increased by 53% to 3,498. Four new special schools had opened in Essex in recent years and a further one in construction. ECC had also invested in other expansions and improved facilities. Recently an application had been approved for Market Field Farm. New PRU facilities were also being built. There had also been investment in further specialist provision in mainstream schools as well.
- Engagement, advice and support for parents and families was outlined. ECC engaged as extensively as possible via the new improved Local Offer, SEND roadshows, a SEND newsletter and strengthened and expanded SEND Information, Advice and Support Service.

- ECC was preparing for the next regulatory inspection and was working with health partners and the Essex Family Forum on self-assessment.

During subsequent discussion, the following was highlighted, raised and/or noted:

- (i) Some members suggested that the key messages from public questions and the presentation were that there was a disconnect between ECC aspirations for its service and parental lived experience. Members referred to the recent Local Government Association (LGA) report which suggested local SEND systems were broken. Members suggested distinguishing what could be done by ECC to improve matters locally and what needed Government direction and support. Members welcomed the engagement with the LGA and suggested that ECC needed to do more engagement and lobbying.
- (ii) It was emphasised that parents needed support. It was suggested by some members that there had been some inflammatory communications from Essex Legal Services. Unfortunately, an adversarial approach could sometimes be created as a result.
- (iii) A Member suggested that already there was a two-tier system around assessment cases with some parents paying for private assessments to try to expedite the process. The Cabinet Member did not support parents being able to move up the queue if they had ability to pay for a private assessment.
- (iv) Only 1% of EHCPs issued by ECC were within the 20-week statutory deadline. It was thought that ECC was likely bottom nationally for completing assessments within the 20-week deadline. There were monthly meetings with DfE to find ways to improve assessment performance. There would be a variety of reasons why EHCPs were not being completed within the deadline. It was stressed that there did not seem to be any shining practice from elsewhere that would particularly help ECC at present. Members stressed that further lobbying needed to be done.
- (v) There was no national template at present on building in formal medical input for EHCPs, although it was being reviewed through the DfE's improvement programme. Medical advice could be sourced from a variety of areas including Integrated Care System providers, various therapists, consultants and GPs. There was a person within each Integrated Care System who had lead oversight. There were quality assurance mechanisms in each of ECC's quadrants to oversee EHCPs. It was fair to acknowledge that there was no absolute consistency across the health system and ECC were working with health partners to help improve every aspect of that.
- (vi) A team within the Education Directorate fed into every relevant developer planning application and were now more involved in inputting into borough and district local plans from a SEND perspective than ever

before. Members encouraged work to further build education provision within developer contributions for new developments. It was suggested that the support received from borough and districts on this could vary. The Chairman highlighted that there was currently a Health Overview Policy and Scrutiny Committee Section 106 working group looking into aspects of the Section 106 Developer Contributions process.

- (vii) Tribunals did not automatically take into account the impact on schools and children already attending. In order for tribunal to take this into account it was incumbent on the LA to provide an assessment of 'breaking points' to the Tribunals. Often the Head Teacher of a school would describe the potential impact on other children. The Tribunal role was to assess whether that impact outweighed the benefit to the child if they were admitted. There was a high threshold for the Head Teacher to be able to say and prove that it was impossible to accommodate the child.
- (viii) The best way for parents to communicate issues would depend on the nature of the complaint and could be through the governing body at the school, ECC, Ombudsman or Ofsted. If the complaint was about receiving the 'cold shoulder' from a school when making enquiries, then ECC would want to know and would investigate those complaints.
- (ix) The Co-ordination and Oversight Group was tasked with improving ECC communications with parents. The Family Forum had also suggested improvements were needed. ECC wanted to engage with parents in as many different ways as possible.
- (x) Some schools who supported SEND children were struggling either financially and/or from capacity point of view and an ECC Team would offer some guidance and support. Not all schools had signed up to the ECC Inclusion Strategy. It was suggested that schools could be broadly bracketed as either inclusive, those wanting to be more inclusive and those not engaging.
- (xi) The Ombudsman had highlighted the need for a system wide solution to address shortages in assessment staff.
- (xii) It was clarified that the previous Ofsted inspection had highlighted issues around the quality, rather than timeliness, of EHCPs being completed and Ofsted had since concluded that this had improved.
- (xiii) The vast majority of SEND spend was on the statutory services. The SEND service was also further investing in the Inclusion Framework and early support. There were some high-cost placements within the SEND budget. There were now significantly more young people in special schools than previously and there were significant pressures on the budget. Further SEND capacity was needed.

Conclusion:

The following was agreed:

- (i) It was suggested that ECC should look at a possible reimbursement mechanism for private assessment charges and see how the assessment process was managed at Surrey particularly with regard to paying for private assessments.
- (ii) Further information and breakdown on assessment completion times would be provided, particularly how much longer parents had to wait beyond the 20 week timeline and how many parents were waiting a year or longer.
- (iii) Further information would be provided on the work and role breakdown for the Communications officer position that was operating in each ECC quadrant.
- (iv) Members recommended that ECC should be more transparent with parents about EHCP assessment times and communicate more clearly with parents about the likely waiting times for their particular assessment. The Cabinet Member agreed to consider this further.
- (v) It had been suggested during public questions that there was no mechanism to take schools to court. Members asked how many warning notices had been issued by ECC in the last year and was the trend getting better or worse. Further information would be provided in writing.
- (vi) There was an offer to come back to PAF to share more information on inclusion work.
- (vii) Answers to Public Questions would be published on the website.

5 Current support for victims of Domestic Abuse and the recommissioning of services that aim to prevent, reduce and respond to Domestic Abuse

The Committee considered report PAF/10/24. The following people attended the meeting to introduce the item and respond to questions:

- Clare Burrell, Head of Commissioning Children and Families
- Chris Martin, Director for Commissioning Children and Families
- Cllr Beverley Egan, Cabinet Member for Children's Services and Early Years (joined via Zoom)

In view of time constraints and the long previous agenda item, it was agreed to only have a brief introduction to this topic and to defer the substantive presentation and discussion to the next meeting.

Therefore, during the shortened discussion, the following was highlighted, raised and/or noted:

- (i) The paper set out commissioning intentions post 2025 which would involve a more holistic offer being developed with the Police, fire and Crime Commissioner's office, Southend and Thurrock unitary councils.
- (ii) There were concerns about the central point of contact for perpetrators and victims, whether it would deter victims to come forward, potential safeguarding considerations and encouraging people to use it. The Police would be co-locating some staff at the central point of contact and further arrangements still being finalised could be shared at the 11 April meeting. Significant amount of work had been undertaken looking at the risks, benefits and understanding of all the dependencies.
- (iii) The effectiveness of the central point of contact would be measured going forward and would be adjusted in the future if required.
- (iv) Collaboration with partners was currently being formalised and it was expected that further details would be available to discuss at the meeting on 11 April.
- (v) Coercive and controlling behaviour was the most difficult message to get across to people in terms of them understanding that it was the situation they were facing. ECC and partners needed to get better at helping people recognise these circumstances.
- (vi) Programmes took place in schools around building healthy relationships and a short film on this would be launched in April.

Conclusion:

It was agreed to carry over this item and provide further detail at the next meeting on 11 April 2024.

6 Performance Monitoring falling within Committee's remit, as reported to the Corporate Policy and Scrutiny Committee

Members agreed for report PAF/11/24 to be deferred to the next meeting to enable Cllr Carlo Guglielmi to report on it.

7 Matters Arising

The Committee considered and noted report PAF/12/24 comprising outstanding matters arising from previous meetings.

8 Work Programme

The Committee considered and discussed report PAF/13/24 comprising the work programme for the Committee.

9 Date of Next Meeting

The next meeting was scheduled to be held on Thursday 11 April 2024.

There being no further business the meeting closed at 1.04pm.

Chairman