
Minutes of the meeting of the People and Families Policy and Scrutiny Committee, held at 9.30am on Wednesday, 14 February 2024 in Committee Room 1, County Hall, Chelmsford.

Present:

Cllr Ray Gooding (Chairman)
Cllr Marie Goldman
Cllr Carlo Guglielmi (Vice Chairman)
Cllr Eddie Johnson
Cllr Daniel Land
Cllr Sue Lissimore
Cllr Peter May (Vice Chairman)
Cllr Ross Playle (left the meeting during item 5 at 12.22pm)
Cllr Lee Scordis (substitute)
Cllr Michael Skeels
Cllr Mike Steel

In virtual attendance via Zoom:

Cllr June Lumley
Cllr Wendy Stamp

Graham Hughes, Senior Democratic Services Officer, 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 Ian Grundy, Cllr Aidan McGurran for whom Cllr Lee Scordis was substituting, and Cllr Wendy Stamp and Cllr June Lumley who both joined via Zoom instead.

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 two members of the public relating to agenda item 4. The Chairman proposed, and it was agreed, to defer public questions received until later in the meeting and that they were asked and recorded in the minutes as part of agenda item 4.

4 SEND Sufficiency Briefing

The Committee considered report PAF/05/24. The following attended the meeting to introduce the item and respond to questions:

- Cllr Andrew Sheldon - Deputy Cabinet Member for Education Excellence, Lifelong Learning and Employability
- Clare Kershaw - Director, Education
- Ralph Holloway – Head of SEND Strategy and Innovation.

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

- The number of Education Health and Care Plans (EHCPs) had significantly increased.
- There had also been growth in the special school population with the rate of growth larger in certain parts of Essex than others. The increase in the number of young people in special schools in Mid Essex had been a 32% increase while in North-East Essex there had been a 91% increase.
- Set out in the SEND Sufficiency plan were four intentions to address the challenges being faced, these were represented in a form of a pyramid. The four intentions were outlined:
 - 1 – Ensure Inclusive Mainstream Provision
 - 2 – Enhance the Mainstream Offer for Children and Young People with EHCPs
 - 3 – Review and Redesign the Enhanced Provision Model in Essex
 - 4 – Enhance Special School Capacity Appropriately
- Enablers to achieve the intentions were highlighted.

The following questions from two members of the public were asked on their behalf at the end of the introductory presentation:

First Public Question: Deborah Nye

Q1 - Page 3 of the paper, step 1 and 2, refer to more inclusive mainstream provision. How will this be implemented in the real world when the attitude of some schools is often just as much of a barrier to SEND provision as funding? When SEN parents challenge the LA on this topic they have been told the LA cannot compel any school to do anything and there appears no robust checks and balances in place that are being used effectively by the LA to guarantee legal and statutory duties are being discharged correctly by schools regarding SEND provision and EHCPs. How will the LA improve this issue?

Q2 - Page 3 point 2 - many mainstream schools turn away parents from visiting a school if their child has an EHCP. Then if the school allow a visit they explain they will be contesting the placement and its rare the child is welcomed. Meanwhile specialist provisions heavily restrict visitors to their schools too. How can parents access placements with this kind of reception from the provisions themselves?

What are the LA doing to ensure specialist and mainstream placements allow more timely access for parental visits and less refusals at consultation? In this answer, please provide the numbers of refused consultations per year for the last 5 years in mainstream and specialist placements.

Q3 - Financial landscape - page 4 - this omits reviewing current expenditure and if it's necessary. For instance, some cases request their own medical experts to review a child when the child has already been reviewed privately, and more in depth. This is surely a waste of taxpayer's money. Medical professionals doubling up on reports is a waste of money. Will this be reviewed and stopped?

Second Public Question: Catherine Pope

My understanding of this paper is that it appears to set out how the council intend to ensure there is sufficient provision in both mainstream and specialist schools for children and young people with SEND in Essex. Also within this same paper it is reported that there is a strain on SEND funding and mentions exploring where savings can be made against current spend. Therefore it is highly relevant I ask how much money has been spent yearly for the last five years by ECC on Judicial Review cases brought by families against the council (and council-maintained schools) regarding SEND education issues? In answering this I would like the total cost and a breakdown of the total cost to include (amongst other costs) ELS's costs, barrister costs and costs awarded to families or made to families by the council. Also costs incurred by the LA defending LA-maintained provisions. This question should also be applied to Tribunals similarly.

My second question is that within this same paper I can't identify how or to what extent parent/carer's voices of SEND children and young people have played an active part in the formation of this plan as it stands currently. Or how it addresses the current failures in SEND provision at ECC highlighted by Ofsted and reported to ECC by SEND parent/carers and their advocates such as solicitors or advocate groups. Then also why the compilation of this plan and all ECC's SEND plans are not advertised directly to SEND parents (eg via a letter to schools) as many parents are not represented by advocates and remain unaware of such plans or that they have a chance to ask a question.

Following the presentation and in response to the Public Questions, the following was highlighted, raised and/or noted:

- (i) The levels of Inclusivity in schools varied across Essex. ECC were working positively with schools to further improve this and the most inclusive schools were key partners in this for peer to peer support. The mainstream sector would struggle if inclusivity was not comprehensive across the sector.
- (ii) There was positive engagement from schools particularly in response to the Inclusion Framework and Inclusion Reviews. ECC was looking to increase the number of Inclusion Reviews undertaken each week.

Positive and constructive feedback had also been received from schools on the Sufficiency Plan.

- (iii) If schools were directed to admit then they would be expected to do their best to meet that young person's needs. This was a challenge but it was one ECC would work within the system to help address.
- (iv) The named Inclusion Partner could draw on resources either within the quadrant team or reach out into SEND Strategy and Innovation to help schools provide the SEND support. Schools were encouraged to involve their Inclusion Partner at the earliest opportunity to see what support was available to help with SEND provision.
- (v) It was suggested that special schools may refuse parental visits due to capacity concerns. Mainstream schools refusing parental visits was likely to be because the school did not feel they could meet the young person's need.
- (vi) It was noted that there was no data on the number of refused consultations in mainstream and specialist placements due to the large number of schools that were consulted each year at once. A record was kept of what school was named on the EHCP that agreed to admit the child.
- (vii) The local authority could not direct a parent towards a particular mainstream school and could not suggest that one mainstream school was better at meeting need than another. There was also limited capacity to have individual conversations. If a young person's statutory assessment said they were appropriate for mainstream education, then they should be appropriate for any mainstream school in Essex. If a young person needed enhanced provision that would be a different conversation to understand what was available locally.
- (viii) If a school was reluctant to accept a child with SEND they would need to demonstrate that it was inefficient use of resources. If the child had been assessed as mainstream, it would be unlikely that a mainstream school was going to meet the threshold to say they could not admit that young person. If the school cannot meet the threshold then they were expected to accept the child.
- (ix) ECC would accept an Independent Educational Psychologist report to help complete a needs assessment. This did not necessarily mean that every recommendation that an Independent Educational Psychologist made would be accepted.
- (x) The SEND budget was not spent on defending cases at Tribunals or defending judicial reviews. There had only been two cases that proceeded to Judicial review in the last five years, one ECC conceded costs and the other the cost were made against the family. A case could not go to Judicial review if the decision could be settled through a

Tribunal. The national Tribunal system was overloaded which meant delays and placed additional strain on parents.

- (xi) A Member reported that data released by the Ministry of Justice showed that Essex was the fifth worst county in terms of percentages for numbers of SEND and EHCP appeals going to Tribunal. Lack of special school provision, and parents wanting a place at a particular school were common reasons for appeal. 3.8% of all decisions made on SEND support were then appealed by parents in Essex.
- (xii) Some members highlighted their concern that nationally 98% of appeals were lost by local authorities and won by parents and wished to understand more as to why this was the case.
- (xiii) A tribunal judge made a decision on the basis of the needs of the particular child named in the appeal and not significantly consider local capacity issues.
- (xiv) An Ofsted revisit of SEND services took place in 2022 and ECC had made significant progress against the previously identified areas of weakness.
- (xv) Engagement with parents was primarily through the Parent/Carer Forum and the Essex Family Forum and other parent support groups.
- (xvi) The Parent/Carer group extended their reach through Family Champions, and utilised the voice of different support groups across Essex. The Group were always looking to expand how they reached hard-to-reach parents.
- (xvii) One of the biggest improvements since the SEND inspection in 2019 had been increased health input to the EHCP process. There were significant challenges around recruitment in Essex for Educational Psychologists and there was currently a business case being processed for additional capacity.
- (xviii) Inclusion reviews were launched in September and looked at the culture of inclusion and vulnerable groups in that school. A SEND child should have equal access to all the opportunities any other child had in that school and adjustments should be made to enable them to have those same opportunities. A zero-tolerance approach to bullying was taken
- (xix) Members encouraged work that further developed support for those leaving school settings. A targeted employment team worked with businesses to develop new employment opportunities for young people with SEND.
- (xx) Members encouraged consideration of any appropriate vacant sites for change of use to help increase capacity and support services. Some examples of where this was already happening were given including a

special school taking on a shop front in a local area and developing provision to prepare for adulthood and some Adult Community Learning sites.

- (xxi) One effective way to engage with harder to reach schools had seemed to be via successful conference held last year in Chelmsford focusing on neurodiversity in schools and members encouraged consideration of holding further similar events.
- (xxii) The high ambition in the Sustainability Plan was ensuring that more pupils were supported within the mainstream sector and giving parents the confidence that needs could be met in mainstream. It was noted that assessing provision for SEND children was part of an OFSTED school inspection process.
- (xxiii) It was reported that further work was being undertaken on developing the banding matrix, which determined the level of need and funding for each child being funded. Some mainstream schools considered that there should be one to one support for all children with SEND and there was not enough funding in the system to do that.
- (xxiv) Members encouraged demonstrating more outcomes within the Sustainability Plan citing the Market Fields a barista van, selling coffees around the community as an example.

Conclusion

It was agreed to provide further information on:

- (i) work being done within the Education and Skills portfolio in terms of skills training and support that made it as easy as possible for those people who wanted to qualify to become Educational Psychologists.
- (ii) What is being done to further improve the communication between ECC and schools and parents.
and
- (iii) A full breakdown response to Catherine Pope's first question to be provided.

[Clerks note: responses to some of the detailed data requests within the Public Questions were being prepared under the Freedom of Information process and would be sent direct to the questioners]

5 Essex Youth Service – follow up

The Committee considered report PAF/06/24. The following attended the meeting to introduce the item and respond to questions:

- Cllr Mark Durham - Cabinet Member for The Arts, Heritage and Culture
- Julie Auger – Youth Services Manager
- Hannah Thurston – Business Development Manager

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

- How closer links were being built between Councillors and young people was outlined.
- The Violence and Vulnerability unit had funded the Youth Worker in Hospital pilot project and this would now be expanded.
- The measures put in place for hard-to-reach individuals was outlined, with examples highlighted such as The I CAN Project for young people experiencing social isolation, and Sisters in Strength, a healthy relationships mentoring programme.

Funding was often fixed or short term meaning uncertainty about planning long-term provision. Mapping the data on a district basis was also currently a challenge and had historically been mapped by service but this continued to be further developed.

- Currently the voluntary sector had over 200 partnership provisions across Essex, not including the scouts/guides, but this needed to be more fully understood and mapped.
- The DCMS revised statutory guidance was being used for youth work as a template to further develop the structure of youth services.

Following the presentation, the following was highlighted, raised and/or noted:

- (i) One of the main concerns expressed by young people was the underage supply of vaping and vaping in schools. This highlighted that their needs and concerns often changed year by year. Training for staff was being arranged in conjunction with Public Health on how to work with and support young people.
- (ii) Members welcomed the suggestion that Essex Youth Assembly members link up with their respective matching Divisional Councillor and suggested that they contacted Councillors directly.
- (iii) Members welcomed the opportunity to establish district focussed youth forums if there was support for them locally
- (iv) External funding and grants were also available although often with conditions including fixed time periods for funding to be allocated and/or spent.
- (v) Members questioned whether further flexibility could be built into the eligibility and timescales for funding under the Members Locality Fund and Community Fund.

- (vi) The Scouts, Guides, Sports Associations and other organisations were part of the local youth services offer. As they were all independent groups with majority of them volunteering there was no legal requirement for them to provide information to the Essex Youth Service.
- (vii) A Member raised their concern on whether some areas of high deprivation in the Colchester area were getting enough support from youth services. It was suggested the Member met with the local team to talk through concerns raised and discuss provision in the area.
- (viii) A virtual youth club had been launched and this was welcomed by members.

Conclusion:

It was agreed:

- (i) To suggest to Young Essex Assembly representatives that they could write to their local Councillors and invite them to YEA events with an appropriate rota to be put in place to control numbers.
- (ii) To provide data on the Youth Worker in Hospital A&E pilot along with some anonymised case studies demonstrating impact.
- (iii) To provide some feedback on the recent Youth Takeover Day.
- (iv) The recent Corporate Policy and Scrutiny Committee agenda papers updating on the Community Fund and Levelling Up Fund would be circulated to Members.

6 Work Programme

The Committee considered and discussed report PAF/07/24 comprising the work programme for the Committee.

Members discussed further possible work on SEND, which might include looking at parental appeals and tribunals, and delivery of Education Health and Care Plans and whether the needs were being met and delivered as specified in the EHCPs. Members expressed that it may also be helpful to hear directly from parents. Further consideration would be given to establishing a Task and Finish Group. There was a further session on SEND at the next meeting which may answer some of the outstanding questions.

A presentation on the virtual school had been well received in another forum and it was suggested that the same briefing be arranged for the Committee.

7 Matters Arising

The Committee considered and noted report PAF/08/24 comprising outstanding matters arising from previous meetings.

8 Date of Next Meeting

The next meeting was scheduled to be held on Thursday 14 March 2024.

There being no further business the meeting closed at 12.58pm.

Chairman