
Minutes of the virtual meeting of the People and Families Policy and Scrutiny Committee, held at 10.15am by video conference on Thursday, 14 January 2021

Present:

County Councillors:

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

Non-elected Members:

C Martin (Catholic Diocese representative)

Sharon Westfield de Cortez from Healthwatch Essex, Graham Hughes, Senior Democratic Services Officer and Gemma Bint, Democratic Services Officer, were also present throughout.

1 Membership, Apologies, Substitutions and Declarations of Interest

The report on Membership, Apologies, Substitutions and Declarations of Interest were received and the following was noted:

- Emma Rigler was no longer eligible to serve as an educational representative on the Committee due to a change in employment.
- An apology of absence had been received from Councillor Michael Hardware.
- Councillor Mark Durham declared an interest in that he was a Governor for the Essex Partnership University NHS Foundation Trust.

2. Minutes

The draft minutes of the meeting held on 7 December 2020 were approved as a true record and signed by the Chairman.

3. Questions from the public

There was one question from the public relating to agenda item 4 that followed, it was indicated that the issue raised would be addressed during the discussion of the item.

4. Special Educational Needs and Disabilities (SEND) - Joint Care Quality Commission (CQC) and OFSTED Inspection

The Committee considered report PAF/01/21 comprising an update on the progress of improvement actions required in response to the CQC/OFSTED inspection of SEND services in Essex.

The following joined the meeting to introduce the item:

County Councillor Ray Gooding, Cabinet Member – Education and Skills;

Clare Kershaw, Director of Education – Essex County Council;

Ralph Holloway, Head of SEND Strategy and Innovation - Essex County Council;

Lianne Nunn, Associate Director of Nursing - Mental Health and Children at Ipswich and East Suffolk Clinical Commissioning Group;

Lisa Nobes, Director of Nursing and Clinical Quality - Suffolk and North East Essex Integrated Care System.

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

- (i) Since the last update, progress had been made towards the three main areas of weakness that were identified in the inspection report although it had been impeded by the pandemic.
- (ii) Over-identification of moderate learning difficulties (MLD) –
 - Data had been gathered from schools showing their identification of those needing SEN support. This had resulted in being able to determine whether the school was over identifying MLD. Data collected was discussed at various quadrant and county level forums.
 - Training had been delivered on the identification of needs to all Inclusion Partners and Educational Psychologists. Training would be delivered to schools and settings to improve accurate assessment of need.
 - There was now a greater awareness of speech and language needs as a result of the work done which might have some commissioning implications in the future.

- (iii) Joint Commissioning –
 - This was probably the biggest challenge of all with the regulatory inspection reporting too much variation and inconsistency and long waiting times.
 - An over-arching joint commissioning group led by North East CCG had been established. All parties and parents were well represented, and the Essex Family Forum were part of each of the different workstreams in the group.
 - Additional capacity had been provided from health colleagues.
- (iv) Quality of Education Health and Care Plans (EHCP)
 - Isos had been commissioned to a lead comprehensive review of Essex's arrangements for SEN assessment and planning.
 - There was an advisory group across schools and settings that looked at what Essex were planning to implement.
 - There was a focus on the decision making process for assessment and issuing of plans, looking at the role of health and social care to help decisions around assessments and planning and reviews and ensuring that plans were fit for purpose and specific to each individual.
 - Co-production work was going to take place with the Essex Family Forum focussed on thresholds for assessment and looking at the quality of the offer in place for young people and the quality of communication with parents.
- (v) Partners would have expected a re-inspection within 18 months' but the pandemic now meant that that timing would be fluid. CQC/OFSTED would potentially be invited for an interim visit in the summer term to understand the progress that had been made.
- (vi) The importance of variations between the CCGs was highlighted and the need to work together to ensure all children across Essex had the same level of service.
- (vii) The Committee was reassured that every ECHP was looked at through the annual review process. Unfortunately, due to Covid, the ability to look strongly into every plan in Essex during the last year had been impacted. Changes were being made to the system that would benefit all plans and ensure every new plan would be of much higher quality. When plans had been identified as not meeting needs, officers had responded immediately.

- (viii) There were two ways the variation between CCGs was being tackled - through more focus on joint commissioning arrangements and the Essex SEND health group was encouraging all health colleagues to use the same assessment, therapies and assurance processes for EHCPs.
- (ix) Two new posts had been put in place titled Navigators to help design a new system, they would speak to parents and partners to find out what they would need and help them find the answers in the quickest way possible. The Essex Family Forum were a key partner in this and had been working with the Navigators.
- (x) The Committee was reassured that SEND improvements had been happening before the CQC/OFSTED inspection took place. The County Council's SEND services had been completely reconfigured with investment in additional capacity.
- (xi) A number of posts such as Inclusion Partners, Educational Psychologist and a School Effectiveness Partner, were now in place which helped schools to identify and meet the needs of children requiring SEND support.
- (xii) A concern was raised regarding early intervention and identification of special needs in early years settings. It was confirmed that relationships were being established with the early years sector and it was assured that support and training would be made available.

Conclusion:

It was **agreed:**

- (i) that a further comprehensive update be scheduled in approximately 6 months' time to include the Early Years pilot programme in west Essex supporting SEND pupils transitioning between services.
- (ii) The next update to expand on the key role and voice of the Essex Family Forum, and what is done in response including the help available for parents and building their contribution to, and understanding of, the annual review process.

The contributors were thanked for their attendance and left the meeting. The meeting adjourned at 11.40 and reconvened at 11.45.

5 Task and Finish Group – Drug gangs, knife crime and County Lines

The Committee considered report PAF/02/21 comprising an update on the conclusions and recommendations in the Task and Finish Group which were endorsed by the Committee in September 2020.

The following joined the meeting to respond to the update on the conclusions and recommendations in the report:

County Councillor Dick Madden, Cabinet Member – Performance, Business Planning and Partnerships;

Michael O'Brien, Head of Specialist Education Services – Essex County Council;

Andy Prophet, Assistant Chief Constable – Essex Police

Councillor Guglielmi, as Lead Member of the Task and Finish Group, introduced the item and invited Councillor Madden, Michael O'Brien and Andy Prophet to update on each of the recommendations. During the discussion the following was highlighted, suggested and/or agreed:

(i) Recommendation 1 -

- A workstream was being processed aimed at reviewing and redesigning the offer to all young people "Not In Full Time Education". It was confirmed work had to be undertaken with the Pupil Referral Units to ensure the offer was relevant to all young people.

(ii) Recommendation 2 –

- It was confirmed that the Violence and Vulnerability Unit (VUU) had been very active in communicating with and harnessing the resources of community and voluntary organisations across Essex. The VUU would be commenting further on this in their annual report which would be shared with members of the Committee when it had been published.

(iii) Recommendation 3 –

- This had been tasked to, and would be followed up with, the Health Overview Policy and Scrutiny Committee Chairman.

(iv) Recommendation 4 –

- Councillor Madden highlighted that, in the view of the Local Government Association (LGA), the permitted development rights process was a national issue. The LGA were developing a national protocol for out-of-area placements and homelessness and dispute resolution process. A draft would be sent out to all local authorities at the end of January for a six-week consultation.

(v) Recommendation 5 –

- The VVU's Annual Report would outline how funding was used (and would be used) and associated performance evaluation frameworks. Southend and Thurrock Councils had not directly contributed to the partnership.
- (vi) Recommendation 6 –
- Whilst there would not be an immediate review of the leadership of key strategic groups, this would continue to be monitored to ensure that a strong diverse leadership was in place.
- (vii) Recommendation 7
- A communications lead would further enhance communications with communities as part of further building community resilience.
- (viii) Recommendation 8 –
- The Committee was reassured that communications had improved and evidence of this would be shown in the VVU Annual Report.

Conclusion:

It was **agreed** to recommend to the new committee membership that it should continue to monitor progress (including the impact of Covid).

6. Work Programme

The Committee considered and noted report PAF/03/21 comprising the current work programme for the Committee. Some changes would be made to the work programme due to pandemic pressures

7. Date of Next Meeting

It was noted that the next meeting was currently scheduled to be held on Thursday, 11 February 2021. It was noted that it was likely to be re-arranged to an alternative date.

There being no further business the meeting closed at 12.55pm.

Chairman

APPENDIX: Text of Public Question relating to Agenda item 4**Representation to People & Families Policy & Scrutiny Committee****Special Educational Needs and/or Disabilities – Care Quality Commission and OFSTED Inspection**

We have viewed the Agenda pack for Thursday's meeting, and would like to make the following representation on behalf of the SEND families we represent as the appointed Parent Carer Forum for Essex.

Potential Over-identification of Moderate Learning Difficulties

Early findings from our first Annual survey show that parents are largely unaware of their child/young person's school census category of primary need. The majority of parents responding to our survey identified Autistic Spectrum Disorder as their child's primary area of need, with MLD falling behind Speech, Language and Communication Needs and the category 'Other'. Therefore, we do agree it will be difficult to measure impact for families for the work carried out.

Joint Commissioning

The work required within this most challenging workstream will impact on the third area of weakness – Quality of EHC Plans. Despite a positive start, we feel disappointed that consensus between the CCGs on priorities and service/provider offer to children and young people with SEND is continuing to prove difficult to achieve and it is hard to see that anything other than the postcode lottery on all health services will continue, especially in respect of the Therapies provision and Assessment Pathways, which have already been badly affected by the COVID-19 Pandemic. The need for early intervention in order to ensure the best possible outcomes for SEND children in Essex seems to be forgotten amongst the discord amongst CCG Commissioners. This should surely be of the utmost concern to Essex County Council as it is the Local Authority who have an **absolute duty** (in law) to secure the provision outlined in Education, Health & Care Plans, as well this risking the Local Area failing the revisit by OFSTED/CQC Inspectors.

The SENDIASS service has recently been the subject of a much welcomed independent review commissioned by ECC, which has concluded, unsurprisingly to us, capacity of the service is hugely overwhelmed and woefully underfunded when compared to regional and national statistics. It is not meeting many of the minimum standards required by the DfE. A significant proportion of cases are in connection with appeals for refusals to conduct Needs Assessments by ECC, the rate for which is also far in excess of regional and national averages.

Quality of EHCPs

We cannot comment on the ISOS recommendations for SEN Assessment and Planning as we have not been involved. We would like to state that the Co-Production Group work we have been involved with is not considering thresholds for assessments and we would not wish to do so as this is already defined in law and will always take precedent over any internal local authority policy, as borne out by the 90%+ SEND Tribunal decisions that find against Local Authorities.

We do acknowledge and appreciate that there is a real commitment from ECC SEND Transformation & Innovation Team to move forwards with an ambitious and comprehensive (but vital) programme of improvement to SEND Services within Essex.