

# Agenda

## Children and young people scrutiny committee

Date: **Monday 11 March 2019**

---

Time: **10.00 am**

---

Place: **The Council Chamber - The Shire Hall, St. Peter's  
Square, Hereford, HR1 2HX**

---

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

**Matthew Evans, Democratic Services Officer**

Tel: 01432 383690

Email: [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk)

---

If you would like help to understand this document, or would like it in another format, please call Matthew Evans, Democratic Services Officer on 01432 383690 or e-mail [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the meeting of the Children and young people scrutiny committee**

## **Membership**

**Chairperson** Councillor CA Gandy  
**Vice-Chairperson** Councillor FM Norman

**Councillor CR Butler**  
**Councillor ACR Chappell**  
**Councillor JF Johnson**  
**Councillor MT McEvelly**  
**Councillor A Seldon**

Pat Burbidge  
Mr A James

Archdiocese of Cardiff  
Parent Governor Representative

## Agenda

		Pages
1.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES</b></p> <p>To receive details of members nominated to attend the meeting in place of a member of the committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive declarations of interest in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
4.	<p><b>MINUTES</b></p> <p>To approve and sign the minutes of the meeting on 4 February 2019.</p>	5 - 12
5.	<p><b>QUESTIONS FROM MEMBERS OF THE PUBLIC</b></p> <p>To receive any written questions from members of the public.  <i>Deadline for receipt of questions is 5:00pm on Tuesday 5 March.            Accepted questions and answers will be published as a supplement prior to the meeting. Please submit questions to:  <a href="mailto:councillorservices@herefordshire.gov.uk">councillorservices@herefordshire.gov.uk</a>.</i></p>	
6.	<p><b>QUESTIONS FROM MEMBERS OF THE COUNCIL</b></p> <p>To receive any written questions from members of the council.  <i>Deadline for receipt of questions is 5:00pm on Tuesday 5 March.            Accepted questions and answers will be published as a supplement prior to the meeting. Please submit questions to:  <a href="mailto:councillorservices@herefordshire.gov.uk">councillorservices@herefordshire.gov.uk</a>.</i></p>	
7.	<p><b>QUARTERLY REVIEW OF PERFORMANCE AGAINST THE OFSTED ACTION PLAN</b></p> <p>To receive a quarterly review of the progress against the action plan produced in response to the Ofsted Inspection of Local Authority Children's Services (ILACS) inspection judgement of June 2018</p>	13 - 56
8.	<p><b>TASK AND FINISH GROUP - COURT JUDGEMENTS RELATING TO CHILDREN AND FAMILIES</b></p> <p>To report the outcomes and recommendations of the court judgements relating to Children and Families task and finish group to the children and young people scrutiny committee. The committee will consider and approve the outcomes from the task and finish group and decide if the recommendations should be reported to cabinet.</p>	57 - 86
9.	<p><b>SCHOOL EXAMINATION PERFORMANCE</b></p> <p>To consider school performance for summer 2018 and the effectiveness of the Herefordshire school improvement partnership strategy and framework in improving outcomes for Herefordshire's children and young people.</p>	87 - 96

- |  |           |
|--|-----------|
| <b>10. SEND PROVISIONS TASK AND FINISH GROUP - OUTCOMES AND RECOMMENDATIONS</b>  | 97 - 130  |
| To report the outcomes and recommendations of the SEND provision task and finish group to the children and young people scrutiny committee. The committee will consider and approve the outcomes from the task and finish group and decide if the recommendations should be reported to cabinet. |           |
| <b>11. PRU REFERRALS TASK AND FINISH GROUP - RECOMMENDATIONS AND OUTCOMES</b>  | 131 - 154 |
| To report the outcomes and recommendations of the PRU referrals task and finish group to the children and young people scrutiny committee. The committee will consider and approve the outcomes from the task and finish group and decide if the recommendations should be reported to cabinet.  |           |
| <b>12. WORK PROGRAMME REVIEW</b>   | 155 - 178 |
| To review the attached work programme for 2018/19 and note the recommendation tracker.   |           |

**Minutes of the meeting of Children and young people scrutiny committee held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Monday 4 February 2019 at 2.00 pm**

**Present:** Councillor CA Gandy (Chairperson)  
Councillor FM Norman (Vice-Chairperson)

Councillors: CR Butler, ACR Chappell, JF Johnson, MT McEvelly and A Seldon

**In attendance:** Councillors EPJ Harvey, AJW Powers and EJ Swinglehurst.

**Officers:** Chris Baird (director children and families), John Coleman (statutory scrutiny officer) and Andrew Lovegrove (chief finance officer).

**48. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr Burbidge and Mr James.

**49. NAMED SUBSTITUTES**

There were no named substitutes.

**50. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**51. MINUTES**

**RESOLVED:** That the minutes of the meeting of the children and young people scrutiny committee on 29 November are confirmed as a correct record.

**52. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 5 - 6)**

Questions received from members of the public and the responses provided are attached at appendix 1.

**53. QUESTIONS FROM MEMBERS OF THE COUNCIL (Pages 7 - 8)**

Questions received from members of the council and the responses provided are attached at appendix 2.

**54. ALTERNATIVE BUDGET PROPOSAL 2019-20**

The committee considered a report containing the alternative budget proposals submitted by the It's Our County (IOC) Group.

Councillor EPJ Harvey introduced the alternative budget, with a particular focus on those elements relating to children and young people, and raised those principal points below in the presentation provided:

- The alternative budget was based on the themes of prosperity, wellbeing and sustainability;
- The revenue and capital budget contained within the alternative budget were based on the same funding envelope as the executive's budget but reprioritised the work programmes in each;
- The alternative budget would invest in investigations of transitioning to the Hertfordshire family-centred support model in Herefordshire. The Hertfordshire model had produced impressive statistics in respect of reduction of children on protection plans amongst other benefits and demonstrated how best practice from other areas was being understood and applied locally. The proposal to implement the Hertfordshire model would be facilitated by the broadening of the directorate at the Council to include responsibility for children and families;
- Investment of £70k in the Child and Adolescent Mental Health Services (CAMHS) was proposed in the alternative budget.
- A social services pilot for families on the edge of care was also proposed through the alternative budget. The pilot was intended to help reduce the number of cases that require more serious intervention.
- The alternative budget would also provide funding to investigate the provision of a respite facility for teenagers with disabilities amongst the three counties of Herefordshire, Gloucestershire and Worcestershire.
- IOC had also amended the medium term financial strategy (MTFS) in which there had been a re-prioritisation of investment.

Councillor AJW Powers spoke in response to Councillor NE Shaw's question which had been raised earlier in the meeting. It was denied that the alternative budget sought to 'fritter away' or spend money in an arbitrary fashion. The alternative budget sought to implement preventative measures in order to release funding for curative measures in future. The additional funding outlined in the alternative budget was a signal of intent and would enable vital work to be undertaken on early intervention services. The investments outlined in the alternative budget were well evidenced and represented positive outcomes for children and adults in the county.

The chief finance officer provided his assessment on the robustness of the alternative budget proposals. He was comfortable that the proposals could be delivered.

Members of the committee raised the following principal comments in the discussion which followed:

- Feedback from the budget consultation to increase spending on social workers and children's services had not been fully taken into account in the alternative budget. The proportion of additional investment dedicated to the children and families directorate in comparison to the amount identified for economy and place was not felt to represent the outcomes of the budget consultation. *IOC explained that investment had not been applied in proportion to the budget consultation response; it was noted that the executive's budget had not sought to structure its investment on such a principle.*
- IOC was congratulated on producing an alternative budget which was seen as a significant achievement which required a lot of effort.
- It was important that funding of work with vulnerable adults and children was well organised. It was recognised that the alternative budget was well designed and the only negative element was that it proposed funding for a 1 year period only. *IOC explained that the alternative budget and the executive budget was a one*

*year exercise; the relationship between the budget and the MTFS had been summarised.*

- The Hertfordshire family-centred model was raised and if additional information could be shared. *IOC explained that the statistics concerning the implementation of the model were compelling. As part of development plans, methods to implement the model and identification of alternative sources of funding would be undertaken.*
- The application of the Hertfordshire model in Herefordshire was queried. It was noted that Herefordshire was a smaller area and very rural in nature. *IOC confirmed that the two areas were dissimilar but the model would be adapted to Herefordshire. It was noted that the model had been implemented in West Berkshire which was closer in nature to Herefordshire. The allocation of funding in the alternative budget was intended to investigate the potential implementation of the family centred model in Herefordshire.*
- The work that children's services were undertaking with Staffordshire and Doncaster was raised and why it was felt that the Hertfordshire model should be implemented rather than continue the current work in progress. *IOC explained that where good practice was identified it should be investigated as a potential model to be introduced locally. The director children and families explained that Doncaster was working with the council to improve the approach to quality and performance of social work practice and Staffordshire was involved in work concerning edge of care service. He explained the local authority learns from best practice of other areas and this can be both rural and urban.*
- The focus on prevention in the alternative budget was supported which accorded with a priority for the scrutiny committee on early intervention. A member also commended the investment for creative and cultural projects; arts projects were effective in engaging dementia sufferers and challenging pupils.
- The changes required to the structure of children's service if the Hertfordshire model was implemented were queried. *IOC explained that £15m had been used to develop the approach in Hertfordshire. The proposal in the alternative budget was to investigate the introduction of the family-centred approach to determine the potential rewards of the implementation of the model in Herefordshire.* The proposed investment to work with Worcestershire and Gloucestershire was queried. It was noted that there were problems with children's services at the two authorities and investment locally rather than with other areas was raised. *IOC noted that Herefordshire could not fund a respite unit independently but that a need persisted for specialist respite care in the county. By working with the two local authorities on a market shaping exercise for respite care a sustainable provision could be investigate which would meet future demand for specialist respite care.*
- It was queried whether the local authority was in a position to realise the proposals in the alternative budget. *IOC explained that the risk involved was minimal but the risk of not seeking to investigate a new model and approach were significant. The introduction of the model would represent a strategic approach which would have a benefit to all local services and the wider community.*

That cabinet member children and families complimented the alternative budget as a complex piece of work and acknowledged that it had raised some issues which she would discuss with officers. It was commented that the alternative budget in relation to children's services was broadly aligned to the executive's budget but with some additional funding for some elements.

The director children and families was invited to comment and thanked all who had contributed for their support for the approach of children's services to early intervention and preventative services. The difficulty of improving service delivery in an area under massive pressure was explained.

There was a brief adjournment at 15:16. The meeting reconvened at 15:25.

The committee proposed and seconded its recommendations which were agreed unanimously.

**RESOLVED: that the committee:**

- **notes the cabinet members welcoming of the ideas coming forward in the alternative budget and the commitment to exploring these ideas further with officers;**
- **welcomes the emphasis on the family centred approach to supporting vulnerable children and families. The committee recommends that the 'It's Our County' group updates the alternative budget to present additional evidence relating to the family centred approach; and**
- **has some concern over the short term nature of the funding, which does not extend beyond 2019/20.**

**55. WORK PROGRAMME REVIEW**

The committee received and noted the work programme 2018/19, the response of the executive to the spotlight review on dental health and childhood obesity, the executive response to the task and finish group on section 20 and the recommendation tracker.

The committee considered and agreed the scope for a task and finish group relating to the court judgements concerning children's services. The committee explained that as part of the review the Ofsted inspection outcome from 2012 should be circulated. It was agreed that Councillor CA Gandy would act as chairperson of the task and finish group and that the membership of the group would be finalised by the chairperson and officers following the meeting.

**RESOLVED: that the scope of the task and finish group relating to the court judgements concerning children's services is agreed and that Councillor CA Gandy is appointed as the chairperson of the group.**

The meeting ended at 3.32 pm

**Chairman**

**Supplement – schedule of questions received for meeting of children and young people scrutiny committee – 4 February 2019**

**Agenda item no. 5 - Question from members of the public**

Question Number	Questioner	Question	Question to
PQ 1	Dr Whalley, Hereford	What assurance can the Scrutiny committee provide that there will be regular monitoring of the impact of changes proposed in response to recent court judgements which takes account of feedback from employees and the public as to their effectiveness?	Chairman of Children and Young People Scrutiny Committee
<p><b>Response:</b></p> <p>The Children’s and Young People Scrutiny Committee has been asked to conduct a task and finish group to understand the judgements of the high court and how they are being addressed. Subject to the committee confirming the draft terms of reference, which appear elsewhere on the agenda today, the task and finish group will explore what new measures are in place to ensure that adoption processes and placement orders are appropriately and consistently applied. It will also examine how the wider corporate culture change is positively influencing working practices within children’s services. It is a function of the executive to ensure that performance and culture change within children’s services is reviewed and managed, and cabinet considers reports quarterly regarding performance. In addition a performance challenge session is scheduled monthly, focusing on performance of the children and families directorate, which is attended by the chairpersons and vice chairpersons of the scrutiny committees and the group leaders. However, the children and young people’s scrutiny committee has indicated its intent to review the effectiveness of the actions being taken and make reports or recommendations to the executive to support continued improvement.</p>			



**Supplement – schedule of questions received for meeting of children and young people scrutiny committee – 4 February 2019**

**Agenda item no. 6 - Question from members of the Council**

Question Number	Questioner	Question	Question to
MQ 1	Councillor NE Shaw, Bromyard Bringsty	The alternative budget seems eager to fritter away crucial funds on good causes, £70k to CAHMS, an NHS organisation and £50k to “local arts organisations” for work with disadvantaged youth, amongst many others. All worthy, but no attempt is made to consider what outputs/outcomes are required. Can the Chairman consider the suitability of allocating money in this arbitrary way, given recent and ongoing departmental savings requirements affecting the delivery of services that Herefordshire Council has a statutory responsibility for, and for which we are judged by OFSTED?	Chairman of Children and Young People Scrutiny Committee
<p><b>Response:</b></p> <p>Thank you for your question. The committee will be scrutinising the evidence and rationale for the proposed alternative budget and will ensure that this issue is explored during the debate.</p>			





<b>Meeting:</b>	<b>Children and young people scrutiny committee</b>
<b>Meeting date:</b>	<b>Monday 11 March 2019</b>
<b>Title of report:</b>	<b>Quarterly review of performance against the Ofsted action plan</b>
<b>Report by:</b>	<b>Director of Children and Families</b>

## Classification

Open

## Decision type

This is not an executive decision

## Wards affected

All Wards

## Purpose and summary

To review the progress against the action plan produced in response to the Ofsted Inspection of Local Authority Children's Services (ILACS) inspection judgement of June 2018.

There have been a number of key achievements across the service; these include a reduction in the number of children referred inappropriately into Multi-Agency Safeguarding Hub (MASH); a reduction in social worker caseloads, and increase in the timeliness of visits to children. There continues to be a focus on a number of areas; including ensuring a robust application of thresholds to make referrals for statutory social work intervention across all partner agencies; improving the quality and timeliness of assessments and the level of frequency of visits to children. There are signs of improvement in management oversight and social work supervision that is being closely monitored.

## Recommendation(s)

That:

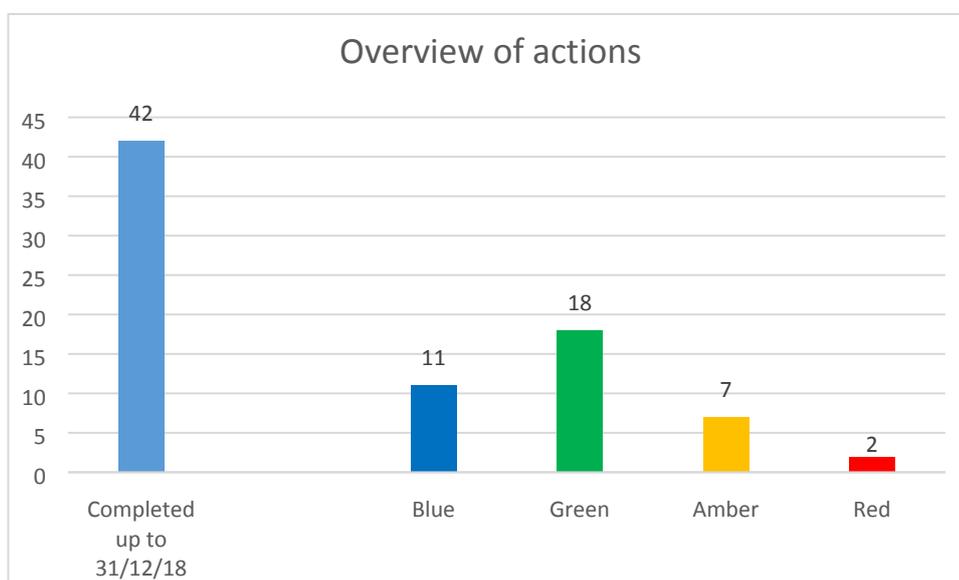
- (a) **the committee review progress and determine any recommendations it wishes to make to the executive to secure further improvement.**

## Alternative options

1. There are no alternative options to the above recommendation; it is a function of the committee to review action taken in connection with the discharge of any functions which are the responsibility of the executive and make reports or recommendations to the executive.

## Key considerations

2. The children and young people's scrutiny committee received the action plan on 1 October 2018 and endorsed the plan. The committee agreed that they would receive a quarterly update to assess the progress against the action plan. An overview of the actions is shown in the chart below.



3. Every safeguarding and early help service area in the improvement plan has a clear action plan to drive forward improvement in the specific areas; they are reviewed on a monthly basis by the directorate leadership team, alongside performance information. Attached at appendix a is the overall highlight report that covers all of the action plans and provides an overview of the progress made and any issues that may have arisen as the actions are implemented or progressed.
4. A number of key operational indicators have improved during the first three months of the improvement plan; these include the reduction in social worker caseloads, and increase in the timeliness of visits to children who have a child protection plan and an increase in levels of supervision taking place.
5. Specifically there has been a number of key achievements across the service; there has been a reduction in the number of children referred inappropriately into Multi-Agency Safeguarding Hub (MASH) as a result of the reintroduction of the MASH Partnership forum and multi-agency audit activity in MASH.
6. There has been an improvement in the completion of assessments within timescales; as at the end of December 2018, 100% of assessments were carried out within timescale, an improvement from 39% in September 2018.

7. As highlighted in appendix b we have successfully recruited 20 staff, a combination of permanent and agency staff; and have in place a long term strategy for permanent recruitment, growing and keeping our own; as well as pursuing an urban to rural recruitment and an international recruitment approach during 2019.
8. We have also updated our transfer process to ensure that the cases are in the correct teams and increased our management capacity in our CP/Court services. Case transfers are now being reviewed on a regular basis and the assistant director follows up case transfers with heads of service and team managers to ensure that the cases are in the correct teams. Our caseloads are now of a range of 16 to 23; compared to having caseloads of high 20's to 30s in June 2018.
9. Senior managers interaction with staff has improved; the assistant director and director regularly work in different social care offices and hold regular drop in sessions for staff. We have taken action to support the retention of staff, which was informed by staff feedback. This is evidenced from recent feedback provided by our staff to Doncaster Children's Trust who have been working with us to assist us in our improvement work.
10. Team managers were asked what one thing would help create the right environment for children's social work to flourish. Answers were:
  - a. Continue to listen more and more of 'you said, we did' – there have been recent encouraging signs of this
  - b. Help to raise morale, particularly through continued involvements – again this was reported to be happening more
  - c. Clarity of the training and development offer to practitioners, to ensure access is fair and equitable.
11. The quality and purposefulness of management oversight and decision making has improved with revised panel arrangements being established and embedded. This provides a robust challenge to requests for children to enter the looked after system, and looks at appropriate solutions and alternatives.
12. Performance reports have been developed and put in place since September 2018, giving a range of detailed weekly reports and monthly scorecards. There is more to do to improve the accuracy and usefulness of reports to aid improvement in social work practice and outcomes for children and young people.
13. Because of our improved approach to performance, children are receiving more timely visits. Child Protection visits are at 85% in time in December 2018, compared to 69% in September. Looked after Children visits are 74% compared to 65%. Child in Need visits are recorded as 59% compared to 41%. Our timeliness of visits is still not as good as it should be, despite an improving picture.
14. Team managers reported to Doncaster Children's Trust a "considerable improvement in the quality of performance information, it is more accurate than it has been and that they can start to properly performance manage." Furthermore, they stated, "it is our problem to fix" and that it has helped that action has been taken that has "moved cases into the right place." This evidences the beginnings of a change in management culture and management grip since the ILAC in June 2018.

15. We have revised our quality assurance approach to enable greater learning and improvement in practice, focusing on specific audit work. We have revised our audit tool, established a framework, which will close the loop of learning by holding bi-monthly practice learning sessions.
16. The quality of life story work has improved following the recruitment of additional contact workers to clear the backlog and to maintain the completion of the life story book work. We have also appointed a case progression officer to add additional capacity to ensuring improvement in care planning, timeliness and outcomes for children.
17. We have run a comprehensive assessment improvement project in the assessment teams to improve the quality of children and family assessments. We are not delivering high quality assessments consistently and this is a continued area of focus. We are now reporting improvements in assessment completion timescales, and have continued to provide a focus on the quality of assessments, including the voice of the child and direct work with children. We have agreed to implement Signs of Safety and have agreed to work with Doncaster Children's Trust to support this.
18. The council has established its long-term strategy to secure good child protection services within an environment of reducing resources. The priorities for changes are to build independence and self-support within families and communities; to target support services proactively in areas of need; and to change the models of delivery.
19. There are seven actions that are amber as they have experienced some issues or there are delays forecasted; therefore the performance measure is unlikely to be achieved on time. These are reviewed on a monthly basis and kept under close review.
20. There are two actions that are rated as red; including the development of template documents by the LAC health team to provide our care leavers with their health records. Care leavers will then be consulted with to seek their opinion on these providing them with the information that they require; this has been delayed.
21. The quality of assessments and timeliness remains a challenge. The assessment timescales are not yet being met consistently. The timeliness of assessments and the performance information is being reviewed on a weekly basis to ensure that improvement in this area is carefully monitored until there is sustained improvement.
22. Council oversight and governance of the implementation of the action plan is to be completed through the performance framework; with final challenge and assurance taking place via cabinet and the children and young people's scrutiny committee. The Children and Young People's Partnership Plan will be an important vehicle to deliver multi-agency change, including providing a focal point for developing Herefordshire's approach to early help.
23. Ofsted carried out a focused visit during January 2019. The focus of the visit was to look into the arrangements for receiving referrals about children who may be in need or at risk of significant harm, children transferring to and from early help services, the effectiveness of child protection enquiries and the quality of assessments and interventions for children in need of help and protection. The outcome of the visit is shown in the focussed visit outcome letter as attached at appendix D.

## **Community impact**

---

Further information on the subject of this report is available from  
Liz Elgar, email: [liz.elgar@herefordshire.gov.uk](mailto:liz.elgar@herefordshire.gov.uk)

24. In accordance with the adopted code of corporate governance, Herefordshire Council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. To support effective accountability the council is committed to reporting the progress on actions completed and outcomes achieved.
25. The successful implementation of the action plan will continue to bring about further improvement towards achieving the council's priorities of keeping children and young people safe and giving them a great start in life and enabling residents to live safe, healthy and independent lives; improving access to learning opportunities at all levels and improved outcomes for all children and young people.
26. Vulnerable children and young people; their families and carers, are experiencing different and improved approaches to services delivery as we continue our implementation of the actions set out in our plan and in the context of the plan's status within the wider children's development plan. This includes looked after children and care leavers up to the age of 25.

## **Equality duty**

27. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
28. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. We continue to make sure that as the action plan is implemented that we pay due regard to equality legislation.
  29. The action plan supports the council in its overall duty to promote equality. In particular, the implementation of the plan continues to improve the outcomes of children and young people, by ensuring their diversity factors are assessed and assisting children and young people and their families to access services that meet their needs.

## **Resource implications**

30. There are no resource implications arising from the recommendation. The resource implications of any recommendations made by the committee will inform the executive's response to those recommendations.
31. The implementation of the action plan required additional resources, which have been considered as part of the council's budget setting process; including what could be done in terms of prevention and edge of care.

32. Within the 2018/19 as reported cabinet agreed £1.6m of resource to support the increase in capacity of social workers, social work managers, and family support and business support to undertake work that reduces the demands on social workers themselves. In addition, some investment has been used to support further developments of performance management reports and systems and to address life story book work. There is also additional investment taking place for children's legal services which currently is fragile.

## **Legal implications**

33. There are no specific legal implications of the recommendations in the report.

## **Risk management**

34. The risks associated with the failure to implement the action plan are:
- a. The council does not deliver sustained improvement. Too many children and young people receive a poor service, there is drift and delay, children, and young people receive high threshold services that are reactive. There is not sufficient capacity for good social work to flourish and there are not a range of effective preventative and edge of care services to support children and young people safely in families. The council then runs the risk of being judged as inadequate by Ofsted under the ILAC's framework.
  - b. Reputational. The council does not make progress quickly enough and diversely affects the recruitment and retention of social work staff. This can have a knock on effect of increasing caseloads, which in turn has the potential to negatively impact on performance and quality of services for children and families. Consequently, the council would have to invest significant resources to then rectify the situation.
35. The risks to successful delivery of the plan are:
- a. Insufficient resource is identified in the 2019/20 budget to implement the action plan in full. If this occurs there is a risk that the council will not deliver sustained improvement.
  - b. Change in culture and practice does not take place quickly or robustly enough and is not sustained. Accurate performance management information that is used at least weekly to manage and improve service delivery is a critical part of culture change, alongside capacity, training and development, audit work and changing practice as a result.

## **Consultees**

36. None.

## **Appendices**

Appendix A – Children and Families executive highlight report – Dec 2018

Appendix B – Children and Families Self Evaluation Framework Oct to Dec 2018

Appendix C – Updated Ofsted Improvement Plan (to be uploaded 11/02/19)

## **Background papers**

None identified



## Executive Summary

Action Plans have been implemented across the safeguarding, family support, early help and support services, including performance and recruitment to deliver the Ofsted Improvement Plan and are monitored monthly by the Director and Assistant Directors. Action plans are updated on a monthly basis, with a clear indication of progress and the monitoring of areas of challenge. A number of key operational indicators have improved during the first three months of the improvement plan; these include the reduction in social worker caseloads, timeliness of visits to children who have a child protection plan, and an increase in levels of supervision taking place.

There has been a number of key achievements across the service; there has been a reduction in the number of children referred inappropriately into MASH, as a result of the reintroduction of the MASH Partnership forum and multi-agency audit activity in MASH. There has been an improvement in the completion of assessments within timescales; as at the end of December 2018, 100% of assessments were carried out within timescale, an improvement from 39% in September 2018.

There has also been a concerted effort to improve the quality of assessments by auditing work, providing social workers with feedback and learning opportunities to increase their skills and competence when completing assessments. In January there will be a further audit of assessments to measure improvement in practice.

Child in Need (CIN) guidance has been developed and signed off, following a review which included the auditing of approximately 40 CIN cases, which will give clarity on the approach to CIN work in Herefordshire. Strategy Meeting guidance has also been reviewed and implemented.

Schools have been set attainment targets for Looked after Children (LAC) and ePEPs are being audited to ensure standards and targets are being met. In addition, various training has been delivered, including life story work and case recording, and a reporting mechanism has been developed in order to monitor the effectiveness of training. To ensure the resource issue was specifically addressed, a retention package was implemented, which included a market forces supplement and individual learning accounts.

The key issues for Herefordshire children and families remain, frequency of supervision, quality of assessments and plans, timeliness of visits, evidencing management grip and permanent recruitment. Whilst we now have more social workers in post via the regional scheme, these are agency posts and recruitment to permanent posts remains a challenge. Permanent social work vacancies being filled by agency staff leaves the authority at risk in terms of periods of notice and continuity of workers. Other vacancies are also proving difficult to recruit to, these being QA Manager, Principal Social Worker, and Advanced Practitioner.

## Performance - Directorate

### Key Operational Indicators

	Current performance	Improvement/ Decline	Commentary
<b>Worker caseloads</b> (average no. per worker – operational social work teams, excluding fostering & adoption)	17	Improvement	16+ max caseload – 24 Assess (1&2) max caseload – 20 CP max caseload – 20 CWD max caseload – 22
<b>Virtual School</b>	46	No change	LAC max caseload – 23

# CHILDREN & FAMILIES SAFEGUARDING AND FAMILY SUPPORT HIGHLIGHT REPORTS EXECUTIVE SUMMARY - December 2018

<b>Supervision – case (%)</b> (within 3 months – 16+, assessment teams, CP & Court, LAC and children with disabilities)	61%	Improvement	46% (end of September 2018) 45% (end of October 2018) 54% (end of November 2018)
<b>Virtual School</b>	14	Improvement	
<b>Supervision – worker (%)</b> (Social work teams, including adoption, fostering, Early Help, Family Support, LAC Support & Business Support)	75%	Improvement	79% (end of September 2018) 87% (end of October 2018) 68% (end of November 2018)
<b>Virtual School</b>	5	Decline	
<b>Visits in timescale (%)</b> (target 85% by end Dec)	CP – 85% CIN – 59% LAC – 74%	Improvement Improvement Improvement	Visits in time (some reports have data quality issues inc. LAC and CIN visits in terms of the report not picking up the correct information. This is being addressed). CP 69% LAC 65% CIN 41% (end of September 2018) CP 79% LAC 54% CIN 46% (end of October 2018) CP 67% LAC 77% CIN 45%
<b>ePEP meetings overdue</b>	3	No change	(end of November 2018)
<b>Cases unallocated</b> (no. of cases unallocated to a worker, but allocated to the team – operational social work teams)	0	Improvement	1 September 2018 5 October 1 November
<b>Virtual School</b>	0	No change	
<b>Recruitment and Retention</b> (HC8 & HC9 social workers registered with the health care professionals council)	Amber	Improvement	Regional Scheme - 8 workers appointed and further CV's received. I People Project - 1 worker appointed. Permanent Head of Service recruitment to begin in January 2019.

# CHILDREN & FAMILIES SAFEGUARDING AND FAMILY SUPPORT HIGHLIGHT REPORTS EXECUTIVE SUMMARY - December 2018

<b>Delivery</b>		
<b>Key Achievements this period (November/December 2018)</b>		
<b>Deliverable</b>	<b>Completion date</b>	<b>Comments</b>
Implementation of performance report suite of reports and used on a weekly basis to review team performance	01/10/18	AD reviews performance with heads of service and this is then reviewed at Directorate SMT. Accuracy of performance reports needs further improvement.
Group supervision and reflection	15/11/18	Twice monthly to assessment teams. Will be rolled out to other service areas.
Life story work training delivered to Looked After Children (LAC) Team.	29/11/18	
Reporting mechanism developed to monitor the effectiveness of training.	30/11/18	Heath check reported 75% effectiveness of training over the past 12 months.
Strategy meeting workshop and guidance revised.	30/11/18	Guidance completed and revised agenda in use.
Retention Package	30/11/18	Implemented market forces supplement and individual learning accounts.
Family Support Workers recruited to complete backlog of life story books and later life letters for children who have been adopted.	30/11/18	2 permanent and 3 fixed term workers have started in post.
MASH and Assessment - improvement in quality and timeliness of assessments.	30/11/18	Assessments performance – 39% September 2018. 62% November 2018.
School LAC data scrutinised and key issues and trends identified.	01/12/18	KS4, 3 year trend (2016 – 2018) at Hereford Academy where both A8 and P8 scores have declined.
Virtual School Team undertaking robust conversations with schools regarding the progress their pupils are making.	03/12/18	All LAC education officers have now activated their FFT accounts.
Schools set appropriate and rigorous attainment targets for LAC.	03/12/18	6 ePEPs audited – 2 were below standard and included poor targets for pupils. This is being followed up with the respective schools.
Case recording workshops delivered to all front line staff.	03/12/18	Workshops delivered monthly (20/11/18 and 03/12/18).
Reduction of strategy meetings and Section 47.	14/12/18	Performance Report for November 2018 indicates a 22% reduction in strategy meetings since July 18.

# CHILDREN & FAMILIES SAFEGUARDING AND FAMILY SUPPORT HIGHLIGHT REPORTS EXECUTIVE SUMMARY - December 2018

A decline in the number of children referred to MASH.	14/12/18	780 contacts in September 2018. 520 contacts in November 2018.
---	----------	---

<b>Risks and Issues</b>		
<b>Description</b>	<b>Impact</b>	<b>Action/Mitigation</b>
MASH and Assessment - poor quality assessments, plans and intervention.	Limited outcomes achieved for children, young people and their families. Possible increase in number of children subject to child protection plans and care proceedings.	Continue to run assessment training workshops and develop the role of the Senior Practitioners within the teams.
Quality of practice and compliance in Child in Need (CIN) cases.	Herefordshire Council unable to evidence improvements.	Implementation of CIN Guidance. Weekly performance meetings to focus on visiting and planning.
CP and Court Team - case supervisions not taking place.	Herefordshire Council unable to demonstrate management grip on cases.	Weekly performance meetings to focus on supervisions. Review Supervision Pathway in order to enable easier recording of case supervision.
Interface between Children's Social Care and Early Help is unclear, step down process in particular.	Increased risks to children and young people, due to lack of interventions following Children's Social Care closure of cases. Increase in referral rates.	Develop a robust, fluid and effective step up/step down process. Provide additional capacity within the Early Help Team. Review current engagement between Children's Social Care and Early Help and embed a robust interface.
Delegated Authority Forms not embedded in practice.	Delays in making day to day care decisions for children.	10 cases audited monthly to monitor compliance and progress. August 2018 – 35% completed delegated authority on file. September 2018 – 70% October 2018 – 70%
Delay in embedding Early Help assessments in Mosaic.	Unable to ensure consistent reporting in line with the other operational teams.	Workflow developed, awaiting upgrade of Mosaic to be completed by Hoople ICT before can be embedded.
Increased demands on the Performance Team for ad hoc reports.	Stretched resource will impact on agreed timescales.	Requests for data and reports to be discussed/prioritised with senior managers prior to submission to Performance Team. Revised timescales plotted and will be monitored closely.
Virtual School - national data for external measures in 2018 not yet available.	Comparisons between LAC and non LAC cannot be made.	Continue to chase for data.

# CHILDREN & FAMILIES SAFEGUARDING AND FAMILY SUPPORT HIGHLIGHT REPORTS EXECUTIVE SUMMARY - December 2018

Number of pupils on track to achieve expected grade in English and Maths (KS4) is low.	Herefordshire Council LAC outcomes fall below the national for LAC.	Virtual Head and/or LAC Education Officer will visit all schools by the end of the term where pupils are not on track.
ePEPs are of varying quality and do not contain focused rigorous academic targets.	Some schools ePEPs might not meet requirements.	Virtual Health continue to monitor ePEPs.
LAC Health Nurse on long term sick and Lead Nurse for Paediatrics leaves 31/12/18.	Development of LAC health passport for care leavers delayed.	Continue to work with LAC Health Nurse and await appointment by WVT.
CP and Court Team vacancies not recruited to.	Caseloads increase. May lead to poor decision making.	Interviews scheduled for January 2019. New staff member commences 02/01/19.
Principle Social Worker and Advanced Practitioner vacancies not recruited to.	Training and policy development may be delayed if vacancies not filled.	Recruitment has commenced internally and externally. Remaining Advanced Practitioner given early increment.
Performance Officer vacancy not recruited to.	Increased workload within the team may result in delays in providing performance data.	Mosaic Development Plan - priorities agreed with AD.
Recruited agency workers do not commence work.	Caseloads increase. May lead to poor decision making.	Use of the regional scheme has reduced risk. Workers appointed have arrived and contracts have been extended.
Demotivation of staff not receiving market forces supplement leads to resignations and a gap in workforce.	Caseloads increase. May lead to poor decision making.	Issues discussed with staff, but a degree of dissatisfaction remains in those not receiving the market forces supplement.

## Decisions and Sign Off

What?	By whom?	By when?	Outcome/comments
Family Meeting Procedure	AD/HoS	21/12/18	Procedure has been drafted and agreed and is being implemented
Early Help revised pages on Herefordshire Council website.	Chris Baird	21/12/18	Implications would require significant changes to website. Checks being made on whether this will provide an increase in accessing early help. Early help assessments currently increasing significantly under current system.
Selection of provider for urban to rural recruitment programme.	Andrew Kerry	07/01/19	
Reporting Development Plan (Performance Team) to be reprioritised.	Performance Lead/Service Manager/AD/HoS	14/01/19	To be reviewed and re-prioritised at AD / HoS meeting.
International recruitment.	Chris Baird	21/01/19	Preparatory work has been undertaken and will be taken

# CHILDREN & FAMILIES SAFEGUARDING AND FAMILY SUPPORT HIGHLIGHT REPORTS EXECUTIVE SUMMARY - December 2018

			forward depending upon the success of the urban to rural recruitment initiative.
MASH's Sharing Information Agreement.	Local Safeguarding Children's Board	31/03/19	Legal requirements for sharing information within the MASH is being progressed and is due to be taken to the MASH Partnership Forum

## SUMMARY

### Areas of strength

- Strong staff knowledge of children and their families
- Committed and dedicated staff who feel supported by their managers
- Ability to follow through on action plans, e.g. decrease in children on CP plans, response to children accommodated under Section 20.
- Progress at KS2 in both reading & maths saw dramatic improvement in 2018 for LAC in the virtual school; KS4 attainment and progress in 2017 in the virtual school better than for LAC national
- Consistently high performance in timeliness of care proceedings.
- Positive feedback on 16+ service from Mark Riddell, National 16+ advisor
- Strong performance for children placed for adoption
- Use of new technology to increase children's participation
- Leaders are open to external scrutiny and act on it including Ofsted inspection, LGA peer reviews and additional investment of £1.6m in social care and legal services for children by council leaders

### Areas for improvement and update on actions

1. Senior leadership urgency in implementing a robust and timely action plan to deliver improvements and to address deficits in social work practice

Herefordshire Ofsted improvement plan in place and submitted 25 October 2018. Ofsted responded:

"I would like to confirm that I find your plan to be appropriate, focussed on the right areas of practice and management and that it addresses areas for improvement identified at your last inspection. It is reassuring to note the extra investment the council has made in children's services to support improvements and increase workforce capacity. Evidence of actions are clearly identified and I note the nine extra social workers already in place in your CP/court teams.

I look forward to receiving your updated plan and seeing what progress has been made at the end of this review period." (Lynn Radley, Senior HMI Social Care West Midlands)

Every social work service area in the improvement plan has its own clear action plan to drive forward improvement. This is reviewed on a monthly basis by the directorate leadership team, alongside performance information. This will then be reviewed by the council's management board, cabinet and the children and young people scrutiny committee. The improvement plan will be updated after each review period, focusing on what more needs to be done and how to embed improvement into sustained change.

2. The sufficiency of social workers and managers with capacity to cope with the need for services and the volume of social worker caseloads;

We have successfully recruited 20 staff, a combination of agency and substantive staff, including managers, to provide additional social workers and managers across the service, including:

- An additional Head of Service to concentrate on MASH/Assessment, with another head of service for CP/Court (previously we had one head of fieldwork covering the two areas).
- Increased team and team manager capacity, having moved from two to three teams in the children protection court teams.
- Additional family support workers to provide additional capacity and strengthen our support and intervention for children and young people.
- Additional social workers. We worked within a regional West Midlands approach to recruit agency social workers, and have secured 11 social workers. We have had some movement

of social workers who have not left the authority but moved to other teams such as LAC, adoption and fostering;

- business support capacity to increase the scope of business support services, to include convening and minuting of meetings, to release social worker's time from these tasks;
- Additional contact workers to clear the back log of life story book work and maintain completion of life story book work, particularly for children who are going to be adopted;
- Appointed a principle IRO to strengthen IRO management.

Our caseloads are now of a range of 16 to 23, compared to many workers having caseloads of high 20s to 30s in June 2018.

We have put in place a long term strategy for permanent recruitment, growing and keeping our own, as well as pursuing an urban to rural recruitment and international recruitment approach during 2019.

We are starting to implement software in Jan 2019, to record voice notes of visits that can then be uploaded directly into MOSAIC, cutting down the amount of time that socials workers will have to spend on data input.

We identified that some cases were in the wrong teams, we have updated our transfer process and increased our management capacity in our CP/Court services as well as recruiting social workers to fill vacant posts. Case transfers are reviewed and the assistant director follows up case transfers with heads of service and team managers and has recently introduced a weekly report.

### 3. Senior managers' interaction with social workers to enable staff to feel listened to;

The Director has regular meetings with each operational team. The Assistant Director holds regular drop-in sessions for staff to raise any issues. Both the Director and Assistant Director regularly work in different social care offices. The Director also holds regular drop in sessions for all staff. The Director has a programme of shadowing with social workers. Actions to support the retention of social workers has been informed by staff feedback, including a market forces supplement and the introduction of individual learning budgets (£250 for each worker), following suggestions from staff.

Recent feedback from Doncaster Children's Trust work carried out in January 2019 noted:

"Finally, when I asked TM's what one thing would help create the right environment for good social work to flourish? Answers were:

- Continue to listen more and more of "you said, we did" – there have been recent encouraging signs of this.
- Help to raise morale, particularly through continued involvement - again, this was reported as happening more
- Clarity of the Training and Development offer to practitioners, to ensure access is fair and equitable.
- Strengthen partner buy-in, particularly for larger practice improvement projects – eg Graded Care Profile and Signs of Safety."

### 4. The pace of progressing child protection and child in need plans and the quality of practice with children in need;

We established a specific work programme to address our weaknesses regarding our approach to Child in Need (CIN). A dedicated senior manager led the work for a 3 month period and has produced a clear CIN policy and procedure, which has recently been implemented. During this process and the establishment of CIN panels, we reviewed 181 Child in Need (CIN) cases. We are monitoring child in need visits as part of our weekly performance management approach, which has shown some improvement, but still needs to improve further. Strategy meeting guidance has also been reviewed and implemented. S47 guidance is in the process of being produced to improve the practice in this area.

All IRO's attended CP Plan training on 7 November 2018, to promote the production of SMART, child centred plans, focused on outcomes for children.

5. The regularity and quality of social work supervision;

We have not been consistently completing supervision for social workers and have implemented a supervision tracker from week commencing 30, July 2018. Performance has improved but is still not where it needs to be (61% December vs 46% September 2018, for case supervision; maintaining c.75% for workers supervision). Supervision performance data is made available at mid-month point. The month's performance is included in performance report at monthly AD/HoS meeting. The current recorded levels in Assessment and CP/Court teams in particular are not up to our expected standards and have targets and a review approach to drive improvement. We are also reviewing how we record supervision through our MOSAIC system. We still have some supervision taking place that is not recorded on MOSAIC. Supervision has been audited for quality within the assessment teams and action taken to improve. Twice monthly group supervision has been introduced from November 18 in the assessment teams.

6. The quality and purposefulness of management oversight and decision making and the existing quality assurance and performance management system;

We have revised panel arrangements and established an alternatives to care panel. This started on the 25 September 2018, and provides a much more robust challenge to requests for children to enter the looked after system, and looks at appropriate solutions and alternatives. All cases where there is a recommendation to commence PLO, or issue proceedings are also presented to this panel. All Section 20 cases are reviewed weekly. This panel is regularly chaired by the Assistant Director, with Heads of Service also being directly involved in individual case discussions and decisions. Legal services also attend this panel to enable clear, consistent approaches.

Performance reports have been developed and put in place since September 2018, giving a range of detailed weekly reports and monthly scorecards. Quarterly scorecards are also produced and considered by the directorate and corporately. There is more to do to improve the accuracy and usefulness of reports to aid improvement in social work practice and outcomes for children and young people.

As a result of our improved approach to performance children are receiving more timely visits. CP visits are at 85% in time in December 2018, compared to 69% in September 2018; LAC visits are 74% compared to 65%; CIN visits are recorded as 59% compared to 41%. However, the accuracy of the reports need to improve particularly for LAC and CIN as they do not take into account different timescales for visiting a child/young person. Our timeliness of visits is still not as good as it should be, despite an improving picture.

Team managers reported to Doncaster Children's Trust a "considerable improvement in the quality of performance information, it is more accurate than it has been and that they can start to properly performance manage."

Team managers stated to the Doncaster review team that "it is "our problem to fix" and that its helped that action has been taken that has "moved cases into the right place"". This evidences the beginnings of a change in management culture and also management grip since the ILAC in June 2018.

We have revised our quality assurance approach to enable greater learning and improvement in practice, focusing on specific audit work. We have revised our audit tool, established a framework which will close the loop of learning by holding bi-monthly practice learning sessions, and will be reviewing its implementation on a monthly basis. We have established the publication of a monthly safeguarding learning brief, distributed to all staff within the Children and Families directorate.

We undertake a monthly programme of case file audits. We need to improve our compliance so that we have a consistent number of audits taking place. We have established baselines and targets for improvements. On a quarterly basis we analyse findings to identify themes and priorities for learning and improvement. In addition we regularly undertake a range of thematic audit work informed by agreed priorities and findings are considered by our senior management team to inform our development plan. These have included an audit of assessment practice, (September 2018, December 2018) CP system thresholds and second and subsequent CP plans (January 2019), and ICPC and RCPC attendance (December 2019).

A review of MASH arrangements was commissioned and carried out in November 2018 to inform our improvement work and reflect on the changes that had been implemented.

#### 7. The quality of life-story work for all children.

We have recruited additional contact workers to clear the back log of life story book work and maintain completion of life story book work, particularly for children who are going to be adopted;

#### 8. Permanency arrangements for LAC

We have appointed a Case Progression Officer to add additional capacity to ensuring improvement in care planning, timeliness and outcomes for children. Our panel now tracks PLO cases as well as the use of Section 20, and a six monthly review of children with placement plans. We now regularly audit the use of our delegated authority form and this has improved from 35% on file to 70% in October 2018.

#### 9. Private Fostering

Private Fostering arrangements have recently been the subject of discussion and the need for a revision and re-emphasis of Herefordshire's approach to Private Fostering has been recognised and was noted during Ofsted's focused visit in January 2019. A new 'quick guide' to complement more detailed guidance in TriX has been completed and is being taken through the governance processes within the division; there have been some minor further revisions suggested. It will be taken into the MASH Partnership Forum meeting to raise awareness of private fostering amongst partners, and liaison with education colleagues will take place to raise the profile of private fostering within school settings. Within the service we will audit our private fostering cases to ensure we are delivering a good, compliant service.

#### 10. The consistent application of thresholds within children's services and across the partnership

We have introduced a MASH Partnership Forum and multi-agency audit activity in MASH that has supported work reducing the number of children referred inappropriately into MASH. We also now have an Early Help Coordinator in MASH to ensure that children are managed in the correct part of the system and stepped up and down appropriately according to their identified needs. Early help training has been delivered to over 400 professionals to improve understanding of the approach, offer and thresholds. The number of referrals from the police are still too high without the necessary triaging. This has been raised with the police and they are currently recruiting to a post to assist with this. There has been a 22% reduction in the number of strategy meetings since July 2018, aligned to our revision and implementation of strategy meeting guidance.

#### 11. Improving quality and consistency of practice;

We have run a comprehensive assessment improvement project in the assessment teams to improve the quality of children and family assessments. We are not delivering high quality assessments consistently and this is a continued area of focus. We are now reporting improvements in assessment completion timescales, and have continued to provide a focus on the quality of assessments, including the voice of the child and direct work with children. We have agreed to implement Signs of Safety and have agreed to work with Doncaster Children's Trust to support this.

#### 12. Serious case review

Herefordshire has recently undertaken a serious case review regarding a child who experienced sexual exploitation before and whilst in care. The learning from the case review is being finalised and actions within children's safeguarding and across partners are being put in place. These include understanding the experience of the child, understanding and assessment of risk across agencies including history and the work carried out across different police forces.

The improvement plan sets out the seven key areas for improvement as identified by Ofsted, further areas for improvement are then grouped according to the areas of the Safeguarding and Early Help Development Plan. This plan will be developed further with local authorities identified by the DfE to aid Herefordshire's improvement.

Actions contributing to the delivery of the plan will be reviewed weekly, fortnightly and monthly within the service. Updates will be provided to management board and to Cabinet as part of performance and budget reporting. Children and Young People's Scrutiny Committee will regularly review progress against the plan.

RAGB Status	Indicator / Definition	Actions
<b>Red</b>	"Action" is behind schedule. Performance measure not yet achieved	Director / Assistant Director will review the "Action" to identify the root causes of the red status. Action Plan owners will produce plans to prevent further deterioration and ensure action is back on track – plans will be approved by Assistant Director.
<b>Amber</b>	"Action" has experienced some issues. Delays forecasted. Performance measure unlikely to be achieved on time	Director / Assistant Director will maintain a watching brief over amber "Action/s". Action Plan owners will produce plans to ensure action is back on track – plans will be approved by Assistant Director.
<b>Green</b>	"Action" is on track. Completion date and performance measure is expected to be achieved.	Director / Assistant Director need assurance the "Action" is truly green.
<b>Blue</b>	"Action" completion date and performance measure achieved. "Action" complete/closed.	

### Ofsted Inspection of children's social care services 04/06/18 - 22/06/18 - What needs to improve

<b>Ofsted No. 1</b>	<b>Senior leadership urgency in implementing a robust and timely action plan to deliver improvements and to address deficits in social work practice</b>
---------------------	--

RP 51	A leadership team with constrained capacity, lack of stability and, in some areas, poor performance.
RP 61	Leaders and managers are aware of deficits in practice and service provision, but currently there is a lack of timely action planning to remedy this.

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
1.1	Establish specific Service Area Action Plans to address continual areas for improvement, these are to be refreshed at least every 3 months to ensure they drive improvement. These feed into the overall Ofsted Improvement Plan.	31/01/19	Assistant director safeguarding and family support	Action plans agreed and actions taking place	Improvements in core quality of practice is evident through performance and audit reporting	Action plans updated in January for the period January 2019 - March 2019. Actions are being delivered. Monitoring process is established.	<b>B</b>
1.3	Children and Families Scrutiny Committee to review updated action plan and make recommendations to the executive.	04/03/19	Director for children and families	Updated Ofsted Improvement Plan agreed	Scrutiny have reviewed the action plan and made their recommendations to the executive.	Updated Ofsted Improvement Plan to go to Children and Families Scrutiny Committee 04/03/2019	<b>G</b>
1.4	Formally share updated Improvement Plan with Ofsted.	01/03/19	Director for children and families	N/A	N/A	Completed - to be shared with Ofsted Regional Director and colleagues at Annual Conversation and to continue to be refreshed every 3 months focussing on quality and embedding change.	<b>G</b>

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
1.6	Continue to monitor Ofsted Improvement Plan and Service Area Action Plans using project management approach, monthly review meetings and reports. Quarterly updates to cabinet and children and families scrutiny.	from 10/09/2018	Assistant director safeguarding and family support	N/A	Change is evidenced	Process in place and working effectively to check on the progress of actions within the service specific action plans	B
1.7	Progress update sent to Department for Education (DfE) for 6 monthly review	01/04/19	Director for children and families	N/A	N/A	Updated Ofsted Improvement plan January to March to be submitted to DFE	G

<b>Ofsted No. 2</b>	<b>The sufficiency of social workers and managers with capacity to cope with the need for services and the volume of social worker caseloads</b>
---------------------	--

RP10	Social workers across this service have high caseloads. In addition, and because of delays in transferring to other teams, they are also holding a mixed caseload. This means that social workers are struggling with competing demands and are prioritising their work with child protection and court cases taking precedence. ... Evidence showed that there is effective child-centred practice that improves children's circumstances, but this is not consistent for all children.
RP 16	Some children benefit from good direct work by social workers they know and trust, but this is not a consistent feature of social work practice. Children in this service experience too many changes of managers and social workers.
RP 36	Despite this good work, the quality and progress of care planning is compromised for some children because of too many changes in social worker. This also means that it is difficult for children to build trusting relationships with their social workers.
RP 52	Caseloads are too large, ineffective quality assurance and performance management and continuing difficulties in recruiting good quality social work staff and managers.
RP 54	Despite this good work, the quality and progress of care planning is compromised for some children because of too many changes in social worker. This also means that it is difficult for children to build trusting relationships with their social workers.
RP 55	Social workers from various teams are prevented from providing the quality of service they know is required because of excessive caseloads and ineffective deployment of staff. This is further hampered by a lack of robust, clear and timely management oversight and case direction. Senior leaders acknowledge this and now have the early stages of an improvement strategy in place. However, it is too early to see any impact.

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
2.2	Implement package of measures to support retention of experienced staff	01/08/18 - phase 1 (Market forces supplement, relocation, recommend a friend). 28/12/18 - phase 2 (learning accounts, retention payments). 29/03/19 - phase 3 (corporate employee benefits)	Organisational development business partner	Vacancies levels in Child Protection/Court Team	Child Protection/Court Team is fully staffed and internal movement other than for promotion is reduced to zero	Market forces supplement implemented across social worker roles. Increased relocation payment in place. Drop in sessions held to get staff views on next steps. Proposals considered by mini-board. Individual learning accounts for social workers launched week commencing 22/10/2018.	G
2.3	Develop and implement revised career pathways to support professional and personal development	31/03/19	Organisational development business partner	Number of appointments to social worker from student placements, Step Up and apprenticeships.	We have developed and implemented clear career pathways that staff tell us they understand - via health check and employee opinion survey.	Consultation on career pathway completed and implementation planning underway.	G

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
2.5	Recruit a team of 10 agency social workers into the Child Protection/Court Team to provide six months cover.	22/10/19	Organisational development business partner	Social workers recruited and team in place no later than 22/10/18	Timely and high quality services are delivered to children and families (frequent change of social worker and drift/delay is avoided). Social work caseloads are reduced and case transfers across the service are enabled.	As at 15th January 2019 all positions in Assessment are filled with either permanent or agency staff. 3 vacancies in CP/CT following resignations and termination of agency worker. Orders submitted for replacements. Contracts extended for all regional people to October 2019.	G
2.6	Recruit up to 8 newly qualified social workers to the Assessed and Supported Year of Employment programme and retain them within the organisation	from 01/09/2018	Principal social worker	8 Assessed Supported Year of Employment newly qualified social workers recruited		ASYE specific advert has resulted in over 20 applications for ASYE in addition to three applications from qualified step up students. Interviews are taking place in January and February 2019 for 12 shortlisted applicants	G

<b>Ofsted No. 3</b>	<b>Senior manager's interaction with social workers to enable staff to feel listened to</b>
---------------------	---

RP 57	Staff in some teams feel a strong disconnect from their senior managers, which is inhibiting improvement. If improvements are to be made securely, this needs immediate attention.
-------	--

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
3.2	Rolling programme of regular staff briefings regarding Children and Families Development Plan and underpinning philosophy regarding how to deliver services to children/families.	from 24/09/2018	Director for children and families/Assistant director safeguarding and family support	Briefings complete and briefing materials distributed to all staff.		Programme of meetings in place and staff briefings taking place on a regular basis	B
3.5	Staff views requested and received on how to improve methods of communication/ engagement.	31/03/19	Director for children and families/Heads of service	Views collated/established/embedded.		Review of effectiveness to be completed. Any further suggestions from the review to be implemented across the directorate.	B
3.6	Implement Cascade Model of information sharing from Assistant director/ Head of service meetings to Head of service /Team manager meetings through to team meetings to embed information flow through the organisation.	31/03/19	Assistant director safeguarding and family support	Model implemented/embedded.	Staff are having information shared with them routinely	Compliance audited in October 2018. Findings to be discussed at AD / HOS meeting in January 2019; with a further audit to be undertaken in March 2019 and report to AD/ HOS meeting in April	B
3.9	Distribute Social Work Survey and encourage staff to complete in 2019	31/03/19	Director for children and families/Assistant director safeguarding and family support, Head of service, Principal social worker and Organisational development business partner.	50% of staff return survey results.		Analysis from survey is to be taken to AD/HOS for discussion in March 2019 to agree how to take this forward in 2019 to ensure that the target is met for completion	A

33

Ofsted No. 4	The pace of progressing child protection and child in need plans and the quality of practice with children in need						
RP11	The quality of services and practice for children in need is poor in many cases. Responses to their needs are too slow and lack the focus required to make meaningful changes to their situations. Current arrangements do not provide effective oversight, and while senior managers have developed an action plan to improve this situation, they do not ensure that all children in need are receiving the services they need in a timely way or that their needs are prevented from escalating.						
RP 13	The quality of child protection plans is too variable and is poor in some cases. ... Weaker plans lack sufficient details for families to see clearly what services are going to be offered, who will provide them, their responsibilities and the timescale for them to take particular actions. This makes it difficult for families to understand what needs to change and by when.						
RP 14	Children in need and children subject to child protection plans do not always receive timely visits. Over half of children who are the subject of a child protection plan are not visited the locally defined minimum amount or visited enough times to meet their needs in line with their plans. Children are not always seen alone when social workers visit. This means that children are not always able to develop meaningful and trusting relationships with their social workers. Further social workers do not always have a sufficiently full understanding of children's current circumstances to mitigate risk and to effectively progress the child's plan.						
RP 19	Identification of risk is not routinely followed up by well-coordinated and focused intervention, with the result that there are delays in progress for children. Often, there is too much focus on single issues, rather than understanding how risks relate to each other and then formulating an overarching plan to address this. The impact on children who are living in such circumstances is not well understood by senior managers, and assertive and timely action is not always well coordinated to improve their circumstances.						
RP 56	Too many children in need of help and protection and children in care are receiving a poor service. Practice is not consistently child focused. Planning for children is not always sufficiently robust or purposeful and this is compounded by management oversight that is not effective in addressing this. As a result, some children experience unnecessary drift and delay and their circumstances do not improve in a timely way.						
No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
4.4	A comprehensive action plan will be implemented to raise the standard and quality of child protection plans	30/11/18	Head of service safeguarding and review	All Independent Reviewing Officer's (IRO's) and Team managers understand and accept principles and practice of Specific, Measurable, Achievable, Realistic, Timebound (SMART) child protection plans	All children who require a child protection plan will have a robust child centred child protection plan	Action plan in place, to date achievements made against timescales including Head of service reviewing quality of child protection plans in every 1:1 on monthly basis.	G
4.5	Targets will be set to measure improvement in timeliness of visits to children in need and children with child protection plans. The performance information will be reviewed on a weekly basis by Team managers, Heads of service and Assistant director safeguarding and family support.	10/09/18	Assistant director safeguarding and family support / Head of service	Timescales set end of Sept 65%; end Oct 75%; end Nov 85%	Children will receive the service they require and deserve and statutory timescale visits are completed	Visits are an issue that has been some improvements in some teams but is yet to be consistent across all areas. Work continues to ensure that there is capacity to undertake the visits and tools are being provided to enable social workers to record their visits in an effective efficient manner.	A

Ofsted No. 5	The regularity and quality of social worker supervision						
RP 17	Social workers do not receive regular supervision, and when it does take place, it does not provide the necessary support and direction to ensure that all children's cases progress without delay.						
RP 54	Leaders and managers have not been effective in overseeing and ensuring that social work practice flourishes. Their lack of grip and direction has resulted in a service where some decision-making is very poor, some staff do not receive supervision and workforce capacity is not at the level required to provide a good-quality service for children and families.						
No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
5.2	Establish fortnightly reporting on Supervision figures/numbers.	from 01/09/2018	Performance service manager	Figures available		Frequency of supervision data is now being received at the end of December 2018 casework supervision 61% and worker supervision 75% being completed	B
5.3	Undertake an audit of the quality of Supervision provided to Social workers by Team managers	31/03/19	Heads of service	Audit completed	When the quality of supervision is consistently good.	Observation of supervision has begun in MASH / Assessment and this is now to be embedded across safeguarding and family support to use in all teams	G

Ofsted No. 6	The quality and purposefulness of management oversight and decision making and the existing quality assurance and performance management system						
RP 6	The current arrangements within the MASH are not fully collaborative. Domestic abuse notifications are not triaged prior to them arriving in the MASH, which places additional burden upon the MASH manager. Police notifications classed as medium or standard risk are reviewed by police development officers appropriately and on a daily basis. However, there is no social care oversight of these cases, and, currently, there are no agreed timescales for ensuring that all notifications are reviewed. The consequences of this is that any risks to children might not be identified in a timely way, or they might be missed entirely.						
RP 17	Management oversight of frontline practice is not consistently effective. It is not evident in all cases and does not provide the robust challenge and direction needed to urgently progress plans and avoid drift and delay. Social workers do not receive regular supervision, and when it does take place, it does not provide the necessary support and direction to ensure that all children's cases progress without delay.						
RP 42	Educational outcomes for children in care are variable across the local authority. The attainment of key stage 4 children in care has been in line with, or above, national levels for the last two years. The attainment of children in care in key stages 1 and 2 has been variable for the last two years. The local authority is aware of this variability and is committed to raising standards further. The electronic system that has been introduced to record children's outcomes does not provide the virtual school with sufficiently detailed information about the children's attainment and progress. As a result, it is not yet possible to fully track outcomes and respond accordingly to any identified issues or trends.						
RP 43	The virtual school does not have sufficiently detailed information about the attainment of children in care, and schools report that children in care achieve mixed levels of progress. Targets within personal education plans are not specific or measurable enough to allow professionals to make an accurate judgement about the progress of children in care. This is particularly the case for looked after children and care leavers in secondary and 16-19 provision. Personal education plans do include the views and feelings of children in care.						
RP 54	Leaders and managers have not been effective in overseeing and ensuring that social work practice flourishes. Their lack of grip and direction has resulted in a service where some decision-making is very poor, some staff do not receive supervision and workforce capacity is not at the level required to provide a good-quality service for children and families.						
RP 55	Social workers from various teams are prevented from providing the quality of service they know is required because of excessive caseloads and ineffective deployment of staff. This is further hampered by a lack of robust, clear and timely management oversight and case direction. Senior leaders acknowledge this and now have the early stages of an improvement strategy in place. However, it is too early to see any impact.						
RP 59	Senior managers acknowledge that their current performance and management information data is underdeveloped and does not provide sufficient accurate detail to support their understanding of what is happening in their service. This requires immediate and robust attention.						
RP 60	Quality assurance processes are undertaken routinely, but they are rendered ineffective because of a lack of follow-through on issues of concern. This is a missed opportunity to improve the quality of social-work practice and a failure of managers.						

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
6.1	Improve the quality and detail of performance information to enable managers to have a grip on how their teams are performing and take appropriate action where required	31/03/19	Performance team lead	Accurate performance information is available and practice standards are improved	Managers are using performance information as business as usual and performance measures are improved	Data book has launched; reports on weekly visits and supervision in place. Local authority is working with Staffordshire and Doncaster to further improve the information provided	G
6.3	Review the development programme of Mosaic and establish further enhancements, plan and resources to deliver	30/12/18	Assistant director safeguarding and family support	Mosaic supports the social work systems efficiently	Performance culture is embedded across the children and families directorate and enables us to take swift and appropriate action for areas that require improvement	Use the expertise from other local authorities via the DfE to support the development of the programme; with the development plan being held by the performance team and appropriate time and resources to be allocated to these developments.	G
6.5	Ensure schools are set appropriate and rigorous attainment targets for looked after children; including English and Maths	28/09/18	Head of learning and achievement	Appropriate targets set.	Educational outcomes for children in care will be in line with national or above for looked after children at Early Years Foundation Stage (EYFS), phonics, Key Stage 1 (KS1), KS2, KS4 and KS5 for all external performance measures in 2019 and beyond;	Monthly drop sessions are being offered by the Virtual School to all schools to troubleshoot issues effecting ePEPs being rated below standard. The first session is 26th February. The vast majority now include academic targets and procedures and training is in place for those that don't. Sometimes the academic targets need to be more specific/rigorous. This is still a work in progress	B
6.13	Report on ePEP targets	31/03/19	Head of learning and achievement	Report produced and discussed.	Targets reached and attainment improved.	All ePEP meeting minutes and ePEPs demonstrate that staff from the virtual school review and challenge progress towards these targets.	A
6.14	Quality assure ePEPs and provide feedback.	31/03/19	Head of learning and achievement	ePEPs audited and feedback provided.	Improved standard of ePEP.		B
6.15	Heads of service required to audit 2 cases a month and provide feedback and learning to close the learning loop with individual social workers.	From September 2018	Heads of service	2 cases audited per month. 100% compliance required for all adults completed.	Evidence of cases being audited per month and feedback being provided to individual social workers		A
6.17	Quality assurance responsibilities of team managers made explicit with a quality assurance forward plan, requiring them to audit 2 cases per month.	From October 2018	Head of service safeguarding and review / Assistant director safeguarding and family support	Quality assurance forward plan in place. 100% completion rate required.	Evidence of cases being audited per month	Performance: audits returned Sept – Dec 2018 74%. A small number of team managers continue not to return audits. Audit actions completed Sept 81%, Oct 83%, Nov 55%, overall Sept-Nov 18 70% completed. Jan 2019 targets have been set and agreed (AD/HOS) for improvement.	B

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
6.19	Quarterly workshops held to improve quality and consistency to audit approach across all Team managers and Heads of service.	From 11/10/2018	Assistant director/ safeguarding and family support	Workshops being held on a regular basis	Workshops have taken place and the quality and consistency of practice improves across the children and families directorate	First workshops held through October	G
6.20	Assistant director to lead quarterly learning event with relevant service area to close the learning loop from the Quality Assurance Team Manager audit activity in service area.	from 10/10/2018	Assistant director/ safeguarding and family support	Learning events are in place	We are able to evidence that the learning loop is being closed and that the learning is embedded	Learning events taking place on a quarterly basis focussing on specific areas of social work	G
6.21	Establish a clear action plan to improve frequency and quality of quality assurance activity and establish a mechanism to evidence closure of the learning loop	From July 2018	Head of service safeguarding and review	Action plan in place with appropriate mechanism to close the loop	The frequency and quality of the audits improve and there is an appropriate mechanism in place to ensure closure of the learning loop	Quality assurance manager completed 3 month period of performance improvement activity in the assessment service, including auditing cases, providing feedback, following up on actions, provided workshops and best practice checklist.	B

DP No.3	Delivering our Permanency Plan for looked after children
RP 20	Work with families is not always consistently child-centred. Following an initial public law outline (PLO) meeting, in some cases the significance of what happens to a child is lost as the focus shifts on to the adults. Some letters before proceedings are too long and do not assist parents to understand what they need to prioritise and how they are going to be supported to change. Some children experience drift and delay at this stage, and review PLO meetings are not taking place in a timely way.
RP 27	The arrangements for children in private foster care are not well managed. Children do not receive a timely and responsive assessment of their needs or of their carers' abilities to meet their needs. Not all required checks are carried out and not all children have been seen in a timely way.
RP 30	The planning that follows is not always sufficiently robust or purposeful, and, as a result, several children have remained subject to these arrangements for too long. This has resulted in prolonged drift in progressing their care
RP 32	Children's care plans are of variable quality. Some are specific and clear, while others are overly long. In these plans, outcomes are not measurable and actions and timescales are recorded as 'ongoing'. In some cases, this has contributed to drift and delay for children
RP 37	IRO visits to children are not always recorded on their case files, and so the IRO footprint is not consistently evident. IRO scrutiny and challenge to progressing plans and addressing drift is not always sufficiently robust.
RP 38	Case records do not demonstrate that matching takes place at the point of children coming into care, and for some children permanence is not achieved within their timescales.
RP 39	The authority's arrangements for delegating authority to carers is not sufficiently clear and has not been for some time, despite the issue being raised by young people previously. This is an important issue for young people and means that some foster carers are still unable to make appropriate day-to-day decisions on their behalf.
RP 40	The local authority is struggling to provide a sufficient number of foster families, and in particular those that meet the needs of sibling groups and teenagers.
RP 47	Not all young people have access to their health information. Inspectors identified this as an important issue for young people and the local community has agreed to take this forward as an area for immediate improvement.
RP 50	Care leavers are aware of the advocacy service, although they feel that their voices are not always heard or taken account of. Access to mental health services for care leavers is difficult, and to date there is no strategy to improve this situation.
RP 58	Sufficiency planning lacks effective strategic direction and future needs are not articulated clearly. This is compounded by the current commissioning strategy not being underpinned by a comprehensive assessment of future needs.

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
DP 3.6	Undertake monthly audits to ensure delegation of authority to foster carers is completed at point of admission to care	From 13/08/2018	Head of Looked After Children	Monthly audits take place and after a period of 4 months compliance can be assured	Fosters carers feel empowered to make appropriate decisions for children/young people in their care.	Social workers, IRO's and managers reminded of policy and expectations discussed at team meetings. December audit - 70%. Audits happening regularly but practice remains inconsistent	A
DP 3.7	Implement named lead links between NHS mental health services and the 16+ care leaver service	31/03/19	16+ care leaver team manager and CAMHS team manager to put into place.	There are named leads for care leavers within mental health services and improved communication between services.	The 16+ care leaver service is confident that it is able to escalate and resolve any difficulties regarding access to mental health services	The 16+ Service does have a representative on the CYP MH Partnership. This allows the needs of LAC to be discussed and solutions to issues identified. Gap is LAC champion in adult mental health services. This is the next pathway to complete by 31 March 2019	A
DP 3.8	Ensure that the mental health needs of care leavers are addressed by: developing care pathways for assessment and treatment; developing access to self-referral help and support; and supporting young people to take-up help with their mental health.	01/05/19	CCG – Mental Health lead	Information available for care leavers on where to go and how to access treatment. Agreed multi-agency care pathway in place. Service measures to be defined as part of the development of service delivery. Number of LAC and LAC care leavers assessed and or accessing treatment from CAMHS/ CLD Trust / Adult MH Services.	Frontline services and teams are able to access appropriate support with care leavers. Care leavers report they know how to access support if required and that its delivered at the right time to make a positive difference.	16+ team will provide examples of gaps in service provision to Joint Commissioning Manager. A Task and finish group has been set up and this has included looking at care pathways. Now looking to have shared clinics between LAC nurse and CAMHS to deliver brief interventions. This will be developed in 2019/20.	G
DP 3.10	Draft placement Sufficiency strategy informed by LAC population estimates	28/02/18	Childrens Joint Commissioning Manager	Draft strategy approved through council governance	There are clear expectations on the number and type of bed nights required to meet expected demand, and action plans in place to secure sufficient provision.	14/11/18 - Strategy reviewed. Presented at SMT on 14/01/19 and will go to Cabinet In Feb 19.	G
DP 3.11	In-house fostering recruitment targets and action plan in place as part of Sufficiency Strategy.	28/02/18	Childrens Joint Commissioning Manager	Recruitment targets and action plan approved by DLT	Carer recruitment and retention rates increase to meet demand. Recruitment targets and performance is reported through CWB scorecard.		G
DP 3.12	Develop an appropriate format for the sharing of information with LAC health to ensure young people have access to their health records when they leave care.	21/12/18	Head of Looked After Children	Format developed, signed off and implemented.	Health records are accessible to young people when they leave care.	LAC health team are developing template documents for consultation with care leavers.	R

DP 4 (i) Application and understanding of Herefordshire Safeguarding Children Board (HSCB) thresholds							
RP 2	A significant number of contacts are signposted away from children's social care, which means that too many children are being referred who do not need this level of support. A number of children who would benefit from early help services experience delay because thresholds are not appropriately applied or understood. This is an area that needs to be strengthened so that children and families who might benefit from early help are quickly identified and do not experience any delays in receiving the help they need.						
No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
DP 4(i).7	Develop Early Help Strategy 2018 - 2023 and delivery with partners and have in place from April 2019	01/04/19	Early Help Manager	Strategy in place and owned across Herefordshire services	The Early Help offer is embedded and understood by all partners.	Initial proposals set out. Contact made with other local authority via the DfE to bring in learning from outside Herefordshire and Early Help Plan is evolving and will be taken through the governance process	A

DP4 (ii) Improving quality and consistency of practice							
RP 5	Poor recording in some cases means there is not always evidence in children's records that they have been seen or the extent of the direct work that has been undertaken with children.						
RP 9	In poorer assessments, and particularly where neglect is a long standing issue, social workers do not routinely consider historic concerns and their analysis can be over optimistic. Children are not routinely spoken to alone by social workers as part of their own assessments, and so subsequent plans are not informed by a child's view of their lived experience. In some cases, assessments are overly focused on the needs of adults.						
RP 12	The local authority has invested in graded care profile training to support social workers in dealing with cases of neglect. Despite staff speaking positively about this, no evidence of this training was seen being used with individual children.						
RP 24	The recordings of discussions with children lack analysis, with the result that it is not always clear how the information gathered informs safety planning for children.						
RP 29	Decisions for children to become looked after are not always based on up-to-date assessments. Assessments are not routinely updated to reflect changes in a child's circumstances and needs. Historical concerns are not always fully considered, and this means that some children whose circumstances had not changed should have come into care sooner.						
No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
DP 4(ii).1	All operational Heads of Service will establish, implement and progress improvement action plans to drive the quality and consistency of practice in their service areas.	From 21/09/2018	Heads of service	Actions are signed off by Assistant Director Safeguarding and Family Support	Monthly review of action plans evidences progress against targets	Action plans updated in January for the period January 2019 - March 2019. Actions are being delivered. Monitoring process is established.	B
DP 4(ii).2	Decision to be made on the most appropriate social work model to be implemented across Herefordshire Children and Families Directorate and appropriate implementation plan established	31/08/18	Principal Social Worker/Assistant Director Safeguarding and Family Support	Social Work Practice Model implemented and training undertaken.	We can evidence consistency and quality of practice.	Social work model identified. Director establishing support from local authority that has experience of implementing Signs of Safety via DfE improvement lead and is being taken through the internal governance process.	G
DP 4(ii).4	Design/develop and implement 2 year Quality assurance and learning framework (QALF).	31/03/19	Head of Service Safeguarding and Review	Implementation plan agreed and signed off by 31/03/2019.	The authority will have a strong learning culture underpinned by focused, collaborative, quality assurance work. This will provide meaningful learning to enable the organisation to continuously improve.	Revised audit approach including training now in place	G

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
DP 4(ii) 6	Targets will be set to measure improvement in timeliness of assessments. The performance information will be reviewed on a weekly basis by Team managers, Heads of service and Assistant director safeguarding and family support.	10/09/18	Assistant director safeguarding and family support / Head of service	Timeliness targets set: end of Sept 60%; end Oct 70%; end Nov 80%	Assessment timescale targets are met	The quality and timeliness of assessments remains a challenge. In December 2018, 94% of assessments were completed within the month. Of the assessments completed in December, 89% of cases are reported as seeing the child within 10 days. Group supervisions will be introduced to the assessments teams on a weekly basis in attempts to improve the practice with regards to the assessments. The use of the Senior Practitioners role within the teams will improve the quality of assessments. Caseload continue to be reduced to assist in improving the quality.	R

The improvement plan sets out the seven key areas for improvement as identified by Ofsted, further areas for improvement are then grouped according to the areas of the Safeguarding and Early Help Development Plan. This plan will be developed further with local authorities identified by the DfE to aid Herefordshire's improvement. Actions contributing to the delivery of the plan will be reviewed weekly, fortnightly and monthly within the service. Updates will be provided to management board and to Cabinet as part of performance and budget reporting. Children and Young People's Scrutiny Committee will regularly review progress against the plan.

RAGB Status	Indicator / Definition	Actions
<b>Red</b>	"Action" is behind schedule. Performance measure not yet achieved	Director / Assistant Director will review the "Action" to identify the root causes of the red status. Action Plan owners will produce plans to prevent further deterioration and ensure action is back on track – plans will be approved by Assistant Director.
<b>Amber</b>	"Action" has experienced some issues. Delays forecasted. Performance measure unlikely to be achieved on time	Director / Assistant Director will maintain a watching brief over amber "Action/s". Action Plan owners will produce plans to ensure action is back on track – plans will be approved by Assistant Director.
<b>Green</b>	"Action" is on track. Completion date and performance measure is expected to be achieved.	Director / Assistant Director need assurance the "Action" is truly green.
<b>Blue</b>	"Action" completion date and performance measure achieved. "Action" complete/closed.	

**Ofsted Inspection of children's social care services 04/06/18 - 22/06/18 - What needs to improve**

Ofsted No. 1	Senior leadership urgency in implementing a robust and timely action plan to deliver improvements and to address deficits in social work practice						
RP 51	A leadership team with constrained capacity, lack of stability and, in some areas, poor performance.						
RP 61	Leaders and managers are aware of deficits in practice and service provision, but currently there is a lack of timely action planning to remedy this.						
No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
1.2	Develop draft Ofsted Improvement Plan to address Ofsted areas for improvement, building on existing development plan, self assessment and peer review.	21/09/18	Director for children and families	Draft action plan complete.	N/A	Plan drafted and sent to Ofsted for initial view.	<b>B</b>
1.5	Enhance management grip through weekly performance information, including timeliness of visits and assessments, to be used by team managers and heads of service.	from 10/09/2018	Assistant director safeguarding and family support	Visits completed within targets, assessments completed within 45 day timescale	Team managers are actively using the performance information, evidenced by improvements in performance within their teams.	Information produced and being shared. Performance booklet in used from 1/10/2018	<b>B</b>

Ofsted No. 2	The sufficiency of social workers and managers with capacity to cope with the need for services and the volume of social worker caseloads						
RP10	Social workers across this service have high caseloads. In addition, and because of delays in transferring to other teams, they are also holding a mixed caseload. This means that social workers are struggling with competing demands and are prioritising their work with child protection and court cases taking precedence. ... Evidence showed that there is effective child-centred practice that improves children's circumstances, but this is not consistent for all children.						
RP 16	Some children benefit from good direct work by social workers they know and trust, but this is not a consistent feature of social work practice. Children in this service experience too many changes of managers and social workers.						
RP 36	Despite this good work, the quality and progress of care planning is compromised for some children because of too many changes in social worker. This also means that it is difficult for children to build trusting relationships with their social workers.						
RP 52	Caseloads are too large, ineffective quality assurance and performance management and continuing difficulties in recruiting good quality social work staff and managers.						
RP 54	Despite this good work, the quality and progress of care planning is compromised for some children because of too many changes in social worker. This also means that it is difficult for children to build trusting relationships with their social workers.						
RP 55	Social workers from various teams are prevented from providing the quality of service they know is required because of excessive caseloads and ineffective deployment of staff. This is further hampered by a lack of robust, clear and timely management oversight and case direction. Senior leaders acknowledge this and now have the early stages of an improvement strategy in place. However, it is too early to see any impact.						
No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
2.1	Cabinet to agree additional investment to support recruitment (£1.6m)	01/05/18	Director for children and families	Cabinet agreed additional investment of £1.6m.		Achieved	B
2.4	Identify additional routes to recruit and retain permanent employees, including collaboration with the West Midlands region	31/10/18	Organisational development business partner	A number of new permanent employees in place via agreed routes	We have agreed new routes to recruit experienced people, have a plan of action and have implemented it.	Agreed an approach to increase ASYE's and route to overseas recruited.	B

42

Ofsted No. 3	Senior manager's interaction with social workers to enable staff to feel listened to						
RP 57	Staff in some teams feel a strong disconnect from their senior managers, which is inhibiting improvement. If improvements are to be made securely, this needs immediate attention.						
No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
3.1	Regular staff briefings on outcomes of Ofsted inspection and immediate steps.	31/07/18	Director for children and families	Briefings complete and briefing materials distributed to all staff.	Staff surveys illustrate that staff feel engaged/informed/clear regarding areas for improvement and next steps. Staff feel more positive, their views are making a difference and a greater connect to Senior Management.	Briefings provided to staff at range of locations	B
3.3	Establish a variety of methods of communication, including monthly blog.	30/10/18	Director for children and families/Assistant director safeguarding and family support	Staff access communication mediums	Staff surveys illustrate that staff feel engaged/informed/clear regarding areas for improvement and next steps. Staff feel more positive, their views are making a difference and a greater connect to Senior Management.	In place including monthly e-bulletin	B
3.4	Assistant director Open Door session to all staff once a month.	28/08/18	Assistant director safeguarding and family support	Staff attend sessions.		In place	B

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
3.7	Senior manager's to increase level of interaction with staff/teams.	24/08/18	Director for children and families/Assistant director safeguarding and family support and all Senior managers.	Positive feedback from staff at briefings.		Heads of service spending time working alongside staff in different buildings. Assistant director/director have programme of visits with teams. Director establishing programme of shadowing individual workers through the year.	B
3.8	Request staff views regarding changes required to improve social worker experience and implement outcomes.	06/08/2018 Review effectiveness 21/12/2018	Director for children and families/Assistant director safeguarding and family support and all Senior managers.	Positive feedback from staff at briefings.		Business support have taken on additional work and social workers have reported this is helpful and making a difference. Work taking place to enhance use of ICT to make work easier for Social Workers	B

<b>Ofsted No. 4</b>	<b>The pace of progressing child protection and child in need plans and the quality of practice with children in need</b>
---------------------	---

RP11	The quality of services and practice for children in need is poor in many cases. Responses to their needs are too slow and lack the focus required to make meaningful changes to their situations. Current arrangements do not provide effective oversight, and while senior managers have developed an action plan to improve this situation, they do not ensure that all children in need are receiving the services they need in a timely way or that their needs are prevented from escalating.
RP 13	The quality of child protection plans is too variable and is poor in some cases. ... Weaker plans lack sufficient details for families to see clearly what services are going to be offered, who will provide them, their responsibilities and the timescale for them to take particular actions. This makes it difficult for families to understand what needs to change and by when.
RP 14	Children in need and children subject to child protection plans do not always receive timely visits. Over half of children who are the subject of a child protection plan are not visited the locally defined minimum amount or visited enough times to meet their needs in line with their plans. Children are not always seen alone when social workers visit. This means that children are not always able to develop meaningful and trusting relationships with their social workers. Further social workers do not always have a sufficiently full understanding of children's current circumstances to mitigate risk and to effectively progress the child's plan.
RP 19	Identification of risk is not routinely followed up by well-coordinated and focused intervention, with the result that there are delays in progress for children. Often, there is too much focus on single issues, rather than understanding how risks relate to each other and then formulating an overarching plan to address this. The impact on children who are living in such circumstances is not well understood by senior managers, and assertive and timely action is not always well coordinated to improve their circumstances.
RP 56	Too many children in need of help and protection and children in care are receiving a poor service. Practice is not consistently child focused. Planning for children is not always sufficiently robust or purposeful and this is compounded by management oversight that is not effective in addressing this. As a result, some children experience unnecessary drift and delay and their circumstances do not improve in a timely way.

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
4.1	Establish accurate data of all open child in need cases	30/09/18	Assistant director safeguarding and family support	Clear data set of Herefordshire child in need population established	Focused attention on reviewing child in need cases can take place	Data cleansing commenced in July 2018, to date over 200 cases categorised as child in need have been reviewed. We have established a clear baseline. Data refreshed on a weekly basis and reported to HOS and Team Managers	B
4.2	Review all open child in need cases	21/12/18	Assistant director safeguarding and family support	All child in need cases have been reviewed by a Team manager or Head of service	Appropriate actions identified for children who's child in need plans have been subject to drift and delay	Review of all child in need cases has been undertaken and cases are now being held within the correct teams	B

43

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
4.3	Review, revise and implement Herefordshire Child in Need guidance	30/12/18	Assistant director safeguarding and family support	Child in need guidance has been understood and accepted by all social work and family support workforce across the children and families directorate	Children who require a child in need plan receive a consistent, timely and child focused service	Commissioned project manager to lead on child in need arrangements commenced 01/10/2018 Revised guidance drafted and agreed at AD/HOS meeting and has been published on Children's Procedures online (TRI.x)	B

<b>Ofsted No. 5</b>	<b>The regularity and quality of social worker supervision</b>
---------------------	--

RP 17	Social workers do not receive regular supervision, and when it does take place, it does not provide the necessary support and direction to ensure that all children's cases progress without delay.
RP 54	Leaders and managers have not been effective in overseeing and ensuring that social work practice flourishes. Their lack of grip and direction has resulted in a service where some decision-making is very poor, some staff do not receive supervision and workforce capacity is not at the level required to provide a good-quality service for children and families.

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
5.1	Recruit additional managers to enable increase in frequency of Supervision.	31/07/18	Organisational development business partner	Additional managers in post.	We will see the supervision figures increase to target set at 80%	2 Team managers recruited to Child Protection /Court Team and 1 Managing Practitioner recruited to Looked After Children.	B

<b>Ofsted No. 6</b>	<b>The quality and purposefulness of management oversight and decision making and the existing quality assurance and performance management system</b>
---------------------	--

RP 6	The current arrangements within the MASH are not fully collaborative. Domestic abuse notifications are not triaged prior to them arriving in the MASH, which places additional burden upon the MASH manager. Police notifications classed as medium or standard risk are reviewed by police development officers appropriately and on a daily basis. However, there is no social care oversight of these cases, and, currently, there are no agreed timescales for ensuring that all notifications are reviewed. The consequences of this is that any risks to children might not be identified in a timely way, or they might be missed entirely.
RP 17	Management oversight of frontline practice is not consistently effective. It is not evident in all cases and does not provide the robust challenge and direction needed to urgently progress plans and avoid drift and delay. Social workers do not receive regular supervision, and when it does take place, it does not provide the necessary support and direction to ensure that all children's cases progress without delay.
RP 42	Educational outcomes for children in care are variable across the local authority. The attainment of key stage 4 children in care has been in line with, or above, national levels for the last two years. The attainment of children in care in key stages 1 and 2 has been variable for the last two years. The local authority is aware of this variability and is committed to raising standards further. The electronic system that has been introduced to record children's outcomes does not provide the virtual school with sufficiently detailed information about the children's attainment and progress. As a result, it is not yet possible to fully track outcomes and respond accordingly to any identified issues or trends.
RP 43	The virtual school does not have sufficiently detailed information about the attainment of children in care, and schools report that children in care achieve mixed levels of progress. Targets within personal education plans are not specific or measurable enough to allow professionals to make an accurate judgement about the progress of children in care. This is particularly the case for looked after children and care leavers in secondary and 16-19 provision. Personal education plans do include the views and feelings of children in care.
RP 54	Leaders and managers have not been effective in overseeing and ensuring that social work practice flourishes. Their lack of grip and direction has resulted in a service where some decision-making is very poor, some staff do not receive supervision and workforce capacity is not at the level required to provide a good-quality service for children and families.
RP 55	Social workers from various teams are prevented from providing the quality of service they know is required because of excessive caseloads and ineffective deployment of staff. This is further hampered by a lack of robust, clear and timely management oversight and case direction. Senior leaders acknowledge this and now have the early stages of an improvement strategy in place. However, it is too early to see any impact.
RP 59	Senior managers acknowledge that their current performance and management information data is underdeveloped and does not provide sufficient accurate detail to support their understanding of what is happening in their service. This requires immediate and robust attention.
RP 60	Quality assurance processes are undertaken routinely, but they are rendered ineffective because of a lack of follow-through on issues of concern. This is a missed opportunity to improve the quality of social-work practice and a failure of managers.

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
6.2	Recruit additional capacity into the performance team to improve the performance information and analysis	30/09/18	Performance service manager	Additional posts are in place	Accurate timely performance data is available to all managers across the service and being used to drive up the quality of social work practice	3 x new posts recruited to. (Data Analyst, Business Analyst and Performance Lead).	B
6.4	Produce Performance Overview Report and review at Heads of service/Assistant Director meeting. Risks and highlights identified and reported to Senior management team (SMT) on monthly basis.	31/07/18	Performance service manager and all Heads of service/Assistant Director safeguarding and family support	Report produced and discussed at monthly meetings.	Leaders at all levels have full understanding and grip of performance across the whole service. Appropriate/ timely actions/intervention is taken by leaders at all levels when performance levels decline.	Implemented on 13/08/18; performance overview report is taken to AD/HOS meeting on a monthly basis	B
6.6	Monitor progress towards targets schools set for looked after children.	30/08/19	Head of learning and achievement	Targets achieved.		When comparing data for LAC nationally in 2018 to Herefordshire LAC for GLD we are 3% above the national average. In Herefordshire from September 1st to December 21st 2018 there were 240 pupils who received a fixed term exclusion from school. Out of these only 6 were LAC children. 1 LAC child has received a permanent exclusion (from a school outside of Herefordshire). Of the fixed term exclusions in Herefordshire schools LAC children had a total of 31 (8.4% of all fixed term exclusions from Sept 18 – Dec 18). Further analysis of this data to be completed by VH. KS2 – progress scores in reading and maths above National LAC (+0.93 and +1.98 respectively) A higher number of Herefordshire children made positive progress in writing than national LAC (although our overall progress score in writing was lower). Attainment in GLD was above national average for LAC.	B
6.7	Develop the Virtual School Team to enable robust conversations with schools regarding the progress pupils are making.	31/10/18	Head of learning and achievement	Training completed	Gaps will reduce between Herefordshire looked after children and Herefordshire non looked after children	Virtual School Team meetings to focus on FFT data to enable staff to provide challenge to school.	B

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
6.8	Ensure effective use of pupil premium for looked after children that enhances attainment and progress.	30/11/18	Head of learning and achievement	Evidence of pupil premium being used appropriately.		The Virtual Head has consulted with a small selection of primary schools to review the Pupil Premium section of the ePEP - ePEP will be modified to make it more effective and easier to link the impact of PP spend on learning.	B
6.9	Scrutinise data to identify key issues/trends in schools for LAC.	28/09/18	Head of learning and achievement	Trend analysis completed.		Can still be inconsistent by school, the recording of the impact on the ePEP isn't clear. Views sort from schools on how to improve this part of the ePEP form.	B
6.10	Provide training to school staff regarding effective ePEP writing / how to conduct an ePEP meeting.	28/09/18	Head of learning and achievement	Training completed.	Meeting structure revised to ensure progress towards all targets is monitored and scrutiny of interventions are in place.	Evidence that the virtual school team routinely analyse the ePEPs in order that issues or trends are identified and recorded actions are taken to address any issues.	B
6.11	Identify pupils at risk of not meeting targets early and ensure support in place from school's designated teacher for looked after children.	30/11/18	Head of learning and achievement	Targets identified.	Adequate support is in place for pupils.	Quality can vary from school to school however overall quality has improved and procedures in place to challenge and support schools where quality falls below expected.	B
6.12	Ensure care leavers receive good support/careers guidance from 16+ Team.	30/10/18	Head of learning and achievement	Analysis undertaken.	Pathway plans are more focused/reviewed more frequently.	Ongoing monitoring and quality assurance of ePEPs required.	B
6.16	Revise audit tool to measure evidence of management grip and oversight in each case that is audited	From September 2018	Head of service safeguarding and review	Audit tool revised and updated and communicated	Evidence proves that management oversight is taking place on each case that is audited	New audit tool was trialled for September and October 2018 and is now fully implemented.	B
6.18	Monthly learning briefing circulated from Assistant director safeguarding and family support and Heads of service meeting to all social workers to embed learning	From October 2018	Head of service safeguarding and review	Learning briefing being circulated	Social workers are in receipt of the learning briefing and are able to embed the lessons learnt from the audits undertaken	Now taking place	B

46

Ofsted No. 7	The quality of life story work for all children						
RP 41	Too many children do not have life-story work completed and this means that carers do not have a comprehensive and accessible account of a child's life history to enable them to fully support children.						
No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
7.1	Recruit additional staff to carry out life story work	30/11/18	Head of looked after children	Staff in post and backlog of life story work completed	Backlog of life story work is cleared	Business case approved for additional resource and recruitment underway	B
7.2	Life story work established as business as usual with resource in place to carry this out.	23/12/18	Head of looked after children	Business plan signed off and recruitment of staff underway.	Life story work is carried out to a high standard and supports carers to share life story work with children	Business case approved for additional resource and recruitment underway	B

DP No.3	Delivering our Permanency Plan for looked after children
RP 20	Work with families is not always consistently child-centred. Following an initial public law outline (PLO) meeting, in some cases the significance of what happens to a child is lost as the focus shifts on to the adults. Some letters before proceedings are too long and do not assist parents to understand what they need to prioritise and how they are going to be supported to change. Some children experience drift and delay at this stage, and review PLO meetings are not taking place in a timely way.
RP 27	The arrangements for children in private foster care are not well managed. Children do not receive a timely and responsive assessment of their needs or of their carers' abilities to meet their needs. Not all required checks are carried out and not all children have been seen in a timely way.
RP 30	The planning that follows is not always sufficiently robust or purposeful, and, as a result, several children have remained subject to these arrangements for too long. This has resulted in prolonged drift in progressing their care
RP 32	Children's care plans are of variable quality. Some are specific and clear, while others are overly long. In these plans, outcomes are not measurable and actions and timescales are recorded as 'ongoing'. In some cases, this has contributed to drift and delay for children
RP 37	IRO visits to children are not always recorded on their case files, and so the IRO footprint is not consistently evident. IRO scrutiny and challenge to progressing plans and addressing drift is not always sufficiently robust.
RP 38	Case records do not demonstrate that matching takes place at the point of children coming into care, and for some children permanence is not achieved within their timescales.
RP 39	The authority's arrangements for delegating authority to carers is not sufficiently clear and has not been for some time, despite the issue being raised by young people previously. This is an important issue for young people and means that some foster carers are still unable to make appropriate day-to-day decisions on their behalf.
RP 40	The local authority is struggling to provide a sufficient number of foster families, and in particular those that meet the needs of sibling groups and teenagers.
RP 47	Not all young people have access to their health information. Inspectors identified this as an important issue for young people and the local community has agreed to take this forward as an area for immediate improvement.
RP 50	Care leavers are aware of the advocacy service, although they feel that their voices are not always heard or taken account of. Access to mental health services for care leavers is difficult, and to date there is no strategy to improve this situation.
RP 58	Sufficiency planning lacks effective strategic direction and future needs are not articulated clearly. This is compounded by the current commissioning strategy not being underpinned by a comprehensive assessment of future needs.

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
DP 3.1	Head of Safeguarding and Review and case progression officer to review current PLO cases to identify any drift and delay and take appropriate actions to resolve.	09/10/18	Head of Service Safeguarding and Review	No PLO cases subject to drift and delay.	Decisions on children's futures are taken in a more timely manner	Programme of case reviews now taking place.	B
DP 3.2	PLO letters to be revised regarding attendance/representation of parents and embedded in Mosaic	01/10/18	Head of Looked After Children	Letters signed off.	Revised letters built into Mosaic and being used appropriately..	Completed	B
DP 3.3	Implement PLO Training	From July 18.	Principal Social Worker/Head of Fieldwork	Training implemented.	Drift/delay reduced. Timeliness in making decisions regarding children's futures improved.	Training commenced, delivered by legal services	B
DP 3.4	Head of service action plan established to improve IRO involvement in planning for children	01/09/18	Head of Service Safeguarding and Review	Operational action plan is in progress and meeting its targets	Quality of children's care plan improves, every child has a SMART care plan and children are not subject to drift and delay.	Action plan in place and head of service progressing to timescales, including regular reviews of care plans in 1:1s	B
DP 3.5	Establish new panel arrangements which will review all s20 cases on a monthly basis	25/09/18	Assistant director safeguarding and family support / Head of Looked After Children	Panel in place and operational	All children accommodated under s20 receive a review of their cases to ensure that there is no drift and delay in making appropriate plans for them.	New arrangements in place chaired by Assistant Director Safeguarding and Family Support	B
DP 3.9	Establish and implement the LAC Permanency action plan to avoid delay in achieving Permanency for children.	31/08/18	Head of Looked After Children	Improvement in timeliness of achieving permanency for looked after children.	Children's life chances are enhanced by achieving Permanency in their future placements in a timely manner.	action plan in place.	B

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
DP 3.13	Social work academy to lead on embedding compliance with Private Fostering Guidance	30/12/18	Head of Looked After Children	Guide embedded and practice is compliant with statutory responsibilities	Social workers and managers are able to identify private fostering arrangements and demonstrate understanding of statutory responsibilities. The needs of children living in private fostering arrangements are met.	Training commenced and is being delivered by legal services	B

**DP 4 (i) Application and understanding of Herefordshire Safeguarding Children Board (HSCB) thresholds**

RP 2 A significant number of contacts are signposted away from children's social care, which means that too many children are being referred who do not need this level of support. A number of children who would benefit from early help services experience delay because thresholds are not appropriately applied or understood. This is an area that needs to be strengthened so that children and families who might benefit from early help are quickly identified and do not experience any delays in receiving the help they need.

No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
DP 4(i).1	Raise awareness at Safeguarding Board that too many children are referred to MASH who do not require this level of support - review thresholds.	21/09/18	Assistant director safeguarding and family support	Issue raised/discussed at meeting on the 11/09/18.	There is an improved understanding of thresholds across the partnership and an improvement in the performance data that can be shared with partners. Contacts into MASH are decreased.	Assistant Director Safeguarding and Family Support has raised at Herefordshire Safeguarding Children's Board (HSCB) executive. Director for Children and Families and Assistant Director Safeguarding and Family Support met partner leads 21/09/2018 and established a partner improvement group.	B
DP 4(i).2	HSCB Policy and Procedures group revise Herefordshire Level of Need document to enhance understanding of thresholds across the partnership	30/11/18	Principal Social Worker	Greater understanding of thresholds evidenced by decrease of contacts into MASH	There is an increase in the number of referrals that meet level 4.	Completed	B
DP 4(i).3	Reconfigure contact and referral process.	28/09/18	Assistant director safeguarding and family support	Establish what percentage of contacts into MASH convert to referrals.		Process reconfigured, commencing on 01/10/2018	B
DP 4(i).4	Quality and appropriateness of referrals into MASH - improve process to feedback to refers on quality of requests for service.	30/11/18	Assistant director safeguarding and family support	Process established.			B
DP 4(i).5	Re-establish MASH Partnership Forum meet monthly and ensure referral rates are a standing agenda item.	04/10/18	Assistant director safeguarding and family support	Forum re-established.		Completed	B
DP 4(i).6	Early Help to be represented in MASH daily to ensure early identification of cases requiring this service.	13/08/18	Assistant director safeguarding and family support	Early Help in MASH team.	There is no delay in providing early help and family support services to children.	Completed	B
DP 4(i).8	Deliver Early Help Assessment training to stakeholders on a monthly basis.	31/12/18	Early Help Manager	400 Professionals trained.		408 professionals trained at the end of December 2018. There are now 945 Early Help Assessments compared to 500 in January 2018.	B

DP4 (ii) Improving quality and consistency of practice							
RP 5	Poor recording in some cases means there is not always evidence in children's records that they have been seen or the extent of the direct work that has been undertaken with children.						
RP 9	In poorer assessments, and particularly where neglect is a long standing issue, social workers do not routinely consider historic concerns and their analysis can be over optimistic. Children are not routinely spoken to alone by social workers as part of their own assessments, and so subsequent plans are not informed by a child's view of their lived experience. In some cases, assessments are overly focused on the needs of adults.						
RP 12	The local authority has invested in graded care profile training to support social workers in dealing with cases of neglect. Despite staff speaking positively about this, no evidence of this training was seen being used with individual children.						
RP 24	The recordings of discussions with children lack analysis, with the result that it is not always clear how the information gathered informs safety planning for children.						
RP 29	Decisions for children to become looked after are not always based on up-to-date assessments. Assessments are not routinely updated to reflect changes in a child's circumstances and needs. Historical concerns are not always fully considered, and this means that some children whose circumstances had not changed should have come into care sooner.						
No.	Actions	By when	Delivery lead	Performance Measure	We will know it's working when	Progress	RAGB Status
DP 4(ii).3	Establish clear workforce development and learning plan for the 2018/19.	31/10/18	Head of Service Safeguarding and Review and Head of Looked after Children	Workforce development plan signed off at Assistant Director / Head of Service group and ready for implementation.	Social work skills will be enhanced across the directorate to improve the quality and consistency of practice	Completed	B
DP 4(ii).5	Establish a comprehensive assessment improvement approach; to be delivered in all areas across social work practice	From 16/07/2018	Head of Service Safeguarding and Review	All teams have undertaken assessment improvement training	All children who need an assessment will receive a timely child centred, high quality assessment service.	Quality Assurance Manager completed 3 month period of performance improvement activity in the assessment service, including auditing cases, providing feedback, following up on actions, provided workshops and best practice checklist.	B



Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

T 0300 123 1231  
**Textphone** 0161 618 8524  
enquiries@ofsted.gov.uk  
www.gov.uk/ofsted



14 February 2019

Chris Baird  
Director for Children and Families  
Herefordshire Council  
Plough Lane  
Hereford  
Herefordshire  
HR4 0LE

Dear Chris Baird

### **Focused visit to Herefordshire local authority children's services**

This letter summarises the findings of a focused visit to Herefordshire local authority children's services on 22 January 2019. The inspectors were Brenda McInerney, Her Majesty's Inspector, and Pauline Higham, Her Majesty's Inspector.

Inspectors looked at the local authority's arrangements for receiving referrals about children who may be in need or at risk of significant harm, children transferring to and from early help services, the effectiveness of child protection enquiries and the quality of assessments and interventions for children in need of help and protection.

Inspectors considered a range of evidence, including case discussions with social workers and managers. They also evaluated local authority performance management and quality assurance information and children's case records. The findings in this letter relate only to cases seen as part of this visit.

## **Overview**

Since the last inspection of children's services in June 2018, and from a very low baseline, actions taken by senior leaders have improved the overall stability of the social care workforce, increased much needed management capacity and reduced overall social work caseloads across the service. This has been achieved very recently and over a relatively short period of time.

Plans for improvement are appropriately focused on core areas that make the most difference to the lives of children. Senior leaders and managers have a realistic view of the quality of practice, which remains too variable and is not yet good.

Revised performance management and quality assurance approaches have been in place for only a few months and are starting to show some very early impact. Leaders in Herefordshire continue to work closely with high-performing Partners in Practice from within the social care sector in order to evaluate the impact of and inform their improvement planning.

The pace of progress has been hampered by staff turnover and difficulties recruiting to key management positions, such as lead officer for quality assurance. There continues to be strong political and corporate support for children's services. At a time of budget pressures, elected members have recently agreed further investment in children's services.

## **What needs to improve in this area of social work practice**

- Application, by partners, of thresholds for making referrals for statutory social work intervention.
- Quality of assessments, including the time taken to complete assessments and the level of frequency of visits to children.
- Management oversight and social work supervision.
- Understanding the experiences of children and families subject to repeat child in need assessments.

## Findings

- Since the last inspection, there has been an increased stability in the management and functioning of the multi-agency safeguarding hub (MASH) and assessment service. The approach of leaders to have 'the right cases in the right place' has resolved a backlog of assessments, has reduced caseloads and is now allowing teams to focus on the timeliness and quality of assessments. When children are at risk of significant harm, there is a timely and effective response to help and protect them.
- The effectiveness of responses in the MASH has been maintained and improved since the last inspection. Strong partnership arrangements at the front door support prompt information-sharing and participation in multi-agency strategy discussions. Quality assurance in the MASH is well developed, and regular multi-agency audits review the application of thresholds and the quality of decision-making.
- However, for some partners, such as the police and some health professionals, the understanding of thresholds for statutory intervention remains underdeveloped, despite this having been recognised by leaders for some time. Too many families continue to be referred without their knowledge and consent, despite clear guidance for professionals published and made available by the local safeguarding board. Notifications from the police are not yet risk assessed before being shared with children's social care, and this continues to place additional pressures on the MASH manager.
- A recently introduced early help coordinator based in the MASH is supporting families to access early help when the threshold for statutory services is not met. When families do not return the necessary paperwork to progress early help, staff do not track this. As a result, in some cases, children's presenting needs are not always being addressed in a timely way.
- Decision-making following contacts to children's social care, including those out of hours, is proportionate and results in the timely progression of referrals to statutory services. Decisions to look after children in emergency circumstances are considered and appropriate and the rationale for decision-making is clearly recorded.
- Strategy discussions to consider children at risk of significant harm are consistently timely and well attended by key professionals. Most child protection enquiries are child-centred and identify the risks to children and result in immediate safety planning. However, practice in a very small number of cases seen was not sufficiently child-centred. Child protection medicals and resulting written reports from paediatricians are very timely and support proportionate decision-making for children.

- Child in need assessments consider family history and include children's views about their lived experiences. Children are seen alone when appropriate. Social workers do not always visit children at a frequency consistent with their needs, although gaps in case recording mean that there is not always evidence of all activity undertaken during assessments. Some children wait too long between social work visits. Thresholds applied at the completion of assessments and child protection enquiries are proportionate and progression to initial child protection conferences is timely for most children.
- As well as the immediate presenting issues, the wider needs of families are identified and addressed by social workers undertaking children's assessments. As a result, families are helped with a range of issues such as housing, finances and accessing adult mental health services. This is particularly important in a county where some children are experiencing the impact of low family income and rural isolation.
- The quality of the initial planning for children following assessment or child protection enquiries is variable. While better plans were well informed by a considered analysis and do not lose sight of recent concerns, some plans do not clearly state the required outcomes for children and are too focused on the services the adults need to take up.
- For a small number of children, assessments do not always translate into the provision of effective help to divert them from statutory services. This includes children who experience repeated assessments and is reflected in the recent high rates of re-referrals, which in one month accounted for nearly a third of all assessments. A high number of child in need assessments seen by inspectors involved families being 'stepped up' from partner agencies and the early help service, only for professionals to decide that children did not meet the threshold for social work intervention. More needs to be done to improve the way such cases are reviewed and progressed when early help is not improving the experiences of children.
- Use of performance management information is beginning to support some improvements in key areas of practice, such as the timeliness of assessments and assuring that children are being visited regularly. While further work is required to improve the accuracy of performance information, management grip and understanding of the service has significantly improved since the last inspection. While team managers spoke positively to inspectors about how they use weekly performance reports, it is too early to see whether the quality of practice is consistently improving.
- While there has been a recent reduction in social work caseloads, a very small number of newly qualified social workers undertaking, or recently completing, their Assessed and Supported Year in Employment report that, prior to this, the numbers of cases allocated to them were not manageable and had prevented them from attending key training. While recruitment and retention of social

workers is a high priority for senior leaders, it is too early to be assured that they will be able to sustain appropriate caseload numbers.

- Leaders recognise that quality assurance is not yet delivering improvements in consistency of practice. A recently implemented programme of case file auditing is providing a largely accurate evaluation of practice and includes audits completed by senior leaders. The actions arising from audits are not adequately tracked, and some children's cases have continued to drift following an audit.
- The level of management oversight of casework is improving but does not yet robustly challenge less effective practice in some cases. Key decisions are not always noted on children's case records. Social work supervision is not yet sufficiently regular or reflective, although this is improving. Social workers spoke positively about their supportive team managers and case consultations with heads of service.
- Leaders are implementing ambitious strategic plans for the recruitment and retention of social workers and this is starting to show some early impact in some parts of the service. Social workers are benefiting from an improved training offer, and opportunities to develop, for example by becoming practice educators or by progressing to more senior posts, with mentoring for new team managers.
- Senior leaders have taken steps to understand the experience of frontline practitioners in response to recommendations from the previous inspection. Drop-in sessions with the director and assistant director and spending time in fieldwork teams mean that senior leaders are now more visible. Social workers spoke of the support from senior leaders, such as the reduction in caseloads to a manageable level. Staff forums provide frontline staff with opportunities to share worries and to contribute ideas, for example the new personal 'learning fund' available for social workers.

Ofsted will take the findings from this focused visit into account when planning your next inspection or visit.

Yours sincerely

Brenda McInerney  
**Her Majesty's Inspector**





<b>Meeting:</b>	<b>Children and young people scrutiny committee</b>
<b>Meeting date:</b>	<b>Monday 11 March 2019</b>
<b>Title of report:</b>	<b>Task and Finish Group - Court judgements relating to children and families</b>
<b>Report by:</b>	<b>Chairperson of the task and finish group</b>

## Classification

Open

## Decision type

This is not an executive decision

## Wards affected

(All Wards);

## Purpose and summary

To report the outcomes and recommendations of the Court judgements relating to children and families task and finish group to the children and young people scrutiny committee. The committee will consider the outcomes from the task and finish group and decide if the recommendations should be agreed and reported to the chief executive and cabinet.

## Recommendation(s)

That:

- (a) **the committee considers the report and recommendations of the task and finish group: Court judgements relating to children and families (at appendix 1 of this report) and determines whether to agree the findings for submission to the executive.**

## Alternative options

1. The recommendations proposed in this report represent the outcomes of the Court judgements relating to children and families task and finish group. If there are any additional recommendations which the committee feels should be included these can be proposed and voted upon at the children and young people scrutiny committee, 11 March.

## **Key considerations**

2. The Children and Young People Scrutiny Committee agreed the formation of task and finish group relating to the court judgments concerning children and families was agreed at the committee meeting on 4 February.
3. Two judgements by the High Court in December 2018 found that there had been historic failures in Herefordshire Council in respect of two recent adoption cases and relating to the revocation of a long standing placement order.
4. The task and finish group looked at adoption processes and placement order and the arrangements in place to ensure their appropriate use. The outcomes of the group were intended to: gain assurance that effective processes were in place to ensure the appropriate use of adoption processes and placement orders; and that the scrutiny committee would be involved in the assessment of performance and reporting on progress being made to strengthen current practices and culture around adoption and placement services.
5. The recommendations from the task and finish group are proposed to the children and young people committee to consider approving for submission to the cabinet. Any response to the recommendations from cabinet will be provided to the committee in the new Council term following the elections on 2 May 2019.

## **Community impact**

6. In accordance with the adopted code of corporate governance, Herefordshire Council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development, and review.
7. The recommendations made by the task and finish group contributes to priorities in the corporate plan to: keep children and young people safe and give them a great start in life; and secure better services, quality of life and value for money.

## **Equality duty**

8. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9. If the committee agrees with the findings of the task and finish group, the report will need to be considered by the executive and, depending on their decision, due regard will need to be given to public sector equality duty.

## **Resource implications**

10. There are no direct resource implications resulting from the work of the task and finish group. There may, however, be resource implications to consider by the executive if the proposed recommendations are accepted.

## **Legal implications**

11. The functions of the children and young people scrutiny committee include the powers to:
  - make reports or recommendations to the executive with respect to the discharge of any functions which are the responsibility of the executive; and
  - to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area.

## **Risk management**

12. There are no risks associated with the recommendation and in considering its response the executive will need to assess the risks arising from the scrutiny committee's recommendations

## **Consultees**

13. None

## **Appendices**

Appendix 1 – Court judgements relating to children and families task and finish group report.

## **Background papers**

None identified





# **Task & Finish Group Report**

**Review of court judgements  
relating to children and families**

**February, 2019**

## **Review of Court judgements relating to children and families**

### Chairperson's Foreword

The Children and Young People Scrutiny Committee agreed the formation of a task and finish group to undertake a review of Court judgements relating to children and families.

The group met on three occasions receiving expert input from officers who have been intrinsically involved with the recent court judgments. Officers invited to provide evidence to the group were Chris Baird, (Director, Children and Families) Liz Elgar (Assistant Director Safeguarding and Family Support), Tim Marks (Deputy Solicitor to the Council – Children and Families) and Tracey Sampson (Head of HR and Organisational Development).

As a result of those discussions the task and finish group has made 14 recommendations in regard to the high court judgement concerning children and families.

The task and finish group would like to place on record our thanks to all who contributed. The manner in which officers presented a complex and technical subject with clarity and conciseness was a great assistance in facilitating the understanding of the task and finish group. The task and finish group would also like to recognise the very hardworking staff in both children's and legal services. The group recognises that staff work in an environment where there are very complex and difficult choices and decisions to be made. We wish to thank them for their dedication in seeking to deliver the very best possible outcome for the children in our care.

I would like to offer my own personal thanks to all who contributed to and supported the work of the group for their professionalism, honesty, dedication and hard work.

I must also thank my fellow group members: Cllr Chris Chappell, Cllr Felicity Norman, Cllr Mark McEvilly and Cllr Alan Seldon, for their informed and insightful input.

Councillor Carole Gandy, February 2019  
Chairperson of the Court Judgements Task and Finish Group

## 1 Executive Summary

- 1.1 Following the High Court judgements of Justice Keenen, the scope and terms of reference was agreed by the children and young people scrutiny committee on 4 February, 2019. The judgements attracted significant interest and publicity both locally and nationally.
- 1.2 The task and finish group was established to assess the response of the Council to address those concerns raised in the judgements and also the recent Ofsted Inspection. The scope of the task and finish group, as agreed by the committee at the meeting above, is attached as appendix 1.
- 1.3 There is agreement in the group that the summary of our findings are a true reflection of the discussions undertaken.

## 2. Composition of the Task and Finish Group

- 2.1 Members of the task and finish group were:

Councillor Carole Gandy (chairperson)  
Councillor Chris Chappell  
Councillor Felicity Norman  
Councillor Mark McEvelly, and  
Councillor Alan Seldon

- 2.2 Lead directorate officers – Chris Baird, Liz Elgar, Tim Marks and Tracey Sampson

### 3 Context

#### Why did we set up the group?

- 3.1 Two judgements by the High Court in December 2018 found that there had been historic failures in Herefordshire Council in respect to two recent cases and the other relating to the revocation of a longstanding placement order.
- 3.2 The review undertaken by the task and finish group was commissioned to look at adoption processes and placement orders and the arrangements in place to ensure their appropriate use. The work will include reflections on cases and current practice.

#### What were we looking at?

3.3 The focus of the review was to enable the task and finish group to:

- develop an understanding of adoption processes and placement orders;
- understand the judgements of the high court and how they are being addressed;
- learn what new measures are in place (for example, the introduction of the sibling separation tool; changes advocated by the Doncaster Children's Trust in respect to the Independent Review Officer (known hereafter as IRO) Service and strengthened reporting measures in MOSAIC) to ensure the appropriate use of adoption processes and placement orders is consistently applied;
- examine how the wider corporate culture changes (such as the recently strengthened whistle blowing policy and our corporate parenting practices) are aiming to positively influence working practices and culture change within children's service
- assess the robustness of the processes in place to quality assure case management;
- look at current case studies to ensure processes are being observed and processes and orders appropriately applied;
- consider how members could be part of a quality assurance process in terms of future case management;
- consider ways in which the voice of the child is being heard (having regard for the age and understanding of the child(ren) in connection to adoption and placement cases) and what improvements could be made.

#### Who did we speak to?

- 3.4 On 18<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> February, 2019 the group convened three meetings, on each of the dates, they engaged with the following officers:
  - Chris Baird, Director Children and Families (Meeting 1)
  - Liz Elgar, Assistant Director Safeguarding and Family Support (Meeting 1,2 +3)
  - Tim Marks, Senior Children's Solicitor (Meeting 2 +3)
  - Tracey Sampson, Head of HR and Organisational Development (Meeting 2)

#### What did we read?

- 3.5 The group looked at the information below to undertake this review:
  - A briefing paper outlining adoption orders, adoption panels and placement orders
  - Ofsted inspection reports – as follows:

- Ofsted Inspection report – 13 February 2012. Herefordshire Council Fostering Service.
- Ofsted Inspection report – 10 -19 September 2012. Inspection of Local Authority Arrangements for the Protection of Children.
- Ofsted Inspection Report – 11- 19 September 2012. Herefordshire Inspection of Child Protection.
- Ofsted Inspection Report – 30 June, 2014. Inspection Service for Children In Need of Help and Protection, Children Looked After and Care leavers and The Review of Effectiveness of the Local Safeguarding Board.
- Ofsted Inspection Report – 11 – 22 June, 2018. Ofsted Inspection of Children’s Social care Services.
- The Council papers issued for the Extraordinary Meeting of Full Council in relation to Justice Keehan’s court judgements, 18 January, 2019
- The Council’s Judgement improvement plan, and
- The Ofsted Inspection Improvement Plan, developed after the June 2018 Ofsted Inspection.

What did we ask?

3.6 In order to undertake the review the task and finish group agreed the lines of questioning below:

- What are adoption processes and placements orders and when should they be used;
- What processes manage the appropriate use of adoption processes and placement orders;
- Are the processes being observed and orders appropriately applied? And,
- What training and staff development is underway to ensure that all staff dealing with adoption/placement cases have the appropriate skills and experience

What did we find from our research?

3.7.1 The task and finish group developed an understanding of adoption orders and placement processes.

3.7.2 **An adoption is an order** giving full parental responsibility for a child to the approved adopters, made on their application to the court. An adoption order severs the legal ties between a birth parent and the child so that the adoptive parent(s) become the child’s legal parent(s) throughout life. An adoption order does not end when a child turns 18 – the child/adult remains a legal member of his/her new family permanently.

3.7.3 Birth parents will always remain the child’s biological parents, and their history will be important for the child to understand as they grow up, but after the order is made, they will no longer be the child’s legal parents. An adoption order can only be made either with the consent of the child’s birth parents or if the court has dispensed with the birth parents’ consent by making a placement order.

3.7.4 **A placement order** will usually be made if a child is at significant risk, and if there is no prospect of the child being able to be cared for safely by his/her parents or relatives within a reasonable timescale. This is the legal ruling made by the courts which authorises an LA to place a child with approved prospective adoptive parents. At this stage in the adoption process, the LA and the prospective adoptive parents share parental responsibility for the child. A placement order will last until an adoption order is made, or until the courts decide to end the placement order.

- 3.8 **What did the judgements of the high court find?** The task and finish group learned about the details of the two court judgment made by Justice Keehan.
- 3.8.1 **In case 1, two half-sisters.** Sister 1 and sister 2, having the same mother and different fathers were made the subject of care orders and placement orders on 2 May 2008. Neither were ever placed for adoption. In outlining the concerns with this case Justice Keehan noted that there was a lack of follow through on adoption plans; a failure to revoke placement orders as required; poor standards of case recording and chronology, making case history difficult to follow; a lack of clarity in decision making, particularly decision not to place sisters together; a high number of moves of placement for each sister, detrimental to good outcomes; a high turnover of social workers, managers and Independent Review Officers involved with the sisters, and a particularly poor standard of care leaver accommodation for sister 1 in October 2018.
- 3.8.2 **In case 2 - Twins proposed to be adopted, by different prospective adopters.** In outlining the concerns with this case justice Keehan noted that, there was a lack of adherence to the court approved care plan to pursue foster placement together for a three month period; a lack of completed and signed social work “together /apart” assessments to inform decision making to separate twins; inappropriate paraphrasing of a psychologist report in social work assessment, altering original psychologist opinion on separation; a lack of IRO challenge to decision to separate twins and ensure adherence to court approved care plan; poor or delayed case recording, in some instances up to two years out of date; a lack of management action to address delay in case recording; an apparent deletion of vital information pertaining to children, so not disclosed to prospective adopters in CPR and there were delays in providing all relevant paperwork to the court.
- 3.9 The task and finish group developed an understanding of what new measures are in place to ensure the appropriate process and practices are consistently applied, following the court judgments. The group learned of the ‘Judgement improvement plan’ prepared by the Assistant Director Safeguarding and Family Support and the Deputy Solicitor for Children’s Services. The group also learned of the Ofsted Inspection action plan.

#### What did we find from talking to Officers?

- 3.10 Officers presented the key developments since the court judgement had been made in regard to the two cases presided over by Justice Keenen.
- There is similarity in what the Ofsted reports have found during inspections in 2014 to 2018. The most recent report recognises that the majority of core practices within children’s services requires improvement.
  - Since the last inspection in 2014, senior leaders have made some progress and have improved practice. The 2018 report notes that the vast majority of children in care live in good placements, where their outcomes improve.
  - Some areas for improvement noted by Ofsted resulted from a lack of capacity and deficits in practice, not just with children’s services, but also with legal advice.
  - New resources are being brought in to both legal and children’s services to strengthen capacity.

- Changing practices, notably around the development of the 'Judgement improvement Plan' are ensuring that legal frameworks and case management recording is more systematically and consistently applied.
- 3.10 Officers presented the learning points arising following the judgement. Details of actions taken, or in progress in relation to the Judgment Improvement Plan. The following principal topics were discussed and responses provided – set out below.
- 3.10.1 Sibling separation in adoption cases. It was explained that in cases of child protection it may be that there is more than one child born into and removed from their biological parent(s). It is possible, therefore, that further children are born after the first child has been adopted. Prospective adopting parents tend to want to adopt very young children, and may only wish to adopt one child. Older children tend to be harder to find adoptive parents for and some older children do not wish to be adopted at all. In all instances there is a complex set of considerations to weigh up.
- 3.10.2 The Sibling Separation Tool (SST) has been introduced to complement the 'together/apart' assessment to ensure that any future decisions recommending separation of siblings consider all relevant matters. These are then presented to the adoption decision maker (ADM) and clearly recorded on the MOSAIC system.
- 3.10.3 There was a perceived weakness resulting from changes in team management and omissions in case notes when transferring cases. This was described as a product of capacity issues within children and legal services and wide ranging management restructures. It was noted, however, that the social work system is predicated on fairly routine changes in social worker. Each social service area has their own specialist social worker teams, so as children move through the care system, they will have different specialist to support their needs. This is a common factor in social work across children's services in other Local Authority settings.
- 3.10.4 It was acknowledged that transferral of case work has not always been as well ordered as it could have been. This is an area receiving attention - transferral from assessment to child protection services is now described as well-structured. It is overseen by a head of service following a clear process and emphasis on 'inter-team' working/discussion rather than silo working and over-reliance on electronic communication. It was explained that there are routes through which children can raise concerns. For example, through their independent reviewing officers (IROs) or their foster carers. Six monthly LAC reviews also provide means for complaints/concerns to be raised and addressed.

### **Examining the judgements of the high court and how they are being addressed.**

- 3.10.5 Following the 2018 Ofsted inspection, the IRO service was described as a generally improving picture of support sitting alongside a committed legal service (see also 3.10.20 to 3.10.23 below). The Doncaster Children's Trust have been invited to assess Herefordshire's IRO service and are reviewing a number of cases in Herefordshire. A dedicated manager has been brought in to manage the IRO team – an action that has been welcomed by the Doncaster team. The principal role for an IRO is to be the 'eyes and ears' of the service. Their service is guided by an IRO handbook which is based upon national guidance.
- 3.10.6 IROs chair child protection conferences – while IROs are not entirely independent of the authority they are independent of case management. There is recognition that as a result of budgetary cuts some children's services, such as edge of care and staffing, have been reduced over a number of years. It was explained that judgements had to

made in an operating environment of long term spending restraint and increasing demand on some service areas. Risks were assessed as reasonably as possible but there were arguably some unintended consequences. Some of these areas are now being re-resourced.

- 3.10.7 The working relationship between legal and children's services was explored. It was noted that the in-house legal team do provide advice as well as outsourcing legal advice. It was noted that the working relationship between the teams was predominantly conducted via email. It was advocated that closer working between the two service areas would be of benefit. As a result promoting closer working between social workers and legal service is an area of focus for the current leadership team. For example in preparing the statements that go before the courts and to ensure documents conform with process and legal expectations.
- 3.10.8 It is recognised that the court proceedings can be quite daunting in preparing for and delivering evidence in a court setting. Judge Plunkett acknowledges this fact and has indicated that he would be willing to assist Herefordshire council in preparing social workers for cross examination in court.

**Looking at what new measures are in place to ensure the appropriate process and practices are consistently applied.**

- 3.10.9 Making changes to a care plan should be agreed through a statutory looked after review which is chaired by an IRO. If there is a change to a care plan related to siblings being separated, a review should be asking to see the 'together/apart' assessment. As noted above, this was an area highlighted as being incomplete in the Judge Keenen cases. If this hasn't been completed, the IRO chairs are instructed not to go ahead with any proposed changes. There can never be, therefore, any adoption plan that has not been scrutinised by the looked after review before being placed before the court. There is an advocacy service for children who are looked after. If a case is subject to proceedings and before the court, the local authority's care plan is also scrutinised by a guardian (employed by the Children and Family Court Advisory and Support Service (CAFCASS)). The guardian is also represented by a solicitor
- 3.10.10 In the 'Judgement improvement plan' it was explained that information would be given to members on the number of children that are proposed to be adopted and in what timescales. It would provide members with information on performance in relation to plans for adoption and children who are then adopted. There are occasions when care plans need to change and as a result children may then not be adopted. This information could also be provided. It was explained that this information is provided in a child permanence report (CPR) – it will tell the story of the child, noting if members of the birth family, for instance, could care for the child. The CPR can be updated at intervals dependent on how old the child is and how long the child is waiting for an adoptive placement to be found and presented to the Adoption Decision Manager for review.
- 3.10.11 The practice of reporting via the MOSAIC system was discussed. As a result of the court judgements, the way in which CPRs are completed has changed. Updates to the CPR are added with information gathered left in the reports, rather than being deleted. Using colour coded updates enables the reviewer to see where updated information has been inserted. This allows for a chronology of events/changes to be reviewed. The key principle is to ensure that the system is not overly prescribed with process. It was confirmed that officers have a good degree of training. By ensuring that updating of case records on MOSAIC alongside the production of CPRs, the information contained within these reports will be the most up to date available.

- 3.10.12 Voice recognition software was raised; this assistive technology is being trialled to support social workers in recording case notes more quickly following case review meetings and visits.
- 3.10.13 Reassurances were sought that information could no longer be concealed or omitted in reporting. It was noted that this is always a risk, but there has to be a reliance on the professionalism of officers. They need to be clear on what information is required and expected to be presented in reports. There are now checks and balances – report review processes do enable push back if important information is missing. Inevitably, though, the high volume of cases means that the higher risk areas are prioritised for review. It was also noted that reports are accessible to the subject members (the children and families under review). They can demand access to their reports at any time. If information is missing, incorrect or poorly drafted, they will be able to ask that this is corrected. The reports also go before the courts, it is therefore an imperative that they receive quality assurances and sign offs before they do so.
- 3.10.14 A further priority action is staff routinely being provided with professional development discussions with their managers. Cases are audited which helps identify any development needs, feedback from the audits are fed back to all staff. Training is delivered in-house but there is also a training budget for additional training requirements. As a result of the Ofsted report – recording of case supervision and worker supervision is now routine. There are also placement order trackers, these cases are reviewed every six months.
- 3.10.15 Feedback from the adoptive parents connected to one of the court judgements has provided helpful ‘practice’ insights about how the service is delivered. A clear emphasis on ensuring that families are listened to and are seen to be listened to in case notes is important. The outcome they are seeking may not always be deliverable but it is important that they see that their evidence has been evaluated as part of the decision making. The leadership team is reflecting on how this evidence can be made more visible.

#### **A lack of management oversight – how is this being addressed?**

- 3.10.16 It was outlined that the legal team should shoulder joint responsibility for some of the failings in the cases outlined in the court judgements. T+F group members wished to explore whether the court judgements resulted from a shortage of staff or case mismanagement. It was explained that it was likely to be a combination of both; a lack of staffing and in some instances a failure to act on legal advice in others. There was a mismatch in communication about whether the court ordered care plan was being followed, this was underpinned by poor documentation which did not clearly indicate which care plan was being followed. The court judge, the guardian and the social worker all had different perspectives on what was the right course of action to be taking. It was not clear on the status of some of the documentation; some reviews had been wrongly assigned as LAC reviews when they should have been filed as adoption reviews. Leading to a confusing picture overall.
- 3.10.17 There are currently 11 action plans underway all leading to the overarching Ofsted improvement plan. They are monitored on a monthly basis and any delays in progress identified. Information from those plans can be pulled together quite readily by children’s services when/if requested and presented to the scrutiny committee. It was noted that workforce data can also be reported to scrutiny if requested.

- 3.10.18 It was explained that improvements are now being made but this can only be sustained if current staffing capacity is increased. It was reported that legal and children's services are now working more closely. Combined with the new leadership team, closer oversight of cases, and clear action plans the culture change that is needed is beginning to develop.
- 3.10.19 Recruitment was reported to be very challenging – the authority is competing with private practice which provides a more attractive offer. To overcome this, it was explained that new entrants are being recruited in both legal and children's services. This – it was explained - has advantages and disadvantages. On the one hand you recruit talented individuals keen to progress their careers; on the other hand the lack of experience means that a lot of time is required to support them and case load (for new entrant social workers (ASYEs) is kept at a reduced level. There is also the risk that after a few years you will lose those staff through career progression. It was reported that discussions are underway to for children's legal services to be made a special case for more resources to recruit the right team.
- 3.10.20 It was noted that career pathways in social work and legal services are very mobile – it is seen as beneficial to career prospects to move around reasonably frequently in the early phases of a career. It was suggested that Herefordshire should use its status as a career stepping stone as a positive selling point – an authority that looks out for young talent, nurtures that talent and up-skills its employees.

#### **Interim findings from the Doncaster Children's Trust**

- 3.10.21 The Doncaster Children's Trust – identified by Ofsted as a good authority and IRO service - has been invited to review the Herefordshire IRO service. Doncaster's team include an interim director of performance and their principal social worker. Initial feedback on Herefordshire IRO service has been received. It is noted there is some positive feedback and some areas for development, but at this stage the final report has not been received. Herefordshire's IRO lead has begun to introduce an improvement plan. Reassuringly, Doncaster's interim report includes activity that is already part of the working practices of Herefordshire's IRO service (following the Ofsted report in July).
- 3.10.22 It was also reported that ongoing recruitment efforts are underway to increase the number of council employed IROs to bring the staffing of the service up to capacity. There has been limited interest in these posts - a key factor influencing was felt to be the perceived low-rates of pay in Herefordshire. While pay rates in neighbouring authorities is not significantly higher than Herefordshire, it was explained that neighbouring authorities do provide significant other benefits, such as bonuses, free parking, shopping vouchers schemes and free use of council facilities such as local swimming baths.
- 3.10.23 It was noted that the market forces supplement has been through the Employment Panel and now officers have delegation to increase the market supplement to IROs. This has not been done to date. Herefordshire council's difficulty is, in offering similar incentives we risk starting a 'bidding war' whereby tit-for-tat pay rises is encouraged within our neighbouring LAs. There is a focus in extolling the benefits of living in Herefordshire where housing is relatively affordable and the county being a great place to live, work is underway on strengthening the recruitment 'offer'.

3.10.24 The interim findings from the Doncaster team have identified that morale is low in the IRO service. There is a stated 'culture outcome' in the judgement improvement plan to improve morale. IROs and other social workers are in very difficult profession. For instance, sibling separation, removing children from their parents, these are situations that are complex, often emotionally challenging and life changing decisions that are being made. There will always be criticism. The underlying point however is that all social workers are trying to deliver the best possible outcomes in an environment where appropriate balance needs to be found in highly complex circumstances. Giving the IRO service the tools to do the job. E.g. a clear dispute resolution procedure; strengthening communication between colleagues and departments will help to give them greater confidence that they are following process and taking the right decisions.

**Are there more cases in the system that could attract the court's attention?**

3.10.25 It was explained that all high risk cases are coming to a new review panel – in some instances case review is dealing with children who have been in the system for many years. These can be difficult to track as many of the staff involved have left the authority and in some instances case records are difficult to track. This work is identifying that, historically at least, questionable decisions have been made. As soon as these are identified appropriate action is taken.

3.10.26 Being proactive with court advice is also key. Listening and acting on that advice means that court proceedings can be avoided and concerns with cases can be addressed, openly and transparently, before they are seen by the courts. Being seen to respond to the courts helps to build trust on both sides – this is a culture shift that is being proactively pursued by the leadership team. It was also explained that a refresh of the working culture is being developed by the legal and children's service teams – there is proactive interrogation of cases on a collective basis. Both legal and children's services are able to build common understanding and narrative on case load. This in turn builds resilience in case management and team working.

**In depth case study – an example of the value of case review.**

In this particular case a young child – in a private arrangement – moved in with a family member. The council was aware of this arrangement but because it deemed it as a private arrangement, the council did not get any further involved at that stage.

The case came back to the council via the MASH process and assessment service when behavioural issues with the young child became apparent. Concern was raised around the risk of sexual exploitation. The young child began to move from family member to family member; the mother had sadly passed away a number of years earlier and the father is unwilling to take on his parental responsibilities.

The case was then transferred to the council's 16 + team. The team manager brought the case to the alternatives to care panel. This is where the young person was established to be at risk. The panel agreed to issue care proceedings and set up a timetable with actions that required following. Four weeks later, the case was in court and issuing care proceedings.

In reviewing the case at the review panel, it was seen that what happened in closing the case in 2016 was not best practice. The thinking was – at the time – it is best to let families become involved and provide their own care.

The CPO was asked to review the case. Areas were identified where we would do things differently if a similar case was presented to the team. The outcome of the review is that the learning on how to do things differently will be presented to the 16 + team manager and will be to the assessment team managers. This has led to a piece of work to identify others who may be at similar risk in the county. Where individuals are identified as being at risk of sexual or criminal exploitation these cases will be reviewed to ensure we are acting appropriately and our care for those children is fit for purpose.

Following a case review it was felt that the Judge would likely to be critical that the authority closed the case (in 2016). It would be likely that the judge would have advocated that support could and should have been given to the family member taking in the young child (in terms of guidance and financial support). For instance, the council could have gone to court to get a care order; could have encouraged the family member to apply for special guardianship and could have been offered support under Section 17 (6) Children Act, 1989.

This case study provides a good example of where learning from past cases is assisting us to avoid similar practices in the future before they have to go to court.

### **Culture Change Initiatives**

3.10.27 It was advocated that the council needs to get better at 'constructively challenging' staff. This is what the IRO service is about – constructively challenging us all to ensure we are delivering the right outcomes. The culture of communicating – predominantly via email – needs to stop and people need to have more face to face discussions about the cases they are dealing with. Those discussions need to be 'child centred' and outcome focused. It was argued that social care can only operate where you have good working relationships with all relevant partners, and especially with Court and Ofsted advice. Courts can be critical of our plans, but we have to be open to challenge. Alongside this, there must also be feedback that recognises how valued staff, such as the IROs, are.

3.10.28 There needs to be a 'healthy challenge' and being open to hearing how we can do things differently, and learning from this. Putting that learning (e.g. Staffordshire edge of care service) in to action plans and then delivering better outcomes. It is not an adequate response to ignore advice. Being open to scrutiny is not always comfortable, but it is important from a leadership perspective, we should welcome challenge. This is very much the direction of travel being advocated by the current leadership team, and should be welcomed.

### **The recently updated whistle blowing policy.**

3.10.29 It was noted that staff were reluctant to use the whistle blowing policy due to a passage within the policy that noted that if a case was found to be vexatious it would result in a disciplinary process for the complainant. It was explained that a new policy has been set out which allows complaints to be made anonymously. This means that it affords protection for those who do make a complaint. It also allows for a number of 'escalation' routes which enables staff to be confident that they can go to officers who do not have a perceived/predetermined viewpoint. It was noted that if staff are aware, or feel there is important information pertaining to a case, that is not following proper procedures they can raise their concerns safely.

- 3.10.30 The Signs of Safety is the social work practice model that will be rolled in Herefordshire, led by the principal social worker. This practice model will need to be pushed out to all social workers and training will be required across the authority. The Doncaster team has been very helpful in advising, noting the considerable amount of time it took (up to 2 years) to embed this practice model in their authority. It is a practice that is described as a golden thread embedded with local members, officers and external stakeholders, such as the police. It is intended that there will be a clear implementation plan, a timetable and an expectation that this is delivered.
- 3.10.31 Signs of safety will – it is hoped - allow all local partners to operate in a similar way, looking at protective factors for families. It was noted that it is unsustainable to continue to bring children in to LA accommodation, we need families to be more involved as part of the solution – signs of safety potentially give us the means to do this. It is expected that external partners will also be trained but in a proportionate way. It will be explained that responsibility (under working together) presents a joint responsibility for the safeguarding of children.

### **Resilience in team working and capacity.**

- 3.10.32 It was felt that there is heavy reliance on key members of staff in both legal and children's services. The current structure was described as teams having a director, assistant director, heads of service and team managers – this does build in capacity if key staff are out of action for whatever reason. But the service, like any other, is vulnerable to single points of failure if key staff are off for any extended period of time. This is being addressed and work areas are being shared to ensure critical information sits with more than one person. It was noted that closer working practices are becoming more visible and common understanding is being built around what needs to be done across the service areas. It was noted that the new Cabinet Member is also demonstrating clear leadership and support for the service. The more open working culture was welcomed.
- 3.10.33 The T+F group queried as to the length of time it would take to achieve the outcomes set out in the various behaviour changes and action plans. It was suggested that 3 years would be about the timeframes to expect the changes to be delivered in. Behaviours take time to change in terms of standards/culture but there is confidence that staff want to do the best possible job. For example, escalation routes need to be clearly established to ensure senior management are involved at appropriate points in time. The service also needs to ensure there is coherent tracking of changes being introduced in case work, in a similar way to which scrutiny tracks its recommendations and outcomes.
- 3.10.34 It was highlighted that 'case progression officers' (CPOs) are highly valued in this regard. They make a real impact by having 'hands on' coordination of information. It was strongly argued that there are not enough CPOs to ensure this approach is more widely available.

### **How is the voice of children listened to in these cases?**

- 3.10.35 It was explained that trying to plan for children is difficult when they wish to go back to an environment that isn't safe for them. E.g. at risk from sexual harm, neglect. In

listening to the views of children you must always consider this against the backdrop of the care vulnerable children may be in. Children ultimately love their parents and will want to be with them. Sometimes you cannot give the child what they want because of the overarching goal to protect them from harm.

- 3.10.36 The child's views are taken into account, but ultimately, the decision will need to be taken about what is the most appropriate care and course of action to be taken to deliver that care. Decisions are tracked and recorded - these decisions are open to auditing. The audit tool used highlights where the child's wishes have been recorded. It was explained that age of the child is a factor. It is likely that the views of, say a 15 year old child would be more closely listened to than say a five year old, on the basis of life experiences.
- 3.10.37 It was also noted that the bond between children and their parents can present some very challenging situations. A child can be subject to some witnessing some difficult behaviours such as domestic abuse or alcoholism. In a family setting where this is normal children often won't be able to understand why they need protecting. But clearly, in those situations, there is necessity to act.
- 3.10.38 Learning from the recent round table discussions with parents gives a clear emphasis on ensuring that families are listened to and are seen to be listened to in case notes. The outcome they are seeking may not always be deliverable but it is important that they see that their evidence has been evaluated as part of the decision making process.

#### **4. Summary of the Task and Finish Groups Recommendations**

The group considered the response of the Council to the judgements including new arrangements. The group was supportive of the action taken and the new arrangements introduced. Specifically – the group:

- Welcomes the clarity provided on adoption processes and placement orders the strengthened emphasis being placed on more joined up working on adoption processes and placement orders.
- Are reassured that the council has understood the judgements of the high court and are working on appropriate action plans to address the concerns raised. Importantly the group is confident that the solutions being put in place are the right ones. The group recognises that some of the actions will require time to deliver, such as the culture change initiative currently underway and the introduction of the sibling separation tool. The changes advocated by the Doncaster Children's Trust in respect to the IROs Service and strengthened reporting measures in MOSAIC are also to be welcomed;
- Wishes to return to the wider corporate culture changes (such as the recently strengthened whistle blowing policy and our corporate parenting practices) to explore their impact in regard to their influence over working practices and culture change within children's and legal services. It will also seek to assess the robustness of the processes in place to quality assure case management and has welcomed the proactive stance the leadership team has taken on making such information available.

- Is encouraged to see the consideration of how members could be part of a quality assurance process in terms of future case management; for example the number of children who would be adopted and in what timescales; information on performance in relation to plans for adoption and children who are then adopted and on care plans that need to change as a result of children not being adopted.
- Will wish to review and consider ways in which the voice of the child is being heard and welcomes the option to be presented with decision tracking and audit reports to assess how the service is accounting for the views in their decision making.

## 5 Summary of Recommendations

The T+F group wishes to place on the public record and acknowledge the very hardworking staff in both children's and legal services. The T+F group recognises that staff work in an environment where there are very complex and difficult choices and decisions to be made. We wish to thank them for their dedication in seeking to deliver the very best possible outcome for the children in our care.

From our findings, the task and finish group would like to make the following **15 recommendations** to the Children and Young People, the executive and to the head of paid services. The task and finish group asks that the Children and Young People's Scrutiny Committee give appropriate consideration to and seeks their agreement:

### ***For the Children and Young People's Scrutiny Committee to consider:***

- 1. The T+F group welcomes the introduction of quarterly audit reporting and the setting of clear targets for areas of improvement in children's services. The T+F group recommends that these reports inform and influence the Children and Young People's Scrutiny Committee work and are made available as briefing notes for the committee to review.***
- 2. The T+F group welcome the steps taken to outline the clear routes through which children can raise concerns about their care plans. The group recommends that the Children and Young People's Scrutiny Committee, as part of their work programming activity, invites the advocacy service and the care leavers group are invited to children's scrutiny to explain how care plans have recorded their views.***
- 3. It is recommended the Children and Young People's Scrutiny Committee work programme identifies scope to invite officers from the children and families directorate to provide a report on the outcome of the voice recognition technology for MOSAIC is presented to the children's wellbeing scrutiny committee.***
- 4. The T+F group also recommends that the Children and Young People's Scrutiny Committee work programme identifies scope in its future work programme to invite the leadership team to report back to children's scrutiny on their progress. Particularly in regard to the IRO service and legal team recruitment and cross team working.***

### ***For the executive to consider.***

5. ***The T+F group welcomes the practice measures being considered by the Doncaster Children's Trust in connection to Herefordshire's IRO services. The T+F group recommends that when the Doncaster report is complete a mandatory member briefing session is provided to explain the reports finding and actions.***
6. ***The T+F group wish to ensure that all councillors understand their responsibilities toward ensuring that all children in our care are given the best possible outcomes. The T+F group recommends that the induction and mandatory training for new and returning councillors places strong emphasis on children's safeguarding and their roles as corporate parents.***
7. ***The T+F group recommends that more case progression officers are recruited to children's services to ensure that case- loads are dealt with in a systematic way.***
8. ***Members who are selected to sit on children's scrutiny or adoption/fostering panels should ideally have interest and/or some experience in children's safeguarding. The T+F group recommend that members selected to sit on children's scrutiny are given specialist training in children's services and in scrutiny questioning.***
  - a. ***The T+F group also advocates bespoke training for members of that scrutiny committee to allow them to specialise in certain aspects of child care – such as adoption/fostering and LACs.***

***For the head of paid services to consider:***

9. ***The T+F group supports and welcomes the efforts to foster closer working relationships between social workers and legal services in preparing social workers for court procedures. It is recommended that the head of paid services sets out expectations for this closer working to be set out clearly in officers work plans (PPdPs) and is proactively encouraged by both the children's and legal heads of service.***
10. ***The T+F group welcomes the practice insight that has emerged as a result of the round table sessions noted in the Judgement Improvement Plan. It is recommended that the head of paid services ensures that evidence provided by prospective adopters and cared for children is properly accounted for in child permanence reports.***
11. ***It is recommended that the head of paid services ensures that there are routine reviews of the MOSAIC system in light of officer needs and technological advancements in software, with clear process and operator guidance notes provided to officers.***
12. ***Managers continually persist in the use of timely recording of cases on the MOSAIC system as noted in recent court judgements. The T+F group welcomes the potential this has to improve reporting. The T+F group recommends that the head of paid services sets clear performance measures in work objectives (PPdPs) for officers using the MOSAIC system and that this becomes an area of***

**performance management for staff and managers if those measures are not being met.**

**13. The T+F group recommends that the head of paid services must be clear, with supporting cost benefits analysis evidence provided, on the impact of any proposed cuts to children's and legal services.**

**14. The T+F group welcomes the proactive approach through which advice from the courts, high court judges and Ofsted is now being utilised to make improvements to children's and legal services. The T+F group recommends that head of paid services welcomes the 'healthy challenge' between the authority, it's oversight bodies and scrutiny is encouraged and built in to the culture of staff working, through their work plans and objectives. If accepted, the children's scrutiny committee would welcome sight of the objectives set out in staff PDPs.**

**15. The T+F group recognise that there have been good improvements under the current leadership team – the judgement improvement plan, the Ofsted improvement plan and the authorities cultural values (particularly the amended whistle blowing policy) being clear examples of positive progress. The T+F group recommends that the head of paid services continue to prioritise embedding this 'culture change' and is given time to do this.**

## Appendix 1: Children and Young People Scrutiny Committee

### Court judgements relating to children and families Task and Finish Group – Scoping Document

Title of review	Court judgements relating to children and families
Scope	
Reason for enquiry	Two judgements by the High Court in December 2018 found that there had been historic failures in Herefordshire Councils in respect to two recent adoption cases and relating to the revocation of a longstanding placement order.
Links to the corporate plan	<p>The review contributes to the following objectives contained in the Herefordshire corporate plan and other key plans and strategies:</p> <ul style="list-style-type: none"> <li>• Keep children and young people safe and give them a great start in life; and</li> <li>• Secure better services, quality of life and value for money.</li> </ul>
Summary of the review and terms of reference	<p>Summary:</p> <p>The review will look at adoption processes and placement orders and the arrangements in place to ensure their appropriate use. The work will include reflections on cases and current practice.</p> <p><b>Terms of Reference:</b></p> <p>The task and finish group will conduct three meetings which will be held in quick succession. The meetings will be scheduled to enable to task and finish group to:</p> <ul style="list-style-type: none"> <li>• develop an understanding of adoption processes and placement orders (Meeting 1);</li> <li>• understand the judgements of the high court and how they are being addressed (Meeting 1);</li> <li>• learn what new measures are in place (for example, the introduction of the sibling separation tool; changes advocated by Doncaster Children’s Trust in respect to the IROs Service and strengthened reporting measures in MOSAIC) to ensure the appropriate use of adoption processes and placement orders is consistently applied (Meeting 1)</li> <li>• examine how the wider corporate culture changes (such as the recently strengthened whistle blowing policy and our corporate parenting practices) are aiming to positively influence working practices and culture change within children’s service (Meeting 2)</li> <li>• assess the robustness of the processes in place to quality assure case management (Meeting 2); and</li> <li>• look at current case studies to ensure processes are being observed and processes and orders appropriately applied (Meeting 3)</li> <li>• consider how members could be part of a quality assurance process in terms of future case management (Meeting 3)</li> </ul>

	<ul style="list-style-type: none"> <li>consider ways in which the voice of the child is being heard (having regard for the age and understanding of the child(ren) in connection to adoption and placement cases) and what improvements could be made (Meeting 3).</li> </ul> <p>Membership:</p> <p><i>To be confirmed at the Children and Young People Scrutiny committee on 4 February 2019.</i></p>
What will NOT be included	<ul style="list-style-type: none"> <li>Evaluation of the actions of any individual officer at the council under historical admission to care arrangements.</li> </ul>
Potential outcomes	<ul style="list-style-type: none"> <li>To gain assurance that effective processes are in place to ensure the appropriate use of adoption processes and placement orders.</li> <li>More consistent use of children's and young people scrutiny in assessing performance and reporting on progress being made to strengthen current practices and culture around adoption and placement services</li> </ul>
Key Questions	<p>To consider:</p> <ul style="list-style-type: none"> <li>What are adoption processes and placements orders and when should they be used;</li> <li>What processes manage the appropriate use of adoption processes and placement orders;</li> <li>Are the processes being observed and orders appropriately applied? And,</li> <li>What training and staff development is underway to ensure that all staff dealing with adoption/placement cases have the appropriate skills and experience</li> </ul>
Cabinet Member	Cabinet member – Children and Families
Key stakeholders / Consultees	Internal – Children and Families officers concerned with care arrangements for looked after children and legal officers.
Potential witnesses	Colleagues from Doncaster LA
Research Required	<ul style="list-style-type: none"> <li>Cataloguing changes to working practices that are now in place, or are being brought in, following the court judgements</li> <li>Assessing how these practices are being applied in the work environments</li> <li>Outcomes of audits and case studies to present to the task and finish group.</li> </ul>
Potential Visits	None
Publicity Requirements	Following the conclusion of the task and finish group to report back to the children and young people scrutiny committee.

Outline Timetable (following decision by the children and young people scrutiny committee to commission the Review)	
<i>Activity</i>	<i>Timescale</i>
Confirm approach, Terms of Reference, programme of consultation/research/provisional witnesses/meeting dates	Committee meeting – 4 February 2019
<b>Meeting 1</b> Develop an understanding of adoption processes and placement orders; understand the judgements of the high court and how they are being addressed; and learn what new measures are in place to ensure the appropriate use of adoption processes and placement orders is consistently applied.	February 2019
<b>Meeting 2</b> Examine how the wider corporate culture changes are aiming to positively influence working practices and culture change within children's services; and assess the robustness of the processes in place to quality assure case management.	February 2019
<b>Meeting 3</b> Look at current case studies to ensure processes are being observed and processes/orders appropriately applied; consider how members could be part of a quality assurance process in terms of future case management; and consider ways in which the voice of the child is being heard and what improvements could be made. Prepare Recommendations to scrutiny committee.	February 2019
Present final report to Children and Young People Scrutiny Committee	11 March 2019

Group Members	
Chair	Cllr Carole Gandy
Support Members	Cllr Chris Chappell
	Cllr Felicity Norman
	Cllr Mark McEvilly
	Cllr Alan Seldon
Support Officers	J Coleman M Evans Jennifer Preece

**Appendix 2: RESPONSE TO CASE AB AND BT ACTION PLAN**
**PLAN OWNER:**
**SIGN OFF:** Liz Elgar, Assistant Director Safeguarding and Family Support/ Chris Baird, Director for Children's Wellbeing

What is the issue?	What are we doing about it?	By When?	What is the desired outcome?
<b>There was a general lack of management oversight of the planning for children.</b>	The authority has recognised the need for management oversight and have created additional management positions in the form of Managing Practitioners.	<ul style="list-style-type: none"> <li>The LAC team have had a (agency) Managing Practitioner in post since July 2018.</li> </ul>	<ul style="list-style-type: none"> <li>Improve corporate parenting.</li> <li>Avoid drift and delay</li> <li>Ensure higher risk cases are periodically reviewed at a senior level.</li> <li>Embed better decision making and corporate parenting at all levels.</li> <li>Provide workers with the guidance and information necessary for the task.</li> <li>Provide information for members in their exercise of corporate parenting.</li> </ul>
	The authority is taking steps to improve the IRO service as set out in detailed action plan held by the HoS Safeguarding and Review.	<ul style="list-style-type: none"> <li>Action Plan signed off September 2018. Reported on monthly to DCS and AD's.</li> </ul>	
	The AD now chairs a panel every Tuesday that looks at cohorts of children for example those placed with parents or in kinship care. This will include children who are the subject of placement orders who will be reviewed on a 6-monthly basis.	<ul style="list-style-type: none"> <li>In place since September 2018</li> </ul>	
	The legal department holds 6 monthly legal review meetings of all children under placement orders.	<ul style="list-style-type: none"> <li>In place 3/1/19</li> </ul>	
<b>Difficulty in social workers obtaining legal advice due to lack of staff within in legal department. Legal department having little oversight of cases once proceedings had concluded,</b>	<p>Further efforts have been made at recruitment to legal services with the payment of market forces.</p> <p>A programme of recruitment has recruited three legal apprentices and the creation of a further post is being pursued.</p> <p>The remuneration of apprentices will be reviewed to reflect their progression</p>	<ul style="list-style-type: none"> <li>3.5 additional solicitors now in post one vacancy remaining.</li> <li>15/02/19</li> <li>15/2/19</li> </ul>	<ul style="list-style-type: none"> <li>Social workers to consider the legal implications of decisions as they make them rather than after problems have occurred.</li> <li>To embed an understanding of court expectations within the organisation.</li> <li>To ensure the current improved access to legal advice is maintained.</li> </ul>

			<ul style="list-style-type: none"> <li>To provide a source of locally suitably qualified legal staff for succession.</li> </ul>
<b>Legal advice was being provided by Warwickshire legal department and was therefore dependent on advice being requested.</b>	Improving recruitment so the work is retained in house.	<ul style="list-style-type: none"> <li>15/01/19 only one case out</li> </ul>	<ul style="list-style-type: none"> <li>Better outcomes for children.</li> <li>Social workers making decisions and recording which are better for children.</li> <li>End of court criticism of the authority</li> </ul>
<b>Greater legal oversight of corporate parenting</b>	Existing post within the team being redesigned and reevaluated to implement the safety systems identified below and their effectiveness.	<ul style="list-style-type: none"> <li>31/1/19</li> </ul>	<ul style="list-style-type: none"> <li>High risk cases to be visible within the system.</li> <li>Fail safe mechanism</li> <li>Deputy solicitor to council to have necessary support to enable progress made so far to be sustained.</li> </ul>
	Review of adequacy of staffing in legal department dealing with this work to take place at 6 monthly interviews	<ul style="list-style-type: none"> <li>30/3/19</li> </ul>	<ul style="list-style-type: none"> <li>Ensure good quality proactive legal advice is available to social workers.</li> <li>Provide additional feedback to senior management and members regarding corporate parenting.</li> </ul>
<b>The authority failed to follow the court plan to its conclusion. Divergence between the mosaic plan and court approved plan</b>	Social workers will be instructed to file the court approved care plan along with any other documents for the LAC / Adoption review.	<ul style="list-style-type: none"> <li>4/2/19</li> </ul>	<ul style="list-style-type: none"> <li>Improve planning for children</li> <li>Ensure court approved care plans are followed.</li> <li>Avoid delay and drift.</li> </ul>
	IRO's have been instructed to consider the court plan when chairing LAC/ Adoption reviews and to confirm in the minutes they have done this.	<ul style="list-style-type: none"> <li>4/2/19</li> </ul>	
	Agree a process for ensuring the plan for the court is completed and saved on Mosaic	<ul style="list-style-type: none"> <li>4/2/19</li> </ul>	
<b>Failure of reviews to properly consider the matters</b> set out in section 1 of the Adoption and Children Act 2002	The agenda for Adoption Reviews has been amended to reflect that the review takes place in the light of the guidance, attaches the section and asks if the court approved care plan has been changed.	<ul style="list-style-type: none"> <li>4/2/19</li> </ul>	<ul style="list-style-type: none"> <li>IROs will be given the tools to ensure adoption reviews consider all relevant matters.</li> <li>Adoption reviews will be effective and consider all relevant matters.</li> <li>Good practice will become</li> </ul>

	Legal team will hold a training session for IROs on the use of the new agenda.	<ul style="list-style-type: none"> <li>• 30/3/19</li> </ul>	<ul style="list-style-type: none"> <li>• embedded within the authority.</li> <li>• Morale within the IRO service will improve.</li> <li>• A culture of challenge will be encouraged.</li> </ul>
<b>The LA failed to acknowledge significance of maintaining legal sibling relationship between BT and GT. The decision to separate the children was made by a manager (H27N) at a meeting prior to the LAC review on 11<sup>th</sup> April 2018 and approved at LAC review. The decision was poorly recorded on the Mosaic system and was not well reasoned and was equally based on an unwritten sibling assessment.</b>	Herefordshire is introducing a sibling separation tool for managers to ensure the decision to recommendation to separate considers all relevant matters before it is presented to the ADM and is clearly recorded on the Mosaic system.	<ul style="list-style-type: none"> <li>• 31/1/19</li> </ul>	<ul style="list-style-type: none"> <li>• Staff will be given assistance to make these very difficult decisions.</li> <li>• The correct decisions will be made and recorded.</li> <li>• The authority's reasoning in cases will be clear and transparent.</li> </ul>
<b>The decision should have been ratified by the ADM following the review.</b>	Where the local authority propose a change of care plan for siblings to be placed separately, this will be presented at panel prior to going to the ADM for final decision making. The completed sibling separation tool will be required at panel.	<ul style="list-style-type: none"> <li>• 31/1/19</li> </ul>	<ul style="list-style-type: none"> <li>• Important decisions will be taken at the right level.</li> <li>• Important decisions will be taken with all relevant information</li> <li>• Good practice will become embedded within the authority</li> </ul>
<b>The LAC Review 11 January 2016 failed to give proper consideration to placing the children in a long-term foster placement and revoking the placement order preferring the placement order preferring the placement order instead to search for separate adoptive placements.H20</b>	Legal training to social workers regarding the matters to be taken into account when considering separating siblings and the use of the tool will be offered on an annual basis.	<ul style="list-style-type: none"> <li>• 30/3/19</li> </ul>	<ul style="list-style-type: none"> <li>• Better decisions will be made regarding the separation of siblings.</li> <li>• Decisions will be scrutinised.</li> <li>• Decisions will be properly recorded</li> </ul>
	Sibling separation tool to be used as set out above.	<ul style="list-style-type: none"> <li>• 31/1/19</li> </ul>	
	The six-monthly legal review will prevent decisions being made without ADM consideration.	<ul style="list-style-type: none"> <li>• 3/1/19</li> </ul>	

<p><b>The authority accepts the Child Permanency Reports recorded on the system are confusing and it is difficult to establish what amendments were made when. The then Adoption Team manager amended the Child Permanency report and in particular section 9.5 dealing with emotional behavioural and social development in the initial CPR dated 19/12/14 on 10/06/16. The Adoption Team Manager deleted information rather than adding information in a different text. The authority accepts the Child Permanency Reports recorded on the system are confusing and it is difficult to establish what amendments were made when. The then Adoption Team manager amended the Child Permanency report and in particular section 9.5 dealing with emotional behavioural and social development in the initial CPR dated 19/12/14 on 10/06/16. The Adoption Team Manager deleted information rather than adding information in a different text.</b></p>	<p>The current practice is not to remove any information but to update information in a new font. This means that changes are recorded as changes rather than deleting previous information.</p>	<ul style="list-style-type: none"> <li>• 3/1/19</li> </ul>	<ul style="list-style-type: none"> <li>• Child Permanency Reports will reflect all aspects of a child since they were first prepared both current and historical.</li> <li>• Children who are subject of placement orders will be clearly apparent.</li> <li>• Better decisions will be made about the child's needs and the ability of any potential adopters to meet those needs.</li> <li>• Prospective adopters will have a better understanding of the child they are going to adopt.</li> <li>• Better adoption support plans will be prepared.</li> </ul>
	<p>A new adoption file is created on the Mosaic system once the ADM ratifies a plan for adoption.</p>	<ul style="list-style-type: none"> <li>• 3/1/19</li> </ul>	
	<p>The AD panel will review children under placement orders once every 6 months.</p>	<ul style="list-style-type: none"> <li>• 3/1/19</li> </ul>	
	<p>The Adoption Review Agenda will ensure matters are given proper consideration making it clear they differ from LAC reviews.</p>	<ul style="list-style-type: none"> <li>• 4/2/19</li> </ul>	
<p><b>IRO service did not oversee and challenge the actions of the local authority adequately especially regarding decisions about contact.</b></p>	<p>Doncaster have been commissioned to provide a review of the IRO service</p>	<ul style="list-style-type: none"> <li>• 26/2/18</li> </ul>	<ul style="list-style-type: none"> <li>• Improvement in corporate parenting.</li> <li>• Establish strengths and weaknesses of service</li> <li>• Identify what is needed to make</li> </ul>

<p><b>b. The IRO chairing the LAC review did not ensure the sibling assessment had been written up when the meeting ratified the decision to separate the children.</b></p> <p><b>c. The IRO did not request sight of the sibling assessment. IRO service did not oversee and challenge the actions of the local authority adequately especially regarding decisions about contact.</b></p> <p><b>b. The IRO chairing the LAC review did not ensure the sibling assessment had been written up when the meeting ratified the decision to separate the children.</b></p> <p><b>c. The IRO did not request sight of the sibling assessment.</b></p>	<p>A more effective escalation process is in place, and has been shared with all IRO's. its use is audited by the HoS Review and Safeguarding on a regular basis.</p>	<ul style="list-style-type: none"> <li>• 3/1/19</li> </ul>	<ul style="list-style-type: none"> <li>• necessary improvements</li> <li>• Share practice from other respected areas</li> <li>• IRO oversight of cases.</li> <li>• More effective challenge of decision making</li> <li>• Adoption reviews consider all relevant matters.</li> <li>• Good practice becomes embedded.</li> </ul>
	<p>Adoption Review Agenda has been amended as above to make sure the Adoption Review considers all relevant matters.</p>	<ul style="list-style-type: none"> <li>• 3/1/19</li> </ul>	
	<p>All IROs have been provided with Legal Guidance for Independent Reviewing Officers on Challenging Decisions of the Local Authority by email and in a laminated hard copy</p> <p>Assessment of whether siblings are placed together or apart will be required by the IRO prior to any decision regarding separation of siblings being agreed.</p>	<ul style="list-style-type: none"> <li>• 3/1/19</li> </ul>	
<p><b>Failure to disclose all relevant documents until second day of hearing</b></p>	<p>Recruitment of additional legal apprentice being considered</p>	<ul style="list-style-type: none"> <li>• 15/2/19</li> </ul>	<ul style="list-style-type: none"> <li>• Full disclosure to be provided in a timely fashion</li> <li>• Staff to have more time to review client documents and ensure all disclosure has been provided.</li> </ul>
	<p>Six monthly reviews of staffing levels and workload in legal team</p>	<ul style="list-style-type: none"> <li>• 30/3/19</li> </ul>	
	<p>Existing post within the team being redesigned and revaluated free time for Deputy Solicitor to Council to monitor disclosure.</p>	<ul style="list-style-type: none"> <li>• 31/1/19</li> </ul>	
<p><b>A number of social work practice and management issues have been identified where practice fell below acceptable standards of practice.</b></p>	<p>"round table" learning discussions are being held on both cases with relevant persons who were involved, to identify individual learning</p>	<ul style="list-style-type: none"> <li>• First held on 19.12.2018</li> <li>• Second arranged for 16.1.2019</li> <li>• Learning to be discussed at CMM 30.1.2018</li> </ul>	<ul style="list-style-type: none"> <li>• Learning from these cases will prevent further poor practice detrimental to positive outcomes for children.</li> </ul>





<b>Meeting:</b>	<b>Children and young people scrutiny committee</b>
<b>Meeting date:</b>	<b>Monday 11 March 2019</b>
<b>Title of report:</b>	<b>School Examination Performance</b>
<b>Report by:</b>	<b>Head of learning and achievement</b>

### **Classification**

Open

### **Decision type**

This is not an executive decision

### **Wards affected**

All Wards

### **Purpose and summary**

To consider school performance for summer 2018 and the effectiveness of the Herefordshire school improvement partnership strategy and framework in improving outcomes for Herefordshire's children and young people.

To enable the committee to scrutinise pupil and school performance in Herefordshire as assessed in 2018

### **Recommendation(s)**

**That the committee:**

- (a) reviews school performance and determines any recommendations it wishes to make to the executive to enhance the effectiveness of the school improvement framework and strategy.**

### **Alternative options**

---

Further information on the subject of this report is available from  
Alison Naylor, Head of Learning and Achievement, email: [Alison.Naylor@herefordshire.gov.uk](mailto:Alison.Naylor@herefordshire.gov.uk)

1. There are no alternatives to the recommendation: it is a function of the committee to make reports or recommendations to the executive with respect to the discharge of any functions which are the responsibility of the executive.

## Key considerations

2. Over the past five years, educational outcomes for children and young people in Herefordshire have demonstrated significant improvement. The county now ranks in the top or second quartile of local authority area performance for the vast majority of key assessment indicators, from the early years to the end of the secondary phase. Ofsted has identified primary education in Herefordshire as 'strong and improving'. Herefordshire has made good progress in ensuring that the majority of children are given every opportunity to achieve, are kept safe, and have a great start in life.
3. Raising standards for vulnerable groups, particularly disadvantaged children and young people and those eligible for free school meals, remains a key priority for the council. Despite there being some improvement in outcomes for these groups over the past three years, particularly in the early years and the primary phase, outcomes at the end of Key Stage 4 have demonstrated considerable fluctuation.
4. Moving forward, more work is also needed to ensure that all education provision is judged as good or outstanding by Ofsted. Outcomes achieved by secondary school pupils in the attainment 8 measure at key stage 4 need to improve. In addition, our county should aim for a greater percentage of children to achieve at the higher standard (greater depth) in Key Stages 1 and 2.
5. Herefordshire reflects national trends and developments that have seen rising exclusions and more children entering home education. Reducing the number of fixed term and permanent exclusions, ensuring that schools are focused on improving outcomes for all groups of children and preparing our young people for the world of work are key priorities that form part of Herefordshire's refreshed Education, development and skills strategy.
6. In addition to educational standards across the county, the council is responsible for:
  - ensuring there are sufficient high quality places for the local area
  - providing focus and leadership on the experiences and outcomes for vulnerable children, including those with special educational needs and/or disabilities (SEN), and those who need support to be safe
  - commissioning and providing a range of services, including social care, to deliver the council's statutory responsibilities
  - providing strategic leadership in the development of education and skills in the local area

The information below will be summarised as a presentation at the meeting of the children and young people's scrutiny committee and made available following the meeting.

7. In January 2019 93.5% of Herefordshire children were taught in primary schools judged by Ofsted as good or outstanding; 77.6% of pupils in the secondary phase were in good or outstanding schools; 100% of early years' group settings inspected were judged as good or outstanding; 94% of childminders inspected were good or outstanding.
8. Herefordshire's youngest learners in the reception year, year one and year two have continued to outperform their peers nationally for a third consecutive year. At the end of the primary phase in key stage 2, historically a weakness in Herefordshire, pupils' results ranked in the second quartile nationally for combined attainment in reading, writing and

mathematics, a significant improvement on last year. As a result Herefordshire ranked 29<sup>th</sup> nationally, an improvement of 62 places. These successes are set out below:

- The percentage of five year old children reaching a good level of development (GLD) at the end of the early years foundation stage (EYFS) in 2018 was 74.1%, above the national average of 71.5%. This is in the top quartile when compared with all local authorities in England. Both boys and girls performed better than the national average with girls' performance ranking in the top quartile. Children with special educational needs support also achieved in the top quartile when compared with all local authorities.
- The performance of children eligible for free school meals in the early years foundation stage in Herefordshire showed a slight decrease in 2018. A good level of development was achieved by 56% of children eligible for free school meals; nationally 57% of children eligible for free school meals met the good level of development. The performance of children eligible for free school meals however remains in the 2<sup>nd</sup> quartile when compared to all local authorities.
- Analysis of success rates over time highlights a small decrease in the performance of pupils with English as an additional language (EAL) in the early years foundation stage in Herefordshire: 118 out of 200 (59%) EAL pupils reached a good level of development in 2018 compared with 63% in 2017. This ranks Herefordshire in the 3<sup>rd</sup> quartile when compared to all local authorities.
- Analysis of data for the small numbers of looked after children in 2018 shows that they outperformed their looked after peers nationally in the early years foundation stage.
- In year one phonics testing, the performance of Herefordshire children has continued to improve with 84.2% achieving the expected standard, above the national average of 82%. When phonics screening was introduced in 2012 only 51% of year 1 pupils in Herefordshire met the threshold mark with performance in the bottom quartile of all local authorities. The percentage of free school meals children achieving the phonics threshold (74%) was above the national average (70%) and ranked in the first quartile when compared to all local authorities for the first time.
- At key stage 1, the proportion of Herefordshire children reaching the expected levels of attainment in reading, writing and mathematics was again above the national average and in the top quartile for both reading (79%) and writing (73%). However, the percentage of pupils achieving at greater depth in both reading (25%) and mathematics (21%) lagged behind their peers nationally.
- The attainment of vulnerable groups of pupils at key stage 1 demonstrated some improvements on last year's results. The percentage of free school meals (FSM) pupils who achieved the expected standard in reading (61%) was above the national average (60%) and ranked in the second quartile. Pupils eligible for free school meals also made improvements in their attainment in writing (50%) and maths (57%) when compared to last year's results. Pupils receiving support for special educational needs (SEN) performed in the top quartile in reading (53%), writing (45%) and maths (51%) for the second year consecutive year. The performance of pupils with English as an additional language (EAL) demonstrated a decline in reading and mathematics in 2018. The achievement of looked after children was variable with a strong performance in reading at KS1 but performing less well than the same cohort nationally in writing and mathematics.

- At key stage 2, the percentage of children attaining the expected level by the end of the primary phase in reading, writing and mathematics was above the national average of 64% with 68% of pupils reaching the expected standard in Herefordshire. This ranked Herefordshire as the top local authority in the West Midlands. Herefordshire had the joint highest increases nationally in reading (up seven percentage points) and in mathematics (up six percentage points). The percentage of pupils working at greater depth (10%) was in line with the national average for the combined attainment measure in reading, writing and mathematics. The percentage of pupils identified with special educational needs (SEN) support who achieved the expected standard in reading, writing and mathematics was 40%, ranking in the top quartile nationally. Pupils with English as an additional language (EAL) also outperformed their EAL peers nationally with 69% achieving the expected standard in reading writing and mathematics.
- More girls at key stage 2 achieved the expected standard (73%) than boys (63%), reflecting the national picture. Nevertheless, both boys and girls outperformed their peers nationally, with the boys ranked in the second quartile nationally and the girls in the top quartile. Pupils made good progress in the progress measure in reading (+1.4), writing (+1.0) and mathematics (+0.6) at key stage 2 in 2018. Progress in reading over the past three years has been particularly strong. Pupils eligible for free school meals also made good progress in reading (+1.3) and mathematics (+1.0) whilst their progress in writing (0.0) was in line with their peers. Looked after children made exceptionally good progress in reading and mathematics at key stage 2, however, their progress in writing and overall attainment was below that of their looked after peers nationally.
- In 2018 Herefordshire secondary schools and academies at key stage 4 performed broadly in line with schools nationally against key performance indicators which include Progress 8 (-0.03), Attainment 8 (45.9), GCSE English and mathematics attainment at grades 9-5 (42.7%) and grades 9-4 (64.5%) and attainment in the E-Baccalaureate (Average Points Score 4.01). Performance for all indicators was in the second quartile for all external national measures barring Attainment 8 which saw performance ranked in the third quartile.
- From their starting points at the end of primary school, pupils in Herefordshire made good progress; this is reflected in the county's Progress 8 figure (-0.03) which ranks in the second quartile in comparison with other local authorities. Nevertheless girls' progress (+0.21) continues to be better than that of boys (-0.26) in Herefordshire. This reflects the national pattern. Both girls and boys ranked in the second quartile nationally for the Progress 8 measure.
- National data on the performance of pupils at key stage 4 with specific characteristics (pupils eligible for free school meals, pupils identified as having special educational needs support, pupils who have English as an additional language) were published on 24 January. The national picture indicates that the gap between disadvantaged pupils (a group which comprises of FSM pupils, pupils who have been FSM in the last six years and those looked after) and their better off peers at Key Stage 4 grew by 0.6% over the last academic year. In Herefordshire the performance of disadvantaged pupils in the Attainment 8 and Progress 8 measure was well below national and in the fourth quartile. However, pupils eligible for free school meals performed at above national and in the second quartile for the Grade 9-5 in English and mathematics measure. Pupils with SEN support also performed slightly better than national in both the Attainment 8 and Progress 8 measure, putting them into the second quartile.

- There were 18 looked after children (LAC) in the eligible cohort for GCSEs in 2018. Both their performance across the range of 8 GCSE subjects (Attainment 8) and the progress they have made from their starting points (Progress 8) indicate that they did not achieve better results than looked after children nationally. This was disappointing because in 2017 they did achieve a better performance in both attainment and progress measures when compared with other looked after children nationally. In September 2018, 94.4% of these young people were in education, training or employment.
  - At key stage 5 maintained school and academy sixth forms were above the national average for state-funded school students in key performance indicators, including the percentage of students who achieved at least 2 A levels and the percentage of students achieving 3 A\*-A grades or better, putting them in the first and second quartiles respectively. Across Herefordshire the average points score recorded by students at A-level ranked in the second quartile in comparison to all local authorities. For students following a less academic route performance was more mixed: in the suite of qualifications known as Tech levels, performance rose from the fourth quartile in 2017 to the second quartile in 2018. Performance in Applied General Qualifications fell from the third to the fourth quartile although the cohort reported on nationally for these qualifications was relatively small.
  - Data for last year from the DFE (Department for Education) show that the combined percentage of young people not in education, employment or training (NEET) or whose destination is unknown in Herefordshire (4.9%) was better than the national average which was 6.0%. A recent key focus for Herefordshire has been the procurement of a new data system, the purpose of which is to ensure increased accuracy and more in depth analysis of the NEET cohort and their needs. The percentage of young people not in education, employment or training plus those whose destination is not known in Herefordshire had fallen further to 4.3% in December 2018.
9. All schools and academies in Herefordshire are subject to the council's annual risk assessment, developed by the Herefordshire School Improvement Partnership (HSIP). The HSIP group comprises of school leaders in both maintained and academy schools, the Diocese of Hereford and Ludlow and the Archdiocese of Cardiff. Its focus has been on using performance data to identify areas of strength and concern in pupil outcomes, and developing systems to disseminate good practice and improve standards across the county.
  10. The annual risk assessment informs the council's approach to monitoring schools causing concern. This includes monitoring meetings and may include the issue of pre-warning or warning notices. Herefordshire Council continues to highlight issues with the underperformance of academies with the Regional Schools Commissioner's (RSC) office. Local authority officers are currently in discussion with representatives from the RSC and the Department for Education regarding The Hereford Academy, which was recently judged inadequate by Ofsted.
  11. Centrally generated targets, developed with members of the Herefordshire School Improvement Partnership, continue to be issued annually to schools by Herefordshire Council. This approach has improved the council's ability to be pro-active in addressing poor pupil outcomes. Schools who are in danger of not meeting targets are prioritised for school-to-school support funding from the council on the completion of a funding bid with either a supporter school or one of Herefordshire's teaching schools. These schools are also invited to participate in school improvement projects such as those run by the new HSIP project Board. In 2018 schools who did not meet their targets or who were identified as high risk in the annual risk assessment process participated in a variety of

intervention measures including a phonics project, the small schools maths project and the urban schools project.

12. Herefordshire Council champions all children in Herefordshire, whether they are in a maintained or academy school. In 2018 in collaboration with head teachers on the HSIP Board, the HSIP strategy was reviewed. A reconstituted project board will scrutinize three major school improvement projects which are running from December 2018-2019. The three areas that data identified for HSIP's initial projects in 2018-19 are: leadership of small schools, outcomes for pupil premium students (including those on free school meals (FSM)) and the secondary curriculum. Each project is led by one of the Herefordshire teaching schools and has between 5 and 7 participating schools.
13. This school improvement approach builds on the success of previous initiatives. For example, in 2018 the small schools mathematics project comprised of 6 participating schools and one lead school who worked together with the aim of improving outcomes in mathematics, a key area of weakness across the county in 2017, through links with approaches identified by the Department for Education's maths hubs. The project resulted in four out of the six participating schools achieving mathematics results at Key Stage 1 either in line with or above the national average in 2018. Whilst at Key Stage 2 only one participating school reached the expected standard in mathematics in 2018, all six participating schools demonstrated a three year rising trend in results from 2016-2018. This contributed to the overall improvement in mathematics results across the county at key stage 2.
14. The urban schools project involved four schools and aimed to share each school's specific strengths, either in numeracy or literacy, enabling teachers to reflect upon what works well in raising attainment. All participating schools saw improvements in their attainment scores at KS2 when compared with their attainment outcomes in 2017 which increased by between 6-31% in either reading, mathematics or reading and mathematics combined. All participating schools met their FFT20 (Fisher Family Trust) target. This means that pupils in all schools made much better than average progress.
15. The phonics project comprised of four schools (one lead school and three participating schools) who worked together with the aim of improving outcomes in Year 1 phonics. This project was successful with all three participating schools achieving outcomes above the national average for phonics in 2018.
16. A new project 'Solid Roots' which began in the autumn of 2018, aims to support the already good practice in the Early Years Foundation Stage. This project comprises of three work streams: developing speech and language in order to close gaps between vulnerable groups and their peers, training and workforce development including developing parental engagement via the home learning environment and supporting parenting skills using the Solihull Parenting Approach.
17. Building on the success of previous school improvement initiatives in Herefordshire, such as our approach to boosting outcomes in phonics, local National leaders in education (NLEs) and the teaching schools continue to be involved in projects or support to individual schools to raise standards at the end of the primary and secondary phase.
18. An additional school, Whitchurch Church of England Primary was successfully accredited last year as the River Wye Teaching School, bringing the total of teaching schools in Herefordshire to four and thus increasing the county's capacity for school improvement.
19. Partnership working with the Regional Schools Commissioner's (RSC) office focused last year on the national Strategic School Improvement Fund. The successful Herefordshire Strategic School Improvement Fund bid, led by Marlbrook Teaching School, brought in

£516,000 of resources to boost teaching across the county in both the primary and secondary phases. There are 20 participating schools who have been allocated a National Leader in Education (NLE) and received external training, resources and time to develop 'quality first teaching'. Initial data outcomes from 2018 show improvements. Marlbrook Teaching School are required to regularly report progress on this project directly to the Department for Education (DFE). The DFE has since brought the Strategic School Improvement Fund to an end nationally.

20. Developing the quality of school governance continues to be a key priority for Herefordshire Council. Over the course of the year, the council has supported governing bodies to broker both support and interim school leadership arrangements with NLEs and leading head teachers; their expertise has ensured schools have received appropriate challenge and support which has helped towards improving outcomes.
21. The annual Herefordshire school leadership conference focused this year on 'putting children and young people first'. Input from key note speakers including Sir John Timpson, Rob Hackfath HMI from Ofsted, Alice Cruttwell, Wendy Tomes, Felicity Gillespie and Nina Jackson covered subjects such as growing concerns at national level around young people's mental health, the educational experience of looked-after children, developing a successful sex and relationships curriculum, the new Ofsted framework, the achievement of pupil premium students and excellent school governance. Positive feedback was received from many school leaders and governors.
22. Supporting schools and academies with safeguarding arrangements continues to be a key priority for council officers. Individualised tailored support to improve safeguarding practice has been given to 57% of primary schools, 60% of secondary schools and 50% of special schools over the past three years. This input includes one day reviews of schools' safeguarding arrangements, quality assurance audits or feedback on published policies and practice.
23. The vast majority of maintained schools and all academies now subscribe to Herefordshire Council's safeguarding service level agreement which funds two school liaison posts within the multi-agency safeguarding hub (MASH). In the autumn maintained, academy and independent schools across the county completed the annual safeguarding audit issued by Herefordshire Council and monitored through the Herefordshire Children's Safeguarding Board. Currently 84% of schools and colleges have made their return. The remainder are being followed up to ensure the same high completion rate as last year (97%).
24. The council has further statutory duties which include supporting the SACRE (Standing Advisory Council on Religious Education) and the moderation of outcomes in the early years and at key stages 1 and 2. The moderation of teacher assessment at key stages 1 and 2 has been undertaken by Marlbrook teaching school for the past four years.

## **Community impact**

25. Pupil performance is important because it enables young people to successfully access employment or higher education and measures progress relative to their starting points.
26. The council's corporate plan has a priority of keeping children safe and giving them a great start in life. Within this plan sits the council's approach to education and its education strategy which considers performance data at both micro and macro level, including vulnerable groups, and looks at performance over time. This informs the work of the strategy, the HSIP and framework, allowing work to be targeted appropriately. Herefordshire's children and young people's plan contains specific work to enhance the life chances of children and give them a great start in life and also provides a focus to

develop family support which can improve a child's educational development as well. The Education, Development and Skills Strategy mirrors this in its vision and includes the core purposes of safety and wellbeing, high standards, equity and a successful transition to adult life.

27. In accordance with the council's code of corporate governance, Herefordshire Council must ensure that it has an effective performance management system that facilitates effective and efficient delivery of planned services. Herefordshire Council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development, and review.

## **Equality duty**

28. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
29. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.
  30. The focus on gaps in achievement between vulnerable groups and their peers has and continues to be a key issue for Herefordshire. There have been some examples of good practice and improvement which has narrowed the gap. However, further work is required and this is taking place as part of Herefordshire's approach to school improvement and includes the Solid Roots Project for children aged 2-5 years.
  31. The Herefordshire Teaching School Alliance and the HSIP pupil premium project are leading on work with individual schools to raise standards for vulnerable groups, including for children eligible for free school meals, with assistance from the council.

## Resource implications

32. There are no resource implications associated with the recommendation. The resource implications of any recommendations made by the committee will inform the executive's response.

## Legal implications

33. Consideration of this report falls within the definition of responsibility delegated to the children's scrutiny committee as set out in part 3 section 4, of the council's constitution.
34. There are no specific legal implications arising from this report, however section 13A of the Education Act 1996 places a legal duty on the council to exercise its educational functions (so far as they are capable of being so exercised) with a view to:
- a. promoting high standards;
  - b. ensuring fair access to opportunity of education and training; and
  - c. promoting the fulfilments of learning potential by every person under the age of 20 (and persons aged 20 or over and for whom an education, health and care place is maintained).
35. The duty in section 13A applies to community schools, but not to academies. While the Council has no direct responsibility for academies, there is an expectation that there will be a relationship whereby the local authority is aware of standards and in a position to raise concerns directly with the school, or with Ofsted, if there is not a satisfactory response.
36. There are no legal implications associated with the recommendation. The legal implications of any recommendations made by the committee will inform the executive's response

## Risk management

37. There are no risk management implications associated with the recommendation. The risk management implications of any recommendations made by the committee will inform the executive's response.

## Consultees

38. None

## Appendices

None

## Background papers

None





<b>Meeting:</b>	<b>Children and young people scrutiny committee</b>
<b>Meeting date:</b>	<b>Monday 11 March 2019</b>
<b>Title of report:</b>	<b>SEND Provision Task and Finish Group - recommendations and outcomes</b>
<b>Report by:</b>	<b>Chairperson of the task and finish group</b>

### **Classification**

Open

### **Decision type**

This is not an executive decision

### **Wards affected**

(All Wards);

### **Purpose and summary**

To report the outcomes and recommendations of the Special Education Needs and Disability (SEND) provision task and finish group to the children and young people scrutiny committee. The committee will consider and approve the outcomes from the task and finish group and decide if the recommendations should be reported to the cabinet

### **Recommendation(s)**

That:

- (a) **The committee considers the report and recommendations of the task and finish group: SEND provision (at appendix 1 of this report) and determines whether to agree the findings for submission to the executive.**

## Alternative options

1. The recommendations proposed in this report represent the outcomes of the SEND provision task and finish group. If there are any additional recommendations which the committee feels should be included these can be proposed and voted upon at the meeting.

## Key considerations

2. The establishment of a task and finish group to focus on Special Education Needs and Disability (SEND) provision in Herefordshire was agreed by the children and young people scrutiny committee on 16 July 2018. The task and finish group was established to assess SEND provision in Herefordshire and the allocation of pupils with SEND to appropriate educational settings.
3. The group was formed of four members of the Council and an education co-optee for the SEND sector on the children and young people scrutiny committee. The group undertook four meetings between October 2018 – February 2019. At the initial two meetings the group learned about: legislation and processes; statistics and trends; and independent support relating to SEND. The latter two meetings of the group were witness session where the group engaged a range of individuals including a parents representative group., a former educational psychologist, a head teacher from a local special school, a head teacher from a local mainstream school and Special Education Needs Coordinators (SENCOs) from schools in Herefordshire.
4. At its final meeting the group resolved a number of recommendations, as outlined in the appendix, concerning SEND provision together with additional proposals for the executive to consider. The recommendations are proposed to the children and young people committee to consider approving for submission to the cabinet. Any response to the recommendations from cabinet will be provided to the committee in the new Council term following the elections on 2 May 2019

## Community impact

5. In accordance with the adopted code of corporate governance, Herefordshire Council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development, and review.
6. The recommendations made by the task and finish group contributes to priorities in the corporate plan to: keep children and young people safe and give them a great start in life; and secure better services, quality of life and value for money.

## Equality duty

7. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
8. If the committee agrees with the findings of the task and finish group, the report will need to be considered by the executive and, depending on their decision, due regard will need to be given to public sector equality duty. The findings of the task and finish group are intended to support and improve the SEND service. This demonstrates the council's commitment to its duty and the recommendations will improve SEND provision if adopted thereby demonstrating that the councils is being proactive in fulfilling its Equality duty.

## **Resource implications**

9. This report proposes recommendations to the executive concerning SEND provision in Herefordshire. The final recommendations agreed by the children and young people scrutiny committee will be sent the executive. In considering their response to the approved recommendations a full assessment of resource implications will be undertaken.

## **Legal implications**

10. The functions of the children and young people scrutiny committee include the powers to make reports or recommendations to the executive with respect to the discharge of any functions which are the responsibility of the executive; and to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area
11. The report of the SEND Task and Finish Group considers SEN provision in Herefordshire, the impact of the changes to the Legislative Framework with the advent of the Children and Families Act 2014 and the appropriateness of SEN provision for children with differing Special Educational Needs. The recommendations of the SEND Task and Finish Group seek to address the issues with current provision identified in the report. Consideration of this report and implementation of its recommendations would be within the remit of the Children and Young People Scrutiny Committee.

## **Risk management**

12. There are no risks associated with the recommendation and in considering its response the executive will need to assess the risks arising from the scrutiny committee's recommendations

## **Consultees**

13. None

## **Appendices**

Appendix 1 – SEND provision task and finish group report

**Background papers** - None identified





# **Task & Finish Group Report**

**Review of Special Education Needs  
and Disability Provision**

**February 2019**

## **Review of Special Education Needs and Disability Provision**

### Chairperson's Foreword

The Children and Young People Scrutiny Committee agreed the formation of a task and finish group to undertake a review of Special Educational Needs and Disability provision.

The group met on four occasions and with the expert input of officers was able to interview witnesses with a view on the provision of SEND. These included members of a parent representative group, a former educational psychologist, and Head teachers and Sencos from local schools . We stressed that we were there to listen to their views, to assess the strengths and weaknesses of the system, and produce recommendations that we felt would enhance and positively contribute to the work already being done.

We are particularly indebted to the role played by the witnesses in giving up their time and speaking freely and constructively when interviewed.

We would like to place on record our thanks to all who contributed. The manner in which officers presented a complex and technical subject with clarity and conciseness was a great assistance in facilitating the understanding of the task and finish group.

I would like to offer my own personal thanks to all who contributed to and supported the work of the group for their professionalism, dedication and hard work. In particular I would like to thank Matt Evans who has worked tirelessly in organising meetings, contacting witnesses, writing up minutes and finally in producing this very thorough report

I must also thank my fellow group members Cllr Polly Andrews, Mr Andy James, Cllr Jon Johnson and Cllr David Summers for their helpful input, incisive questions and suggested recommendations.

Councillor Felicity Norman, February 2019  
Chairperson of the SEND Provision Task and Finish Group

## 1 Executive Summary

1.1 The establishment of a task and finish group to focus on Special Education Needs and Disability (SEND) provision in Herefordshire was agreed by the children and young people scrutiny committee on 16 July 2018.

1.2 The task and finish group was established to assess SEND provision in Herefordshire and the allocation of pupils with SEND to appropriate educational settings. The scope of the task and finish group, as agreed by the committee at the meeting above, is attached as appendix 1.

1.3 The group undertook four meetings between October 2018 – February 2019. At the initial two meetings the group learned about: legislation and processes; statistics and trends; and independent support relating to SEND. The latter two meetings of the group were witness sessions where the group engaged a range of individuals including members of a parents representative group, a former educational psychologist, a head teacher from a local special school, a head teacher from a local mainstream school and Special Education Needs Coordinators (SENCOs) from schools in Herefordshire.

1.4 The group examined evidence of the allocation of children to special schools. Whilst it was noted that there were incidence of inappropriate allocation and examples of children who were in the wrong educational setting the group did not consider that the issue was widespread across Herefordshire. Due to the small size of special schools in Herefordshire and the relatively low number of special school places the group were assured that where a child is wrongly placed in a special school this is challenged by the leadership of the school. The group felt that there may be a perception among some parents and groups that children were allocated to inappropriate settings. Such perceptions could be the result of no designated Autistic Spectrum Disorder (ASD) school in Herefordshire or a lack of awareness surrounding SEND provision and a lack of involvement in decision-making in determination of the needs of children (co-production). It is important that such perceptions were challenged by ensuring understanding and awareness of issues relating to SEND provision and meaningful involvement in co-production. The provision for SEND in mainstream schools also required a quality and consistency to ensure confidence on the part of parents that need could be met in the mainstream setting.

1.5 The group considered methods that were required to ensure parents/carers and professionals had a good understanding of: the legislation; local authority processes and responsibilities; thresholds; and the importance of co-production. Support services for children and young people and their parents were recognised as a valuable element of the SEND landscape which needed to be nurtured and protected. The group's considerations and recommendations focused on the following:

- Increasing awareness of legislation, processes and responsibilities in respect of SEND.
- Support for the principle of inclusion and increasing confidence on the part of parents/carers that needs can be met in mainstream settings.
- Increasing parental involvement and co-production in processes and decision-making around SEND assessments and provision.
- Support for independent advice and support services.
- The development of engaging forms of communication for parents/carers on topics relating to SEND provision.
- Consistency in identification of SEND.
- SEND and areas of relative deprivation.
- Engagement between the council and local interest groups.

- Training for practitioners and school staff.
- Process and practice in relation to Education and Health Care (EHC) Plans.
- Interaction between different agencies with responsibilities for children and young people wellbeing.

1.6 There is agreement in the group that the summary of our findings are a true reflection of the discussions undertaken which can be condensed into 13 topics. The recommendations focus on:

1. Accessibility plans
2. Information to parents following initial assessment of SEND
3. Advice, support and communication
4. Quality of assessments, consistency of identification and SEND type
5. Guidance on meeting SEND through an appropriate and proportionate range of interventions
6. Dispute resolution in joint commissioning arrangements
7. Areas of deprivation and SEND identification
8. SEND information, advice and support service (SENDIASS)
9. Engagement with the Parent Carer Voice (PCV)
10. EHC Plan advice
11. Multi-agency attendance at annual reviews of EHC Plans
12. SEND continuous professional development
13. Multi-agency mapping and child-centred team

## 2. Composition of the Task and Finish Group

2.1 Members of the task and finish group were:

Councillor Felicity Norman (chairperson)  
 Councillor Polly Andrews  
 Mr Andy James  
 Councillor Jon Johnson  
 Councillor David Summers

2.2 Lead directorate officers – Lisa Fraser and Les Knight

## 3 Context

### Why did we set up the group?

3.1 The Children and Families Act 2014 introduced wide-ranging changes to the organisation and arrangement of special education needs and disability (SEND) provision. Since the introduction of this legislation there have been claims that the number of children with SEND, allocated to inappropriate forms of educational provision, has increased. It has been contended that children with moderate needs are too readily admitted to schools offering specialist SEND provision when their education and development would be better served in mainstream educational establishments with SEND support. The claims maintain that the consequence of this trend has been a detrimental impact on the principle of inclusion and the broader educational and development needs of all pupils in the county.

3.2 This review examined claims that children were too readily admitted to inappropriate forms of SEND provisions in greater detail and assessed the introduction of the new legislative requirements and the impact on SEND provision in Herefordshire.

### What were we looking at?

3.3 The focus of the review was to enable the task and finish group to:

- develop a detailed understanding of SEN provision across Herefordshire;
- gain an awareness of the legislative context for SEN provision, including guidance and codes of practice (and local interpretation). Including local policies and practices;
- examine the introduction of new legislative requirements included in the Children and Families Act 2014;
- develop an understanding of the processes around Education, Health and Care Plans (EHC Plans) and assessments of need in educational provision;
- examine trends and statistics relating to children with EHC Plans and consider national and regional comparative data;
- examine how the Council co-ordinates EHC Plan assessment /SEN provision with Academies and Free Schools
- develop an understanding of and assess Herefordshire's Local Offer;
- examine evidence to establish whether Herefordshire children with SEN are being allocated to an appropriate educational setting; and
- test the contention that children with moderate needs are allocated to specialist SEN schools which are not appropriate to their level of need.

3.4 Through the review the task and finish sought to establish:

- Assurance that children with SEN are allocated to appropriate educational settings;
- Assurance that the development and educational needs of all children in Herefordshire is met by local SEN policy and practice; and
- Assurance that the Local Offer provides good access to information for parents to raise awareness of EHC Plans and SEN Provision.

### Who did we speak to?

3.5 Between October 2018 – February 2019, the group convened four meetings and engaged the following officers and witnesses:

- Les Knight, Head of Additional Needs
- Lisa Fraser, Assistant Director Education, Development and Skills
- Richard Watson, Children's Joint Commissioning Manager
- Chris Boxall, Team Manager, SENDIASS
- Catherine Williams, Senior SEN Officer
- Head teachers – special school and mainstream school
- SENCOs from local schools
- Representatives from the Parent Carer Voice
- Former principal educational psychologist

### What did we read?

3.6 The group looked at the information below to undertake this review:

- Presentation 1 – SEND – Legislative and Policy Context – 19 October 2018

- Presentation 2 – SEND – Trends and Statistics – 19 October 2018
- Herefordshire IASS report – 2018
- Presentation 3 – SENDIASS – 14 December 2018
- SENDIASS report 2014 – 17
- Evidence from the Parent Carer Voice – 18 January 2019
- The consequences on inclusion of recent legislation on the education of children with special education needs – article from Dr Lorna Selfe December 2018
- Special Education Needs Provision – evidence from Dr Lorna Selfe
- Witness submission from former employee of Independent Support

### What did we ask?

3.7 In order to undertake the review the task and finish group agreed the lines of questioning below:

- Has the number of children in specialist SEN schools increased since 2014? Is this in proportion to population growth in the county? Is it consistent with regional/national trends;
- Has the number of children with SEN in mainstream schools increased? Is this in proportion to population growth in the county? Is it consistent with regional/national trends;
- Has the proportion of children with EHC Plans increased, what has been the trend since 2014;
- What have been the consequences of the transition to EHC Plans under the Children and Families Act 2014;
- How is the appropriate SEN provision for a child assessed? Does an assessment carried out in an EHC Plan determine the educational establishment to which a child with SEN is allocated; and
- Does the information contained in the Local Offer raise awareness of appropriate provision for children with SEN to their parents; and
- Are parents aware of the Local Offer and does it enable them to understand EHC Plans; the allocation to SEN provision and consequences of such allocation.

### What did we find from our research?

#### LEGISLATIVE AND POLICY CONTEXT

3.8 The group learned of the SEND Code of Practice 2015 and the statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations. The provisions of the guidance applied to a wide range of bodies including LAs (education, social care, housing), CCGs, health trusts, youth offending, governing bodies/proprietors of all educational settings and covered an age range of 0-25 years.

3.9 The definition of Special Educational Needs (SEN) contained in the act was: a child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- has a significantly greater difficulty in learning than the majority of others of the same age, or

- has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age.

3.10 The definition of SEN and learning disabilities was read in conjunction with the definition of Disability (a protected characteristic) in the Equality Act 2010. Disability was a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities.

3.11 The group learned of inclusive practice and Articles 7 and 24 of the United Nations Convention of the Rights of Persons with Disabilities which binds the UK government to provide inclusive education of disabled children and young people (CYP) and work to ensure the progressive removal of barriers to learning and participation in mainstream education. The Children and Families Act 2014 secures the general presumption in law of mainstream education in relation to decisions about where children and young people with SEN should be educated. Where a young person has SEN but does not have an EHC plan they must be educated in a mainstream setting except in specific circumstances.

3.12 Arrangements for the admission for pupils with SEND were researched by the group. The School Admissions Code of Practice required children and young people with SEN to be treated fairly. As such, admissions authorities: must consider applications from parents of children who have SEN but do not have an EHC plan; must not refuse to admit a child who has SEN but does not have an EHC plan if they do not feel able to meet need; and must not refuse to admit a child on the grounds that they do not have an EHC plan. Further it was understood that the Equality Act 2010 prohibits schools from discriminating against disabled children and young people in respect of admissions for a reason related to their disability.

3.13 The group learned of the Core Principles of Participation, as contained in Section 19 of the Children and Families Act 2014. The section required that the views, wishes and feelings of the child or young person, and the child's parents would be taken into account during decision making. In addition the section emphasises the importance of the young people and parents participation in decisions as fully as possible and being provided with the information and support necessary to enable participation in those decisions. These are key principles throughout the statutory guidance which also include a requirement for local authorities to arrange for the provision of information and advice relating to their SEND. The core principles also require local authority support for early identification of children and young people's needs and early intervention to support them; greater choice and control for young people and parents over support; collaboration between education, health and social care services to provide support; and high quality provision to meet the needs of children and young people with SEN

3.14 The group developed an understanding of SEN Provision. For children aged two or more, special educational provision is educational or training provision that is additional to or different from that made generally for other children or young people of the same age (Section 21 of the Children and Family Act 2014). For a child under two years of age, special educational provision means educational provision of any kind. The section requires that local authorities must ensure that all providers delivering funded early education places meet the needs of children with SEND.

3.15 With respect to identification and assessment, education settings must use their best endeavours to ensure that such provision is made for those who need it. The principle exists that special educational provision is underpinned by high quality teaching and is compromised by anything less. Education settings: must ensure that children with SEN engage in the activities of school alongside children who do not have SEN; must designate a qualified teacher to co-ordinate SEN provision; must inform parents when making special educational provision; and must keep records including how the setting supports pupils with SEND. In

addition all educational settings should identify and assess SEN through an ongoing cycles of 'assess-plan-do-review' using the existing delegated funding to meet need.

3.16 The group learned of the requirements on the local authority to identify need. Through the Children and Families Act 2014 local authorities must carry out their functions with a view to identifying all the CYP in their area who have or may have SEND. Anyone has the right to bring a CYP who they believe has or probably has SEN or a disability to the attention of a local authority and parents, early years providers, schools and colleges have an important role in doing so. Also CCGs, NHS Trusts and other relevant bodies must inform the appropriate local authority if they identify a child under compulsory school age as having, or probably having, SEND.

3.17 The group gained an understanding of the statutory assessment beginning with the decision to assess. Parents, young people, schools and colleges have specific rights to request an assessment for an EHC plan. The legal test of when a child or young person requires an EHC plan is the same as for a statement under the Education Act 1996. A local authority must conduct an assessment of EHC needs when it considers that it may be necessary for special educational provision to be made. Recent tribunal judgement 'rough and ready rule' threshold is the same point as where additional funding is needed. The local authority must notify the young person, the parent, CCG or NHS England, social care; school/setting to say it is considering an assessment. The assessment operates within the statutory timescales and determines if an EHC Plan is required.

3.18 If the statutory assessment determines that an EHC Plan is required then the local authority must notify all parties of the decision. It must ensure that the child's parent or the young person is fully included from the start and know their rights to give views and appeal decisions. Local authorities must provide all children and parents, with **impartial** information, advice and support in relation to SEN to enable them to take part effectively in the process.

3.19 Section 37 of the Children and Families Act 2014 concerns Education, Health and Care Plans (EHC Plans). The group learned that the local authority must consider how best to achieve the outcomes sought based on assessment. EHC Plans must have following sections: Views/aspirations of CYP; child's SEN; health needs; social care needs; outcomes sought; SEN provision; health provision; social care provision; placement; and personal budget. The draft Plan does not name the setting but there was a need to consult with a setting identified as appropriate before it was included on a Plan. The parent or child has the right to request that the setting is named in the EHC Plan, and local authorities have a duty to name that setting in the final EHC plan unless, following consultation with the institution, the local authority determines that it is unsuitable for the young person's age, ability, aptitude or SEN, or that it would be incompatible with the efficient use of resources or the efficient education of others. The local authority must review that plan as a minimum every twelve months. Schools must co-operate with the local authority which can require schools to convene the annual review on its behalf.

3.20 The group reviewed the SEND Local Offer which is available through the following weblink: [www.herefordshire.gov.uk/info/200228/local\\_offer](http://www.herefordshire.gov.uk/info/200228/local_offer). The group developed an understanding that local authorities were required to publish a local offer which must contain information about provision they expect to be available across education, health and social care for children and young people with SEND. It must include provision outside the local area that the LA expects to be used by children and young people with SEND. In total the local offer covers 108 specific requirements as specified in the SEND regulations from 2014. The group learned that the local offer must also include eligibility for services, provide detail of where information, advice and support could be found and detail how to make complaints about provision or appeal against decisions. In developing the local offer the local authority must be collaborative and involve parents and children and young people in its production. Local

authorities and partner agencies must cooperate with each other in the development and review of the Local Offer and the local authority must publish comments received on the Local Offer annually. Schools must also publish a SEN 'information report' describing their offer of provision on their website.

## STATISTICS AND TRENDS

3.19 The group learned of statistics surrounding SEND provision in Herefordshire:

Proportion of school population on SEN support – Herefordshire was 3% above national in 2014, 4% above in 2018. The county was the highest in statistical neighbour group every year from 2014-2018. This suggests that Herefordshire schools maybe over-identifying SEND relative to other local areas. The percentage for Herefordshire has recently reduced to 14.6% which brings it closer to the median for statistical neighbours.

Total number of statutory plans – The total number of statutory plans (Statements and EHC Plans) includes those in post-16 and has risen from 623 in 2014 to 903 in August 2018. Although there has been an increase in numbers nationally, Herefordshire's rate of growth is faster.

Proportion of school population on statutory plans – Herefordshire was below national average until 2016, rising above the national average by 0.2% in 2018. Middle of statistical neighbour group until 2017, above by 0.3% in 2018. Each plan carries a financial tariff and continuing increase in demand places a pressure on the High Needs Block of the Dedicated Schools Grant.

Referral for new EHC Plans – The number of referrals rose to a peak in 2016 and has reduced slightly since. It is important to note that this has a cumulative effect on the total number of plans and demand on high needs funding.

SEN Need Type – all SEN mainstream – Herefordshire's incidence differs from the national average most significantly relating to: autistic spectrum – lower; moderate learning disability – lower; specific learning disability – higher; other – higher; and severe learning disability – lower. It is likely that autism and moderate learning difficulty are under-identified whereas specific learning difficulty is over-identified with 'other' being over-used.

Herefordshire - All Special Schools: LD and SEMH – There has been more than 50% growth in numbers at special schools in Herefordshire over the past 10 years. Although there has been growth in special school numbers nationally, the rate of growth in Herefordshire has been more rapid. From a position of relatively low numbers in special schools, Herefordshire is now in line with national but lower than statistical neighbour averages. One hypothesis is that mainstream schools are struggling to meet relatively complex needs in an environment of curriculum, performance and financial challenges.

Herefordshire LD Special School Places 2008-2018 – The number of places had risen from 159 to 264 over the period. Factors in the growth of LD special schools have been the opening of the Barrs Court Hub which provided 35 additional places which were quickly filled in 2012-13. The better survival rate of children with significant medical needs are also a further factor. LD special schools are at capacity in most age groups.

Herefordshire SEMH Places – The number on roll had been reasonably consistent until 2014. Since then, numbers have risen rapidly. Herefordshire has double national/statistical neighbour rate for SEN Need type in special schools. The SEMH special school is at capacity in most age groups and the KS3 PRU has taken pupils with EHC Plans who would previously have attended the SEMH special.

SEN Type of need – EHC Plan in special schools – In Herefordshire compared to national average and median for Sub National areas: Speech language communication – lower; Autistic Spectrum – lower; SEMH – higher; Moderate LD – lower; Specific LD lower; and Severe LD – higher. There is a higher incidence in SEMH and LD for which Herefordshire has designated schools and lower for autism which it does not.

% of special school places 2018 – The percentage of places in special schools as a proportion of all school places in Herefordshire is in line with the England average but higher than statistical neighbours. There are considerable differences in the distribution of type of need compared to national and statistical neighbours with Herefordshire having a higher proportion of LD and SEMH and a lower proportion of ASD. The designation of the special schools is likely to influence this (i.e. no ASD school).

### SEND Information, Advice and Support Service (SENDIASS)

3.20 The Group learned that section 19 of the Children and Families Act 2014 concerned the participation of parents/carers and Children and Young People Participation. Local authorities must have regard to the views, wishes and feelings of the child and his or her parent, or the young person. The section outlines: the importance of the child and parent or the young person, participating as fully as possible in decisions; the importance of the child and parent, or young person being provided with the information and support to enable participation in decisions; and the need to support the child and parent or the young person, to achieve the best possible educational and other outcomes.

3.21 The SEND Information, Advice and Support Service (SENDIASS) was established following the introduction of the SEND Code of Practice July 2014. The Code of Practice stated that the service must: be built upon existing Parent Partnership Service; be a dedicated and easily identifiable service; and be impartial, confidential, arms length and accessible. The service offers: impartial information, advice and support on all matters concerning SEND including Health and Social Care; provides advice to people between the ages of 0-25; and enables young people to receive information, advice and support separately from parents. The service does not seek to act as an advocate but as an empowerment service which represents the views of parents/carers, children and young people to feedback to the local authority.

3.22 The service provides support for children and young people with SEN and a disability and their parents/carers. Support is provided through the following mediums: telephone helpline; face to face meetings; information factsheets; website; email; and signposting. With respect to special education needs support in the following areas is provided by the service:

- Local policy and practice
- The local offer
- Personalisation and personal budgets
- Education law on SEN and related law on disability, health and social care through suitably independently trained staff
- Helping children, young people and parents / carers to gather, understand and interpret information and apply it to their own situation
- Provision of advice through individual casework.
- Role of the SENCO (Special Educational Needs Co-ordinator) / Area SENCO
- Education, Health and Care Needs Assessment
- Annual Review
- SEND Funding
- Mediation / Tribunal
- Jargon busting

## What did we find from talking to Officers and Witnesses?

### Officers

3.25 The group discussed the relationship between schools and the local authority and how the council coordinated with educational settings. It learned that the accessibility strategy outlined access arrangements for schools and contained information for the additional needs team, capital planning, parents and schools regarding how access can be improved for disabled pupils to curriculum, physical environment and to information. It was confirmed that the strategic plan required updating and the group was keen this was undertaken as a priority in the Children with Disabilities Strategic Action Plan 2019-2020.

3.26 The group acknowledged the complexity of SEN legislation and policy and the important role of SENDIASS in providing advice and support. It was recognised that such complexities presented challenges to parents to understand the system and how their children would be supported. Parents also needed to be engaged in decision making around their child and the group felt that the family conversation was an important early step to encourage and harness participation. If a school had concerns about a child and thought that they required an EHC Plan, the first stage was a family conversation which the school would undertake. The family conversation was undertaken routinely however it was felt that families sometimes did not understand its significance or the importance co-producing the plan until later. It was noted that SENDIASS was intending to work with schools with respect to arrangements for the family conversation. The group supported this work and felt that the family conversation was a good, early opportunity to provide information to parents e.g. a simple form setting out the legislation, the process followed and their rights.

3.26 The group received detail of joint commissioning arrangements with the CCG and the need for a dispute resolution process in such arrangements.

3.27 The group considered the level of EHC Plans in Herefordshire and the proportion of pupils receiving SEN support. There were concerns that some schools were over-identifying but a group of primary schools that had been considered to have been over-identifying had achieved positive outcomes for the children. The group considered that consistency of identification of SEND across all schools was important to ensure that parents expectations of the process and possible outcomes, as understood through advice provided, were met. It was noted that previously the additional needs service had contained sufficient resource to challenge over-identification in detail but resource reductions had affected capacity and the ability of the service to carry out this work.

3.28 The group discussed a perception that the number of pupils registered as SEN was generally higher in areas of relative deprivation and there was concern about awareness and support in such areas to ensure that parents were apprised of policies and processes.

3.29 The group considered the type of SEN need specified in EHC Plans for pupils at special schools and understood that there was a tendency in all local areas for EHC Plans to be written to meet the provision and the facilities that existed locally. Statistics concerning the SEN Need Type in mainstream schools presented to the group contained a high level of 'other' need type. This was a concern for the group as it could suggest that there was over or misidentification taking place. The absence of an ASD school in the county and the impact this had on SEND need type statistics was understood, with a lower level of ASD reported in Herefordshire. The group recognised that ASD needs were met in other settings such as the SEMH and in mainstream schools but due to the absence of a designated educational setting for ASD the perception could be that children with autism were not correctly placed.

3.30 The group highlighted the potential for a video to provide information on the legislative elements of SEND and the processes to assess and determine appropriate provision. The group understood that the Council had considered purchasing an animation but this had been considered to be too expensive. It was commented that the use of an animation may not be the most effective method of conveying information to parents but a video with an individual speaking directly to parents should be considered.

3.31 The group learned that the specification of the educational setting in the EHC Plan was a potentially contentious area. Schools sometimes explain that they were not able to provide the necessary support. It was understood that schools should be inclusive of all pupils however this was difficult to monitor and challenge. There was a challenge to the additional needs team with local rumour suggesting schools considered to provide good SEND support and schools were feeling penalised that they were receiving a high level of SEND pupils. School budgets were adjusted to take account of the proportion of SEND pupils but often there was concern that the extra money would not cover the costs. It was understood that outcomes were of primary importance and, with the exception of Key Stage 1, SEND pupils were achieving positive outcomes.

3.32 The group felt that the local offer consisted of a list of detailed and extensive information. It was felt that the presentation of the information contained in the local offer could be improved and it was suggested that webinars should be considered.

## WITNESSES

*Parent Carer Voice – the detail below is an edited summary of the evidence presented by the parent carer voice. The full submission of evidence presented by the parent carer voice is available on request from the children and young people scrutiny committee.*

3.33 Witnesses from the Parent Carer Voice (PCV) spoke to the group about its formation and its role to support parents to be effective advocates on behalf of their child. The PCV explained that research conducted by the group had determined that to thrive and survive in the education system and in life, every child, not just children with SEND, will need their parents and carers to go to unreasonable lengths on their behalf.

3.34 The PCV explained that genuine co-production was not a new concept but was very difficult to achieve in practice. In order for the local authority to engage effectively with the voluntary sector it had to abandon the rigid, bureaucratic systems and structures that they traditionally hide behind and work in different ways, which was very challenging. Participation was the key to co-production; it was not a “done to” approach. Parents of children with SEND told PCV that they feel “done to” and that SENDIASS does not always give them the support they need when they have to challenge the system. With the closure of the Independent Service (IS) to support parents in July 2018, PCV explained that SENDIASS now has to work very hard to build credibility; the number of parents requesting support has dropped; PCV members have some concerns over Independent Parental Special Education Advice (IPSEA) training or legal knowledge in the service. PCV explained that SENDIASS numbers could hypothetically double in 2019 and questioned if they have the capacity to cope?

3.35 With respect to EHC Plans the PCV explained that parents had told the group that even when things are clearly set out in their children's EHCP plan as necessary/essential by well-respected and qualified specialists and professionals, they were told by other professionals that there is no funding. Further parents explained that they had been told that if they insist and persist in their legitimate advocacy on behalf of their own child, then another child will suffer because they won't get the service that they need.

3.36 The PCV averred that the most challenged, marginalised, and the poorest, are the least well versed in challenging the system, and the children from such families were the most vulnerable. PCV works with some of these families but it was explained that more needed to be done to expand services and increase contact. Hereford has some very severe pockets of deprivation IMD's that equate with those in inner cities, and access to services is hugely challenging for some families with children with SEND. This is where PCV had to work with advocacy services like the Independent Service (IS) which has just had to close down as the funding stream ended, and SENDIASS. In the survey conducted by PCV of members it was found that there was very heavy usage of IS. It was seen as a truly independent service offering information and advice from a national perspective with a member of staff who would get out and about meeting the parents where they were most comfortable accompanying them through many difficult and challenging processes. The service was particularly effective with parents who were disadvantaged, confidence sapped, stigmatised, and poor. It was felt that more of this kind of advisory, advocacy and support work was required as public sector continued to be cut. It was explained that the local authority needed to build capacity and train all relevant staff including SENCO's in schools social work disability team and parent volunteers and Homestart volunteers in Independent Parental Special Education Advice (IPSEA).

3.37 The PCV explained that schools appeared to have their own very individualistic thresholds in terms of accepting children with SEND which was a national, as well as a local problem.

3.38 The need for earlier diagnosis was raised by the PCV and substantive concerns about Education and Health care plans (EHC) for children under five. It was explained that the most effective local authorities accept that the legislation states that Early Intervention is crucial, when a child has SEND, government has specifically designed schemes like the two year old offer, the 3/4 year old part time offer, and the 30 hour full time offer for children of working parents, with sufficient flexibility to ensure that the most vulnerable children can access the best provision and early support. In Herefordshire the PCV stated that EHC Plans are seen as a prerequisite almost exclusively for school-aged children so that they can be properly catered for, in the right environment, with adequate resources and support for their educational needs. This means that in Herefordshire the private and voluntary sector (PVI's), where these same children are educated and cared for from two years to nearly five years, are getting a very poor deal from the local authority and government it was claimed by the PCV. It was felt that one of the great injustices in Herefordshire is that many PVI's are working with some of the most challenged children in relatively poor conditions, with very under qualified and poorly paid staff and offering a year round service throughout school holidays. The PCV contented that SENCO's in these establishments do not receive any additional remuneration for the task, they do not get any non - contact time to undertake and write up assessments etc. and receive minimal (one days training); unlike SENCO's in schools who get non-contact time, appropriate remuneration and 'M'Level qualifications funded by the school/government. It was explained that many PVI settings are trying to do a good job, and have dedicated staff teams that are well supported by the council's early years team whose budgets have been severely cut whilst the number of children with SEND has radically increased locally and nationally. It was felt that PVI operational budgets were tiny in comparison to schools and yet they are working with the same children, only younger, and that much more vulnerable and therefore requiring higher staffing ratios.

3.39 The PCV explained that the delays in accessing speech and language therapy were still a cause of significant concern with PVI settings reporting, in September 2018, 12 month waiting times. Concerns were also explained relating to the Herefordshire CAMHS with no access for children under the age of 5.

3.40 The PCV felt that large numbers of children with SEND were now being home schooled because they are not offered appropriate provision or parents are told that the school isn't suitable to meet their need.

3.41 The PCV contended that the big increase in SEND numbers meant that the local authority currently has a very significant lack of therapists; physiotherapy, OT, disability nurses, school nurses, SALT. Families are being told that waiting lists will be very long and if they experience delay or difficulties they should go privately. Clearly most parent could not afford to do this. For Example; a Family of a child with significant special needs had a 2 year wait for OT assessment. The parents paid privately to ensure child's OT needs were specified in his EHCP. The local service assessed him at 0.5 centile for his fine motor skills but then discharged him with no support being put in place .No appeal process - only advice was to request another referral which would start the cycle all over again!

3.42 The PCV explained that there is a difficulty in families using the LOCAL OFFER and WISH .Information in links is inaccurate and misleading some parents have never heard of it and schools are not routinely sharing this information

3.43 The PCV felt that many families with children with EHCP's are still not aware of short breaks and possible entitlements. Families do not understand the difference between healthcare plan and EHCPs and there seem to be no funding to support them -since April 2018 reduced budgets for schools from the HIGH NEEDS budget has had a huge impact on schools provision for children with EHCPs and schools attitudes to these children and their families .Professionals are not writing detailed enough EHCP reports and parents find it hard to insist that the EHCP is specific.

*Former Educational Psychologist - the detail below is an edited summary of the evidence presented by the witness. The full submission of evidence presented is available on request from the children and young people scrutiny committee.*

3.44 The group heard from the former educational psychologist who presented evidence of the impact on SEND provision of changes in legislation, in particular: academisation; the emphasis placed upon school league tables and the effect of the Equalities Act 2010; the Children and Families Act 2014; and the Elective Home Education guidelines for local authorities.

3.45 It was felt that legislative changes coupled with funding reductions during the period of austerity had resulted in:

- Schools in competition rather than cooperating
- Drastically reduced oversight from the LA in the development or maintenance of SEN provisions in mainstream schools
- Rising exclusions of pupils with SEN
- Many more parents of children with SEN electing to educate their child at home without any monitoring or guidance
- Local Authorities with drastic budget cuts and extended responsibilities
- No real incentives in mainstream schools to support children with SEN
- The disappearance of special units in mainstream schools
- The expansion of segregated special school provision
- More and more children with moderate learning difficulties being placed in severe learning difficulty provision
- Pressure on the LA to make use of existing provision for many more pupils resulting in 'catch all', 'sin bin', type provision sometimes euphemistically termed 'broad spectrum'

- The most vulnerable children in our community being educated alongside the most disadvantaged. This is bad for both.
- The loss of the principle of inclusion in education.

Previous employee of Independent Support (IS) - *the detail below is an edited summary of the evidence presented by the witness. The full submission of evidence presented is available on request from the children and young people scrutiny committee.*

3.46 The group received evidence from a former employee of IS who explained that in her experience schools and Early Years settings are generally good at identifying children with SEND. Early Years Settings are well supported by the Early Years Team, numerous cases were known where children with SEND had been identified pre-school which has enabled a smooth and appropriate transition to the primary setting with appropriate support in place. However there were pockets where this is not the case and some parents report having to really fight to get their child's needs recognised and addressed. Whilst the identification of some children with SEND is very good when it comes to children who present with more subtle forms of SEND it was explained that this can be more challenging. Children who present with conditions such as Autistic Spectrum Disorders (ASD), Attention Deficit Hyperactivity Disorder (ADHD) and Oppositional Defiance Disorder (ODD) tend to be identified much later in their school career.

3.47 The witness contended that even with an excellent EHCP in place, the Plan is only as good as those professionals that are delivering it. Whilst some schools are very diligent about the delivery of provisions contained within EHCP's others are less so. It was contended that it must become a priority for schools to ensure that for those children with EHCP's or SEN Support all members of staff that work with them must acquaint themselves with the needs and provision that has been identified within the EHCP's so that the required outcomes can be achieved and the child can make progress. As with everything there are pockets of excellent practice but equally there are many areas that could be improved. There were also concerns at times regarding the Annual Review Process and it was felt that if some benchmark standards for Annual Reviews and the involvement of children/young people were set across the board in schools.

3.48 In the witness submission it was also asserted that there is sometimes an issue with the quality of the application paperwork (known as the Family Conversation) that is submitted to the SEN team to request a Statutory Assessment. In order for the SEN team to make an informed decision as to whether to proceed with an EHCP assessment it is vital that they receive a good quality Family Conversation with supporting evidence such as details of diagnosis, standard assessments, Educational Psychology input etc.

#### School head teachers and SENCOs

3.49 The group heard from a head teacher of a local special school that incidence of children allocated to the wrong educational provision were known but this was not felt to be a significant problem. It was explained that where such an allocation occurred it was challenged strongly. In special schools there was a keen sense of the need for children to be within their peer group.

3.50 The group heard that the annual review of EHC Plans was usually only attended by the pupil, the family and the school. There was rarely attendance at the annual review from multi-agency partners who were listed on the Plan. It was acknowledged that written submissions were provided by multi-agency partners but there was a greater role for them to play at the annual review.

3.51 The witnesses provided detail to the group that the consultation on the graduated response should be highlighted and shared more widely particularly with smaller schools. There was a need to undertake greater publicity around the current consultation.

3.52 The group heard evidence from the witnesses that curriculums were now more academically-focused with a lack of vocational courses on offer. This was felt to be to the detriment of the principle of inclusion and limited the opportunities to all pupils including those with SEN.

#### 4. Summary of our findings

##### 4.1 Accessibility Plans

The Group learnt that under Articles 7 and 24 of the United Nations Convention of the Rights of Persons with Disabilities the Council had an obligation to ensure inclusive education of disabled Children and Young People and the progressive removal of barriers to learning and participation in mainstream education. To identify and overcome barriers the Council must complete an accessibility strategy. This will outline access arrangements including information for the additional needs team, capital planning, parents and schools regarding how access can be improved for disabled pupils to curriculum, physical environment and to information. There was a need to update the draft accessibility strategy but in order to achieve this officer resource/time needed to be identified. Work to ensure that accessibility plans are brought up to date will enable the improvement of the provision offered to all children with disabilities in Herefordshire schools.

##### 4.2 Information to parents following initial assessment of SEND and tell us once approach

The Group felt that the rights of the parents and responsibilities of the schools and the local authority should be communicated to parents at an early stage following the initial assessment of SEN in the educational setting. The Group felt that this would help the Council to meet its obligations under Section 19 of the Children and Families Act 2014 relating to the participation of parents in decision-making around their child's level of need and provision identified. The communication should be user-friendly and should set out relevant legislation, the process that would be followed and their rights as parents. It was understood that work to produce such material was ongoing and a priority that the additional needs team would be working on in future. The Group noted that complaints from parents could concern the lack of co-production in decision-making over SEN and the development of EHC Plans. Initial correspondence sent to the parents and material used at the family conversation should emphasise the importance of co-production and encourage the involvement of parents in decision-making.

An increase in the level of awareness of parents/carers, at an early stage in the identification of SEND, will enable a greater understanding of what SEND provision existed in Herefordshire and what may be appropriate to meet the needs of children. This would help involve parents in co-production and the identification of appropriate educational settings.

The Group heard account from the PCV that there was frustration when parents were required to repeat their child's circumstances to multiple organisations or in different meetings. The Group was keen that the executive investigate the establishment of a 'tell us once' approach which allowed for detail of SEND to be held centrally and accessed by all practitioners in the SEND sector when working with parents and carers.

##### 4.3 Advice, Support and Communication

The Group considered effective methods of presenting complex information concerning SEND legislation, the rights of parents and responsibilities of the local authority. There was concern that the presentation of information in written form only would not be read by parents and carers

The Group highlighted the potential for a video to provide information on the legislative elements of SEND and the processes to assess and determine appropriate provision. It was understood that previously the purchase of an animation, as a learning tool, had been considered but the cost had been considered prohibitive. The Group were keen that the option of a video was re-evaluated to ensure that parents and carers had access to information in an accessible and user-friendly medium. The Group also raised the possibility that a recorded webinar could be made available as a resource and that examples of best practice at other local authorities should be investigated.

The Group felt that effective communication to parents of legislation, their rights and the responsibilities of the Council would assist in ensuring that children were allocated to educational settings that were appropriate to their needs.

#### 4.4 Quality of assessments, consistency of identification and SEND type

The Group learnt of concerns about level of SEND identification referrals from schools and the insufficient capacity to evaluate the quality of identification of SEND in educational settings. Statistics concerning the number of children identified existed and the Group had concerns that some schools were over-identifying. The Group considered that consistency of identification of SEND across all schools was important to ensure that parents' expectations of the process were fulfilled. It was understood that some schools used SEND identification as an additional needs register where all barriers to learning were identified (rather than just SEND) and pupils were provided with plans and support to progress but they did not necessarily fit the definition of SEND in the SEND Code of Practice (national statutory guidance). The Group understood that previously the Additional Needs Service had officers to monitor and challenge those schools which it was felt were over-identifying pupils as SEND or were inaccurately identifying types of need.

The Group acknowledged that the outcomes for children were of central importance. It was recognised that some schools who had a history of identifying a large proportion of students as SEND achieved good outcomes for those pupils. However, to promote consistency of identification among schools and ensure there was a parity in the expectations of parents of the SEND process it was requested that issues of over-identification should be raised in an appropriate forum and schools with a high rate of identification encouraged to review their processes. The Group felt it was important to avoid the perception in the local community that there was a greater likelihood at some local schools of an assessment of SEND for children.

The Group learnt that the school census requires schools to identify type of SEND for pupils enrolled in school. The section to complete regarding type of need contained an 'other' category. A high number of pupils were identified as 'other' in the census which was a concern for the Group who felt that identification of need was not being properly considered for a large group of pupils. The census is a national system which cannot be changed but guidance can be added locally.

The Group felt that to ensure the substantive recording of SEND in Herefordshire and to assist in the compilation of statistics, showing the distribution of types of SEND, schools who regularly used the 'other' category should be challenged.

#### 4.5 Guidance on meeting SEND through an appropriate and proportionate range of interventions.

The Group understood that there are different approaches to addressing SEND in schools. The ethos of the school in terms of how flexible and inclusive it is results in different outcomes for children. The Group felt that materials should be compiled setting out the various approaches that can be employed at local schools and indicating where these methods were beneficial to supporting certain types of SEND. An example of literacy and reading difficulties that were considered as SEND at one school could be overcome at another school through the method of teaching employed. It was explained that the educational psychology service had already drafted a 'graduated response' document with the aim of addressing this issue. This document was currently at the stage of consultation with schools. Where research exists, the interventions described should be evidence-based.

During the witness session involving local head teachers and SENCOs it was reported that schools were not aware of the current consultation on the graduated response. The group felt that work should be undertaken to promote the current consultation.

The Group felt that the finalisation of the graduated response document should be expedited to assist parents/carers to understand the best approaches to address SEND and identify those educational settings best suited for their children.

#### 4.6 Dispute resolution in joint commissioning arrangements

The Group recognised the duty on the Council under Section 26 of the Children and Families Act 2014 to promote the integration of educational provision, with health provision and social care provision. The Joint Commissioning arrangements in place with the Clinical Commissioning Group (CCG) were noted by the Group and the co-ordination between children's and adults services at the Council to ensure that there were no gaps in the transition to adulthood. Under the requirement of Section 26 there was an obligation on those partners to joint commissioning arrangements to establish a mechanism for the resolution of disputes. The Group was informed that the finalisation of such a procedure with the CCG had not yet been completed. It was important that the procedure took account of the resolution of disputes concerning individual cases and broader policy matters. To ensure that joint commissioning arrangements were robust and any disputes over the joint commissioning of SEND services resolved promptly the Group asked that partners involved in arrangements expedite the completion of a dispute resolution process.

#### 4.7 Areas of deprivation and SEND identification and support

The Group understood that proportions of SEND pupils was higher in deprived areas. High needs spending and SEN support at schools in deprived areas was generally higher. In some circumstances it was felt that pupils who were difficult to teach, behaviourally or academically were perhaps too often assessed as having SEND which was more pronounced at schools in deprived areas.

At the witness session involving the PCV the Group heard of concern that residents from areas of relative deprivation were more likely to be unaware of the resources that existed in the local community and their eligibility for support through the council. The potential for the presence of unmet SEND in some sectors of the community was a significant concern for

the PCV. The Group felt that the executive should examine the prevalence of unmet SEND in areas of relative deprivation in Herefordshire and investigate the provision of a targeted approach to identifying SEND and raising awareness of services and eligibility for families in such areas.

The Group felt that this was an area which required research by the executive to understand the reasons for SEND trends in deprived areas. It was also felt that an assessment of the prevalence of unmet need should also be undertaken in such areas and consideration of a targeted approach in future.

#### 4.8 SEND Information, Advice and Support Service (SENDIASS)

The Group learned about the work of SENDIASS in schools and it was explained that SENDIASS was intending to work with schools to raise children's and parents awareness of elements of SEND provision including annual reviews and EHC Plans. It was confirmed that some schools were welcoming of the service and it was hoped that all SENCOs would be aware of the service and make leaflets available to parents/carers. The Group learned that the majority of contacts received by SENDIASS concerned the family conversation. The family conversation was a large area of work for SENDIASS and in some cases representatives of the service attended the meeting with parents. The Group were informed that the focus of SENDIASS to gain greater access to schools would allow for the service to work with schools to provide advice regarding how family conversations should be conducted.

The Group recognised the valuable work of SENDIASS to empower parents/carers to understand processes, responsibilities and legislation around SEND. The importance of the family conversation was also recognised and the high number of contacts to the service concerning this forum. The family conversation was a very important first step for parents/carers to understand SEND provision, the implications for their child and the support that was available. It was felt that schools should work with SENDIASS to ensure the family conversation was of value to parents/cares and effective in advancing their understanding of SEND provision. The family conversation should provide parent/carers with detail about SEND provision whilst also encouraging long-term engagement and promotion of co-production in future SEND processes such as EHC Plans.

During the witness session that the Group conducted with representatives of the parent carer voice (PCV) the emotional journey for families and children going through SEND assessment processes was raised. It was acknowledged that the level of education was not a defining factor in struggles on the part of parents/carer to understand the processes and eligibility for help and support. At an early stage in SEND processes it was encouraged that the needs of the child were addressed along with the likely emotional journey that the family would undertake. Representatives of the PCV acknowledged that parents appreciated face-to-face contact and a forum, such as the family conversation, offered a valuable opportunity to inform the expectations of parents and carers as to the emotional journey involved with SEND. It was felt that this should be provided at the family conversation and that a consideration of the likely training required to provide this overview should be undertaken by the executive, which could be taken forward by SENDIASS.

The family conversation was seen as being of central importance in communicating with parents and carers and promoting their participation in decision-making. It was seen as essential that this early contact with parents was conducted in a manner which provided support and understanding and outlined to parents in a concise manner the process and their rights.

The Group was concerned that funding arrangements for the provision of SENDIASS were inconsistent and uncertain. Although it was understood that the service's core council funding was safe, its additional external grant funding could be uncertain and grant funding was reliant upon national policy from central government. The Group learned about funding through the IASS Programme and understood that this was a new source of funding to which the service had made grant applications. The Group understood that an element of SENDIASS application to this funding was for money to support the day-to-day running of the service. The Group were concerned that a reliance on time-limited grant funding did not allow for effective development or long-term planning for such an important service. By empowering parents/carers to understand SEND rights and responsibilities there was a greater likelihood that parents would be involved in decision-making. Greater participation in the allocation of SEND provision would help in efforts to ensure parents were aware of and involved in the choices made and that ultimately children were sent to appropriate educational settings.

The Group recognised the valuable work of SENDIASS and the restricted resources within which the service operated. It was felt that the work of the service should be highlighted to members and a recommendation was proposed to conduct a full-member seminar on the role of SENDIASS.

#### 4.9 Engagement with the Parent Carer Voice

At the witness session of the meeting of the task and finish group on 18 January the Group was grateful for the evidence and feedback provided by the PCV. It was agreed that the session had provided a valuable insight for elected councillors into the perspective of parents and carers and their experience of the SEND sector. The group recommended that a regular meeting should take place between representatives of the PCV and councillors. This would enable an ongoing conversation and provide the PCV with a point of contact in the membership of the council as a listening element. This was supported by those representatives of the PCV in attendance. Members of the Group suggested that a liaison meeting with the PCV could be attended by the children and young people scrutiny committee chairperson, the cabinet member children and families and selected representatives of the task and finish group.

Consistent with the principle of co-production the group felt it was important that the executive worked with the PCV to develop a schedule of planned activities over the course of 12 – 18 months.

#### 4.10 EHC Plan advice

The group heard from witnesses that there was an issue with medical and social care practitioners advising parents that a child needed an EHC Plan but without having sufficient evidence for such a suggestion. The group felt that through the provision of greater training such practitioners would develop a better sense of the circumstances in which EHC Plans may be appropriate. The group felt that it was important that the expectations of parents were consistent and that advice concerning eligibility was informed and valid. To inform parents that their child was eligible for an EHC Plan would create an expectation of need on the part of the parent which may not be correct. If, through statutory assessment at a later stage, it was determined that there was not a need for an EHC Plan such initial misapprehensions could contribute to the perception that needs were unmet or that children were attending an inappropriate educational setting.

The group felt it important that training to partner organisation relating the EHC Plans and the statutory assessment process be investigated to ensure that the expectations of parents were reasonable and advice provided was consistent. This would help to address erroneous perceptions of unmet need or incorrect educational provision where they existed.

#### 4.11 Multi agency attendance at annual reviews of EHC Plans

At the witness session involving head teachers and SENCOs of local schools the group heard that annual reviews of EHC Plans usually involved the family of the pupil and the teaching assistant or SENCO. It was explained that multi-agency partners listed on the EHC Plan rarely attended the meeting but did send written reports. The group understood that it may be difficult for multi-agency partners to attend all annual reviews but heard evidence that local schools would welcome the involvement of partners.

It was felt that where partner agencies had played a significant role in the provision of an EHC Plan they should attend the annual review. Attendance at the annual review would help reassure parents that all agencies involved significantly in contributing to the pupil's EHC Plan were engaged and the detail contained in the EHC Plan (including the SEN provision and education placement) was up to date and accurate.

#### 4.12 SEND Continuous Professional Development

The group heard evidence of inconsistency in the provision of SEND amongst schools in Herefordshire. There was concern that the evidence provided suggested a divergence between schools in rural and urban areas and also those within areas of relative deprivation.

The inconsistencies raised in relation to SEN provision included:

- The initial identification of SEND. Some schools were not felt to be identifying SEND effectively (see information on 'Quality of assessments, consistency of identification and SEND type' above) which was a significant concern to the group. It was felt that a lack of training or understanding in such schools could lead to children with a substantial SEND being incorrectly labelled as difficult or challenging whilst their needs remained unmet.
- Schools making excessive referrals for statutory assessments. Contrary to concern over the lack of SEND identification there was also worry regarding those schools which were making too many referrals with poor evidence of need and/or provision already being delivered, which again suggested a lack of training or understanding on the part of staff.
- The group also heard evidence of some schools that were unwelcoming of children with SEND or suggested alternative mainstream schools to parents to meet their child's needs. The group was particularly worried about the impact on the principle of inclusion that such actions represented.

The group acknowledged that the evidence presented was anecdotal in nature but its reiteration by a number of witnesses suggested there was substance to such concerns. It was felt that a comprehensive programme of continuous professional development (CPD) would represent a positive attempt to address issues relating to identification and inclusion. A CPD programme would raise the skills and abilities of all schools across Herefordshire to ensure greater consistency in identification, assessment and provision for children with SEND in mainstream settings. The group felt that the executive should identify funding to provide continuous professional development in SEND across all schools in the county.

#### 4.13 Multi-agency mapping and child-centred team

The group felt that there was a need for a broader piece of work to be undertaken at the council to compile a map of need of children across Herefordshire. It was recognised that this would need to be a multi-agency initiative and should also include consideration of a child-centred virtual team.

#### 4.14 Additional concerns noted by the group

During witness sessions the group heard concerns about those issues listed below. Although the issues are not within the remit of the group it was important that they were raised with the executive. The issues are as below:

- Speech and Language Therapy delays
- An overly academic emphasis in the current curriculum and a lack of vocational courses for secondary-age students
- Reductions in school budgets that reduce resource to tackle pupils' difficulties in mainstream settings at an early age
- Performance pressures on mainstream schools where children with SEND would not be seen as being successful
- A minimum age limit applied by CAMHs for assessment of children
- Concerns over delays to undertaking EHC plans until age 5 and the gap in provision for children with SEND from age 2 to age 5.

### 5 Summary of Recommendations

From our findings, the task and finish group would like to make the following **21 recommendations** to the executive and ask that they are given appropriate consideration:

#### 5.1 Accessibility Plans

##### **Recommendation**

**– that the executive includes the updating of the Accessibility Plans as a priority in the Children with Disabilities Strategic Action Plan 2019-2020.**

#### 5.2 Information to parents following initial assessment of SEND and tell us once approach

##### **Recommendation:**

**– that the executive investigates further methods to emphasise and promote co-production to parents in initial correspondence and at the family conversation.**

**– that the executive investigates the establishment of a 'tell us once' approach and explore methods for greater access to information for practitioners in the SEND sector when working with parents and carers.**

### 5.3 Advice, Support and Communication

#### **Recommendations:**

- that the executive investigates accessible and user-friendly forms of communication, including videos and webinars, to raise the awareness of parents and carers of SEND legislation, rights and responsibilities.
- that the executive examines examples of best practice at other local authorities to communicate SEND legislation, rights and responsibilities to parents and carers.

### 5.4 Quality of assessments, consistency of identification and SEND type

#### **Recommendations**

- that the executive ensures that over-identification is raised in appropriate forums such as the SENCO Conference and Head Teacher Groups.
- that the executive investigates methods to challenge schools which use the ‘other’ category in the schools census relating to type of SEND.

### 5.5 Guidance on meeting SEND through an appropriate and proportionate range of interventions.

#### **Recommendations**

- that the executive expedites the finalising of the graduated response document which identifies the most effective approaches to address different types of SEND.
- that the executive undertakes additional measures to publicise to local schools the current consultation relating to the graduated response.
- that, on completion, the executive should ensure that the graduated response document is added to the Local Offer/WISH and should ask local schools to add a link to the graduated response to their websites.

### 5.6 Dispute resolution in joint commissioning arrangements

#### **Recommendation**

- that the executive and Herefordshire CCG expedite the completion and introduction of a dispute resolution process as required by Section 26 of the Children and Families Act 2014.

## 5.7 Areas of deprivation and SEND identification

### **Recommendation**

– that the executive:

- examines trends relating of the identification of SEND in deprived areas (e.g. by child deprivation indicators, type of need etc);
- determines any contributory factors, including socio-economic, towards higher levels in such areas; and,
- investigates how early help and other preventative services can assist.

– that the executive supports and promotes the use of early intervention services in areas of relative deprivation to assist in the identification of SEND and the raising of awareness of services and eligibility.

## 5.8 SEND Information, Advice and Support Service (SENDIASS)

### **Recommendations:**

– that the executive encourages all schools, services and elected members to promote the profile of SENDIASS.

– that the executive works with the service to further develop guidance relating to the family conversation to ensure that it is an effective and useful tool for parents/carers, which also provides an overview of the ‘emotional journey’ families were likely to undertake.

– that the executive investigates potential sources of sustainable funding for SENDIASS to ensure the service was able to make long-term development plans.

– that the executive arranges an all-member seminar to focus on the role of SENDIASS, to be provided as part of broader training.

## 5.9 Engagement with the Parent Carer Voice

### **Recommendation:**

– that the executive engages with the Parent Carer Voice to co-produce a planned schedule of engagement between the group and selected councillors.

## 5.10 EHC Plan advice

### **Recommendation**

**– that the executive investigates the provision of training to practitioners in other services/agencies to understand and apply accurately the threshold for statutory assessment that may lead to an EHC Plan.**

5.11 Multi agency attendance at annual reviews of EHC Plans

**Recommendation**

**– that the executive considers methods to increase the attendance of and input from multi-agency partners in annual reviews of EHC Plans.**

5.12 SEND Continuous Professional Development

**– that the executive allocates funding to a comprehensive programme of Continuous Professional Development (CPD) relating to SEND for schools, early years and further education settings in Herefordshire.**

5.13 Multi-agency mapping and child-centred team

**– that the executive investigates a multi-agency approach to the creation of a map of need across Herefordshire and to work with partner organisations to consider child-centred virtual teams to tackle the identified needs.**

**Children and Young People Scrutiny Committee**

**SEND Provision Task and Finish Group – Scoping Document**

Title of review	SEN Provision Task and Finish Group
Scope	
Reason for review	<p>The Children and Families Act 2014 introduced wide-ranging changes to the organisation and arrangement of special education needs (SEN) provision. Since the introduction of this legislation there have been claims that the number of children with SEN, allocated to inappropriate forms of educational provision, has increased. It is contended that children with moderate needs are too readily admitted to schools offering specialist SEN provision when their education and development would be better served in mainstream educational establishments with SEN support. The claims maintain that the consequence of this trend has been a detrimental impact on the principle of inclusion and the broader educational and development needs of all pupils in the county.</p> <p>This review will examine these claims in greater detail to assess if they are substantiated by evidence in Herefordshire.</p>
Links to the corporate plan	<p>The review contributes to the following objectives contained in the Herefordshire corporate plan and other key plans and strategies:</p> <ul style="list-style-type: none"> <li>• Keep children and young people safe and give them a great start in life; and</li> <li>• Secure better services, quality of life and value for money.</li> </ul>
Summary of the review and terms of reference	<p>Summary:</p> <ul style="list-style-type: none"> <li>• To assess the introduction of the new legislative requirements and impact on SEN provision in Herefordshire.</li> <li>• To test claims that children are too readily admitted to inappropriate forms of SEN provision.</li> </ul> <p>The review will look at: SEN provision in Herefordshire and the relationship between special and mainstream schools; local and national policy informing the placement of children in appropriate facilities; trends and statistics relating to SEN and comparisons with national and regional figures; the contention that inclusion is being undermined in favour of specialist facilities and that children are being placed in the wrong environment.</p> <p>Terms of Reference:</p> <p>The task and finish group will:</p>

	<ul style="list-style-type: none"> <li>• develop a detailed understanding of SEN provision across Herefordshire;</li> <li>• gain an awareness of the legislative context for SEN provision, including guidance and codes of practice (and local interpretation). Including local policies and practices;</li> <li>• examine the introduction of new legislative requirements included in the Children and Families Act 2014;</li> <li>• develop an understanding of the processes around Education, Health and Care Plans (EHC Plans) and assessments of need in educational provision;</li> <li>• examine trends and statistics relating to children with EHC Plans and consider national and regional comparative data;</li> <li>• examine how the Council co-ordinates EHC Plan assessment /SEN provision with Academies and Free Schools</li> <li>• develop an understanding of and assess Herefordshire's Local Offer;</li> <li>• examine evidence to establish whether Herefordshire children with SEN are being allocated to an appropriate educational setting; and</li> <li>• test the contention that children with moderate needs are allocated to specialist SEN schools which are not appropriate to their level of need.</li> </ul> <p>Membership (to be determined):</p> <p>Group leaders will be contacted to fill any remaining vacancies following initial recruitment of members on the committee.</p>
What will NOT be included	<ul style="list-style-type: none"> <li>• The examination of any individual cases concerning EHC Plans or allocation to SEN Provision.</li> </ul>
Potential outcomes	<ul style="list-style-type: none"> <li>• Assurance that children with SEN are allocated to appropriate educational settings;</li> <li>• Assurance that the development and educational needs of all children in Herefordshire is met by local SEN policy and practice; and</li> <li>• Assurance that the Local Offer provides good access to information for parent to raise awareness of EHC Plans and SEN Provision.</li> </ul>
Key Questions	<p>To consider:</p> <ul style="list-style-type: none"> <li>• Has the number of children in specialist SEN schools increased since 2014? Is this in proportion to population growth in the county? Is it consistent with regional/national trends;</li> <li>• Has the number of children with SEN in mainstream schools increased? Is this in proportion to population growth in the county? Is it consistent with regional/national trends;</li> <li>• Has the proportion of children with EHC Plans increased, what has been the trend since 2014;</li> </ul>

	<ul style="list-style-type: none"> <li>• What have been the consequences of the transition to EHC Plans under the Children and Families Act 2014;</li> <li>• How is the appropriate SEN provision for a child assessed? Does an assessment carried out in an EHC Plan determine the educational establishment to which a child with SEN is allocated;</li> <li>• Does the information contained in the Local Offer raise awareness of appropriate provision for children with SEN to their parents;</li> <li>• Are parents aware of the Local Offer and does it enable them to understand EHC Plans; the allocation to SEN provision and consequences of such allocation; and</li> <li>• How will the Council work with Barrs Court Academy Trust to ensure that pupils enrolled in the new special free school are allocated appropriately?</li> </ul>
Cabinet Member	Cabinet member young people and children's wellbeing
Key stakeholders / Consultees	<p>Internal - Children's Wellbeing officers</p> <p>External – teachers from SEN specialist schools – SENCOs from mainstream schools</p> <p>Parents of children with SEN</p> <p>Members of governing bodies.</p>
Potential witnesses	<ul style="list-style-type: none"> <li>• Head teacher of SEN school</li> <li>• Teachers from special schools/SENCOs</li> <li>• Author of article concerning Herefordshire SEN provision</li> <li>• Parents</li> </ul>
Research Required	<ul style="list-style-type: none"> <li>• Trends and statistics relating to EHC Plans and SEN provision;</li> <li>• Legislative requirements introduced under the Children and Families Act 2014; and</li> <li>• The Local Offer.</li> </ul>
Potential Visits	
Publicity Requirements	Following the conclusion of the task Report back to the children and young people scrutiny committee.

Outline Timetable (to be determined): (following decision by the children and young people scrutiny committee to commission the Review)	
<i>Activity</i>	<i>Timescale</i>
Confirm approach, Terms of Reference, programme of consultation/research/provisional witnesses/meeting dates	Committee meeting – 16 July 2018
Present final report to Children and Young People Scrutiny Committee	March 2019

Group Members	
Chair	Councillor Norman
Support Members	Mr James, Councillor Johnson and Councillor Lloyd Hayes
Support Officers	J Coleman M Evans





<b>Meeting:</b>	<b>Children and young people scrutiny committee</b>
<b>Meeting date:</b>	<b>Monday 11 March 2019</b>
<b>Title of report:</b>	<b>PRU Referrals Task and Finish Group - recommendations and outcomes</b>
<b>Report by:</b>	<b>Chairperson of the task and finish group</b>

## Classification

Open

## Decision type

This is not an executive decision

## Wards affected

(All Wards);

## Purpose and summary

To report the outcomes and recommendations of the Pupil Referral Unit (PRU) referrals task and finish group to the children and young people scrutiny committee. The committee will consider and approve the outcomes from the task and finish group and decide if the recommendations should be reported to the cabinet

## Recommendation(s)

That:

- (a) **The committee considers the report and recommendations of the task and finish group: PRU referrals (at appendix 1 of this report) and determines whether to agree the findings for submission to the executive.**

## Alternative options

---

Further information on the subject of this report is available from  
Matthew Evans, Tel: 01432 383690, email: [Matthew.Evans@herefordshire.gov.uk](mailto:Matthew.Evans@herefordshire.gov.uk)

1. The recommendations proposed in this report represent the outcomes of the PRU referrals task and finish group. If there are any additional recommendations which the committee feels should be included these can be proposed and voted upon at the meeting.

## **Key considerations**

2. The establishment of a task and finish group to focus on referrals to the pupil referral unit (PRU) in Herefordshire was agreed by the children and young people scrutiny committee on 16 July 2018. The task and finish group was established to assess the level of referrals to the PRU in Herefordshire and the reasons for the current trends.
3. The group was formed of three members of the Council and undertook two meetings between November 2018 – January 2019. At the initial meeting the group learned about: legislation, alternative provision and statistics and trends. The latter meeting of the group was a witness session where the group engaged a range of individuals including a the head teacher of the PRU, former pupils of the PRU and a head teacher of a mainstream secondary school.
4. At its final meeting the group resolved a number of recommendations, as outlined in the appendix, concerning PRU referrals together with additional proposals for the executive to consider. The recommendations are proposed to the children and young people committee to consider approving for submission to the cabinet. Any response to the recommendations from cabinet will be provided to the committee in the new Council term following the elections on 2 May 2019.

## **Community impact**

5. In accordance with the adopted code of corporate governance, Herefordshire Council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development, and review.
6. The recommendations made by the task and finish group contributes to priorities in the corporate plan to: keep children and young people safe and give them a great start in life; and secure better services, quality of life and value for money.

## **Equality duty**

7. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8. If the committee agrees with the findings of the task and finish group, the report will need to be considered by the executive and, depending on their decision, due regard will need to be given to public sector equality duty.

## **Resource implications**

9. This report proposes recommendations to the executive concerning the PRU and alternative provision in Herefordshire. The final recommendations agreed by the children and young people scrutiny committee will be sent the executive. In considering their response to the approved recommendations a full assessment of resource implications will be undertaken.

## **Legal implications**

10. The functions of the children and young people scrutiny committee include the powers to:
  - make reports or recommendations to the executive with respect to the discharge of any functions which are the responsibility of the executive; and
  - to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area.

## **Risk management**

11. There are no risks associated with the recommendation and in considering its response the executive will need to assess the risks arising from the scrutiny committee's recommendations

## **Consultees**

12. None

## **Appendices**

Appendix 1 – PRU referrals task and finish group report

## **Background papers**

None identified





# **Task & Finish Group Report**

**Review of Pupil Referral Unit  
(PRU) referrals**

**February 2019**

## **Review of Pupil Referral Unit (PRU) Referrals**

### Chairperson's Foreword

The Children and Young People Scrutiny Committee agreed the formation of a task and finish group to undertake a review of the level of referrals to the PRU.

The group met on two occasions and with the expert input of officers was able to produce recommendations around the functioning of the PRU, work between the PRU and mainstream schools and opportunities for those pupils leaving the PRU.

We would like to place on record our thanks to all who contributed. The manner in which officers presented a complex and technical subject with clarity and conciseness was a great assistance in facilitating the understanding of the task and finish group.

I would like to offer my own personal thanks to all who contributed to and supported the work of the group for their professionalism, dedication and hard work.

I must also thank my fellow group members: Cllr Chris Chappell and Cllr David Summers.

Councillor Mark McEvilly, February 2019  
Chairperson of the Review of PRU Referrals Task and Finish Group

## 1 Executive Summary

1.1 The establishment of a task and finish group to focus on referrals to the pupil referral unit (PRU) in Herefordshire was agreed by the children and young people scrutiny committee on 16 July 2018.

1.2 The task and finish group was established to assess the level of referrals to the PRU in Herefordshire and the reasons for the current trends. The scope of the task and finish group, as agreed by the committee at the meeting above, is attached as appendix 1.

1.3 The group examined evidence of referrals to the PRU and determined that there were a high level of referrals to the PRU. The group considered reasons for the high levels of referrals and potential actions which could be undertaken to reduce referrals.

1.4 There is agreement in the group that the summary of our findings are a true reflection of the discussions undertaken which can be condensed into 11 topics. The recommendations focus on:

- 1) Representatives on the PRU Management Committee
- 2) Closer working or integration of PRU Forum and the In-Year Fair Access (IYFA) Panel
- 3) Designated senior lead for mental health and training for schools
- 4) Permanent exclusions from mainstream schools
- 5) Post-16 opportunities for PRU leavers
- 6) Academic outcomes and vocational courses
- 7) Primary to secondary school transition
- 8) Re-integration of pupils returning from the PRU
- 9) Cost/social benefit analysis of alternative provision
- 10) Perception and reputation of the PRU
- 11) PRU training of secondary school teachers

## 2. Composition of the Task and Finish Group

2.1 Members of the task and finish group were:

Councillor Mark McEvelly (chairperson)  
Councillor Chris Chappell  
Councillor David Summers

2.2 Lead directorate officers – Lisa Fraser and Les Knight

## 3 Context

### Why did we set up the group?

3.1 The review looked at: pupil referral units in Herefordshire; current referral levels; recent trends in permanent exclusions (PEX) and referral levels including comparative data nationally and regionally; national and local policy.

3.2 The group looked at current trends around referrals to the PRU and if an increase had been recorded. The group sought to understand the reasons behind any recent trends in referrals; and gain assurance that effective co-ordination between the Council, the PRU and local schools exists to address increases in referral numbers.

### What were we looking at?

3.3 The group's objectives were to:

- develop an understanding of the structure of the Herefordshire Pupil Referral Service and the Hereford Integrated Behaviour Outreach Service (HIBOS);
- learn about policies and guidelines (and local interpretation) which support schools to determine when referrals to the PRU are appropriate;
- learn how the Council works with HIBOS (a multi-Academy Trust) to address concerns regarding referral levels;
- assess trends in the level of permanent exclusions and pupil referrals to determine any recent increases. Compare such trends against regional and national statistics;
- engage professionals in the sector to determine the reasons behind recent trends;
- investigate any impacts on referral numbers resulting from changes to the educational landscape e.g. academies and free schools; and
- consider statistics relating to the success of pupils who transition from the PRU to mainstream schools in Herefordshire.

### Who did we speak to?

3.4 Between November 2018 – February 2019, the group convened two meetings. At the first meeting the group engaged the following officers:

- Lisa Fraser, Assistant Director Education, Development and Skills.
- Les Knight, Head of Additional Needs

3.5 At the second meeting the group engaged the following witnesses:

- Head teacher of the PRU
- Head of the St David's Centre
- Three former pupils of the St David's Centre
- Acting principal of Earl Mortimer College

### What did we read?

3.5 The group looked at the information below to undertake this review:

- Work of the Pupil Referral Unit - presentation 20 November 2018
- Herefordshire Pupil Referral Service – Report for Children's Scrutiny – January 2019

### What did we ask?

3.6 In order to undertake the review the task and finish group agreed the lines of questioning below:

- What are the current level of referrals; are there any discernible trends in the level of recent referrals;
- Where are referrals originating; is there an even distribution across maintained schools, academies and free schools;
- How does the Council coordinate/liaise with the PRU and schools (maintained and non-maintained) to ensure there is alignment and consistency;

- How long do pupils remain at the PRU and how successful are transition arrangements for pupils leaving the PRU; how many return to the service;
- What thresholds/policies/guidelines are in place for schools to follow to undertake referrals for those pupils not permanently excluded; and
- Has there been any impact upon referral numbers as a consequence of academies and free schools in Herefordshire?

#### What did we find from our research?

3.7 The task and finish group developed an understanding of how Alternative Provision (AP) and in particular PRUs (as a sub-set of AP) is defined; *'education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour'*. (Alternative Provision, Statutory Guidance for Local Authorities, January 2013)

3.8 The group learned of the legal basis around PRU which included:

- Each LA has a duty under section 19 of the Education Act 1996 to provide 'suitable education' for children of compulsory school age who cannot attend school'. PRUs were the response.
- Statutory Guidance on 'Alternative Provision' (Jan 2013) replaced earlier guidance.
- Full-time education for permanently excluded pupils must begin no later than the sixth day of the exclusion; there is no limit for non-permanently excluded pupils. Schools have the same duty for fixed-term excluded.
- No requirement on local authorities to have or to establish a PRU - may discharge their duties by other means. However, only LA can establish a PRU. LAs have a power (not a duty) for provision for 16-18 year olds.
- The term 'full-time' is not defined in law, should receive the same amount of education as they would receive in a maintained school. Full-time can be made up of two or more part-time provisions.
- There is separate statutory guidance for 'children who cannot attend because of health reasons' (May 2013)
- Other areas covered in the legislation include the opening or closing of PRUs, commissioning and that PRU can become AP Academies.
- PRUs are required to have Management Committees.
- Schools have a power to direct students off-site to improve their behavior.
- There is a requirement for a clear admission criteria and reintegration plan for individual pupils.

3.9 PRU Management Committee is the equivalent of a Governing Body, the PRU is registered with the Department for Education (DfE) as a maintained school and has students on roll. The management committee has a strategic role in setting/monitoring aims and objectives to keep students safe, meet need and ensure a good standard of education. Since 2013 it has had full control over budget and staffing; the LA is the employer of staff as other community schools. The composition of the management committee includes parent, staff and community representatives.

3.10 The group learned of the principles which defined good alternative provision:

- good attainment on par with mainstream schools – particularly core subjects – with appropriate accreditation and qualifications;
- personal, social and academic needs are properly identified and met in order to help

- them to overcome any barriers to attainment;
- improved pupil motivation and self-confidence, attendance and engagement with education; and
- the next steps following the placement such as reintegration into mainstream education, further education, training or employment.

3.11 The group learned that historically there had been three separate PRUs (KS3 Aconbury Centre, Hereford; KS4 Priory Centre, Leominster and St David's Centre, Hereford). There was also a primary intervention class at Brookfield School. There had been an amalgamation into a single PRU and modernisation in 2014 under the Executive Head from Brookfield. The management committee had been re-shaped to meet new requirements from 2013. A contract had been entered into with HIBOS (Brookfield) for three years from Jan 2016 to manage the PRU. The DfE challenged HIBOS about compliance of contract and it was re-established as a maintained school in Sept 2018 with a management committee. The current arrangement consisted of a single PRU, Herefordshire Pupil Referral Service (Ofsted Good in 2017): KS3 Aconbury Centre (24 Places mix of long/short stay places); KS4 St David's Centre (56 places); Primary intervention class at Brookfield (8 short stay part-time places).

3.12 A current review triggered by Consultant Report commissioned by Schools Forum due to pressure on High Needs Block of Dedicated Schools Grant had produced the following recommendations:

- a. Build consistent and more effective SEMH responses across all mainstream schools
- b. All schools should seek to identify and train a designated senior lead for mental health
- c. Review of exclusions and sharing of strategies to maintain learners in school
- d. Status of the PRU should be re-established so that it conforms with statutory guidance
- e. Partnership arrangements for commissioning and delivering AP in Herefordshire should be strengthened
- f. Admissions to PRU beyond PEx should be based on need, set against agreed criteria and independently managed by IYFA panel.
- g. The Brookfield School should cater for girls, at a capacity aligned to local need.

3.13 Recommendation e above, *Partnership arrangements for commissioning and delivering AP should be strengthened*, specified:

- Be clear about LA responsibility for a proportional number of places for PEx – its statutory responsibility – Estimates 50 based on comparators (Currently 80)
- Consider paying a slightly higher rate per pupil
- Be clear about school responsibility to commission and pay for all other places. School remains responsible for student outcomes
- Greater emphasis on 'revolving door' short stay model
- A more active role for secondary leaders in the shaping of services to meet the latter
- A wider range of responses to meet financial and geographical challenges

3.14 Recommendation f above, *Admissions to PRU beyond PEx should be based on need, set against agreed criteria and independently managed by IYFA panel*, specified:

- Placement is in student's best interests
- Greater use of IYFA arrangements to regulate entry to PRU and ensure criteria are adhered to
- Peer-to-peer challenge to ensure all steps (outlined in Herefordshire graduated response) have been taken by a school before seeking a place
- Peer-to-peer challenge on intervention pupils not returning to host school

3.15 Current issues with the PRU which needed to be solved included;

- Reducing demand/cost in the PRU Sector
- Clarifying the responsibilities of LA and Schools
- Reinforcing the criteria for PRU entry
- Making the local system more responsive to school need
- Improving outcomes for students (academic and wider life outcomes)

3.16 Some Key Considerations

- This would be a change from current philosophy
- Strength of partnership working is critical including IYFA
- Financial, curriculum and staffing sustainability of the PRU
- Deprivation is a factor
- Herefordshire's rurality and transport links
- Current split site PRU
- What are reasonable yet challenging expectations for outcomes for our most vulnerable damaged learners? GCSE, alternative qualifications, attendance, exclusion, wider life outcomes?

3.17 The group learned of the increasing number of individual registrations to the PRU between 2014 – 2018 and the increase in the number of terms of education provided by the PRU. The group also learned of the proportion of pupils from each national curriculum year that were entered to the PRU between 2014 - 2018; Year 7 – 8.8%, Year 8 – 14.8%, Year 9 – 23.9%, Year 10 – 32.4 % and Year 11 – 20.1%.

3.18 The Herefordshire pupil referral service received a 'Good' Ofsted inspection in July 2017 which stated that:

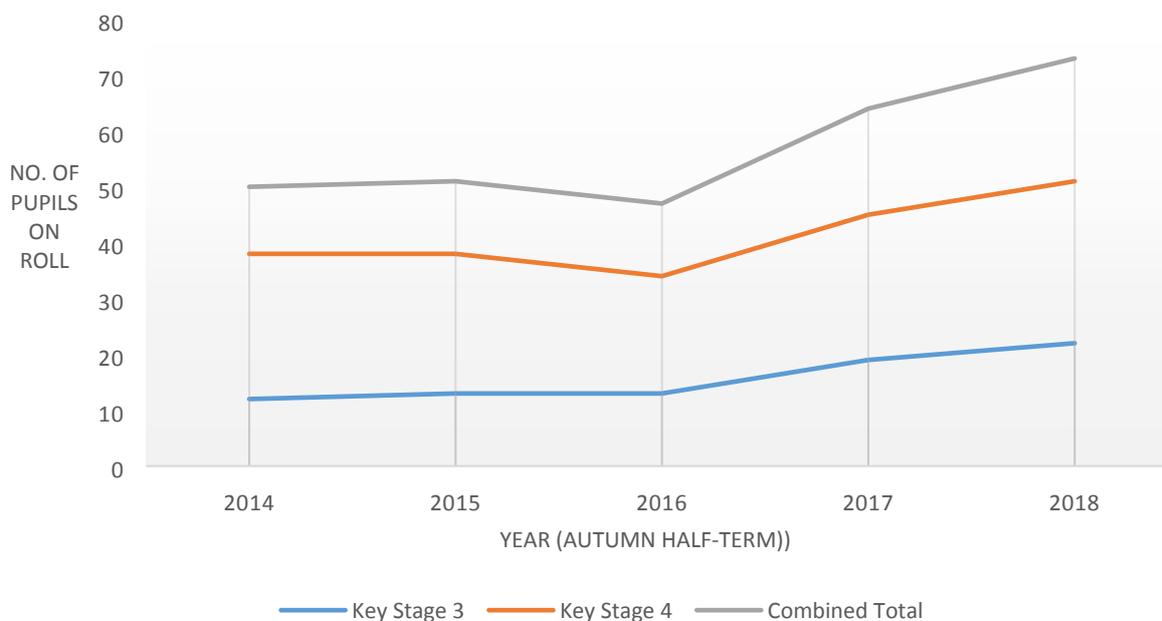
- Strong, nurturing relationships that exist between staff and pupils are based on mutual respect. Pupils behave well at all three centres. They understand and respect the clear rules and expectations which are shared with them when they join
- The commitment of all staff in supporting pupils to achieve the best outcomes is evident across the service
- Pupils receive and outstanding level of support for their personal development and welfare. This enables them to build their resilience and confidence in a safe environment.

3.19 The group learned of the current numbers and the trend in referrals to the PRU between 2014 and 2018, as below:

THE ACONBURY (KS3) 24 pupils	ST DAVID'S (KS4) 56 pupils
22 on roll Sept 2018 – largest number to start an academic year in its history.	50 on roll Sept 2018 – largest number to start an academic year in its history.
As of the date of printing there are 24 on roll. (January 2019) The makeup of the students is continually changing but the trend points towards an increase in pupils with Educational Health Care Plans (8) and less pupils successfully returning to mainstream school (3).	As of the date of printing there are 55 on roll. (January 2019) Pupils at KS4 remain for the duration.  There has been a steady increase in the complexity of pupils and their needs.

There is an increase in students who are permanently excluded or permanently placed at the Centre. In May, 68% of the students were either permanently placed or permanently excluded.

HPRS Pupil Numbers from 2014-2018



What did we find from talking to Officers and witnesses?

3.19 The group questioned the provision for 16-18 and understood that the High Needs Block was under significant pressure and current provision to age 16 could not be extended. A project had existed to support pupils moving out of Brookfield and the PRU into training opportunities. This project involved providing activity across the summer after pupils had left the school up to the following March but funding had now ceased for the initiative. The group identified a need to consider how support could be provided to young people with significant challenges to move into work. A consideration of how to provide advocates for young people leaving the PRU post-16 was required and how they could work with local employers and education providers.

3.20 The group considered the composition of the PRU management committee and the emphasis on the involvement of secondary school representatives to allow local schools to drive the provision offered by the PRU. It was understood that there had been an absence of heads of secondary schools attending the management committee; representatives of the senior management team attended but it was not felt that the secondary schools were influencing the provision of the PRU as effectively as they might or challenging its performance. The group learned that progress was being made in this issue.

3.21 The group queried the involvement of parents and pupils in the provision offered by the PRU and learned that engagement with families/pupils could be improved. Good engagement was reported with carers who had cared for a number of children in attendance at the PRU. It was understood that there were parent representative places on the management committee but attendance could be limited to 1 or 2 meetings before the pupil left the PRU. There had been some thought about extending this role to carers whose

charges had attended the PRU. It was confirmed that legislation had intended that parents would have a strong voice in the operation of PRUs.

3.22 The group discussed the definition of 'good AP' and understood this was defined as achieving outcomes on a par with mainstream schools. The group appreciated that this was a very challenging objective with attainment at 4.5% against national benchmark of 65% for attainment of 4-9 in English and Maths. The group felt that poor academic outcomes for pupils at the PRU required different pathways to be considered such as vocational courses. In addition the group felt that it was important that provision was made for post-16 support to ensure that pupils leaving the PRU would not become NEETs. Such a service would need to involve a multi-agency approach and could not be provided by Herefordshire Council alone.

3.23 The group learned about the PRU forum which assessed referrals and provided an oversight of the history of pupils referred to the PRU and the reasons for their referral. It was explained that an excess of referrals resulted in difficulties integrating new pupils into the PRU quickly. Peer-to-peer challenge from schools was important, as contained in the recommendations from Mark Whitby. It was recognised that the PRU and IYFA panel have previously operated independently from one another. The Group supported closer working relationship or integration between PRU Forum and IYFA Panel.

3.24 The group considered the Mark Whitby report and the recommendations that he proposed. The Group supported the challenges to mainstream schools contained in recommendations a-c which sought to make improvement to universal educational provision. The strengthening of partnership arrangements between the PRU as outlined in recommendation e was supported. The extended role of the IYFA Panel in recommendation f to consider all admissions to PRU was also supported. The Group considered how training for the mental health lead in schools (recommendation b) would be implemented and how it would build on the range of training currently in place. It was understood that an overall strategy was required to develop a toolkit for schools with input from local agencies. In order to avoid gaps or overlaps the toolkit should take account of training from CAMHS and Public Health England and training modules undertaken by educational psychologists.

3.25 The group questioned how effectively apprenticeships were being rolled out and the ease of access to colleges for pupils at the PRU. The Group also noted that the establishment of the new university which offered vocational courses could provide opportunities for pupils from the PRU. It was understood that across the Council there was a push to increase the number of apprenticeships but there had been challenges engaging with some local colleges offering vocational courses. These challenges demonstrated the importance of advocating on behalf of pupils from the PRU.

3.26 The group noted statistics which showed a doubling of permanent exclusions over the course of the last 3/4 years which was attributed to a decreasing level of flexibility in mainstream schools. It was queried whether there should be an expectation for pupils to move onto alternative schools rather than always directly into PRUs and it was confirmed that schools used to offer a second chance more often.

#### Witnesses

3.27 The group queried the number of teaching assistants required at the PRU and the impact of the exclusion policies of schools. The group learned that it was intended that there would be an increase in intervention placements to enhance the return to school process. Intervention placements were undertaken for a defined period of time and focused on re-integration back into mainstream school. Permanent exclusions resulted in pupils being permanently based in the PRU.

3.28 The group queried how the council could demonstrate that an adequately/properly funded alternative provision/PRU service could produce savings in the long-term. It was explained that a costs savings calculation was a difficult undertaking and was difficult to prove once intervention was introduced. It was acknowledged that the higher needs budget was struggling to meet basic demand. Each year cuts were applied to the higher needs budget whilst demand increased.

3.29 The group asked former pupils of the St David's Centre what could be improved at the PRU and they explained that pupils who went to the PRU should not be told that it was the end of all their opportunities and be told that they could still be successful. The stigma attached to the PRU and its reputation were not deserved and there should be greater positive detail provided of what the PRU could offer to pupils who were referred. The group heard anecdotal evidence of schools telling pupils that St David's was the 'end of the road' and to threaten pupils with referral to the PRU.

3.30 The group asked about problems with recruiting members to the governing body/management committee. It was felt that arrangements should be considered for former pupils to sit on the management committee or to find a way for former pupils to feed-into the body.

3.31 The group learned of the interests of mainstream schools for a greater outreach programme focused on increasing the level of training to key staff to have the same skills as those staff in the PRU.

#### 4. Summary of our findings

##### 4.1 Representatives on the PRU Management Committee

The group received details of the PRU management committee and the emphasis on the involvement of secondary school representatives on the committee. The involvement of secondary schools was intended to allow local schools to drive and influence the provision offered by the PRU. It was explained that there had been an absence of heads of secondary schools attending the management committee although representatives of senior management teams attended and provided valuable input. It was not felt that the secondary schools were influencing sufficiently the provision of the PRU or challenging its performance as effectively as national guidance suggested. The group felt that it was important that a proper partnership between the PRU and local schools was developed and the management committee was central in efforts to realise an effective relationship. To understand and address trends, such as high levels of referrals to the PRU, and develop constructive working relationships the group felt it was essential that head teachers of local mainstream secondary schools (particularly those with a high rate of referrals to the PRU) attended the PRU management committee. (Note: This has been much improved since September 2018)

The group queried the involvement of parents in determining the provision offered by the PRU. It was explained that the PRU was short-stay provision and not the same as having long-term parents on a governing body. The Aconbury Centre had demonstrated that it could be responsive to the wishes of parents (Ofsted feedback 2014). The group was told that engagement with families and parents remained an area that was hard to tackle locally and nationally. There should be a parent representative on the PRU management committee but attendance could be limited to one or two meetings before a pupil left the PRU. The group felt that the involvement of parents on the management committee was of central importance to allow alternative provision to take account of the needs of pupils.

The group heard that there had been that there had been good engagement with carers/guardians who had cared for a number of children in attendance at the PRU. It was

explained that there had been some consideration to extend the role of parent representatives on the management committee to carers/guardians who had looked after pupils attending the PRU. The group supported the notion of including carers/guardians on the PRU management committee as parent representatives. Where carers/guardians had experience of multiple children in their care who had attended the PRU the group felt that through their experience they could make valuable contributions and provide an informed perspective to the management committee. Following the witness session involving former pupils of the PRU it was felt that arrangements should be considered for former pupils to sit on the management committee or to find a way for former pupils to feed-into the body.

#### 4.2 Closer working or integration of PRU Forum and the In-Year Fair Access (IYFA) Panel

The group learned of the governance structure in place around alternative provision, including the PRU Forum and the In-Year Fair Access Panel. The PRU Forum assessed referrals, provided an oversight of the history of pupils referred to the PRU and reasons for referral. It was understood that the Forum had only recently been re-established which was seen as a positive step in establishing arrangements to oversee the admission of pupils to alternative provision and assess the levels of referrals.

The group learned of the role of the IYFA Panel to consider the needs of 'hard to place' pupils and to determine if their needs warranted admission to the PRU. The group noted the recommendation from Mark Whitby that admissions to the PRU, not resulting from permanent exclusion, be based on need, as defined by criteria, and that such admissions be assessed by an independent Panel. The group also noted the intention of the Executive to ensure that the Executive Head of the pupil referral service would also chair the PRU Forum.

The group were welcoming of the intentions of the Executive to strengthen and co-ordinate the governance arrangements for admissions to the PRU. The group discussed greater integration between the PRU Forum and the IYFA Panel and considered whether the two bodies could be merged or the PRU Forum made a sub-group of the IYFA Panel. Ensuring that all bodies with a responsibility for overseeing admission arrangements to the PRU worked as closely as possible and were co-ordinated would assist in the identification of increases in the levels of admissions, the reasons for such increases and the agreement of actions in response.

#### 4.3 Designated senior lead for mental health and training for schools

The group raised in discussions the government green paper: Transforming children and young people's mental health provision. The group supported the intention of the green paper to encourage schools to have a designated senior lead for mental health. It was also noted that a recommendation from Mark Whitby was supportive of schools identifying people to take on the role.

The group was supportive of the role of the designated lead for mental health, as outlined in the green paper, to establish a whole school approach to mental health and emotional well-being, including preventative activity and promotion of good mental wellbeing and resilience among pupils (and staff). The group felt that in some cases this would enable schools to address difficulties experienced by pupils before any potential referral to the social, emotional and mental health (SEMH) needs school or PRU would be considered. The role of the designated lead for mental health in schools could potentially be a very valuable contribution to early intervention strategies and avoid admissions for some pupils to alternative provision.

The group considered how training for the designated mental health lead in schools would be implemented and how it would build on the range of training currently in place. The Group

noted that an overall strategy was required to develop a toolkit for schools with input from local agencies. In order to avoid gaps or overlapping responsibilities the toolkit should take account of training from the Child and Mental Health Services (CAMHS), Public Health England and the Herefordshire Clinical Commissioning Group (CCG) and training modules undertaken by educational psychologists.

The group recommended that the executive should encourage all schools to make arrangements to identify a designated lead for mental health, although it has to be recognised that no additional resource has yet been identified to support already hard-pressed schools. It was also recommended that a survey of schools should be undertaken to determine what preparations had been made to make appointments to this post.

#### 4.4 Permanent exclusions from mainstream schools

The group discussed statistics which showed a doubling of permanent exclusions from mainstream schools over the course of the last 2 years. Officers explained that this was identified as part of the cause of increases in the level of referrals to the PRU. The group heard that the increase in permanent exclusions could in part be explained by decreasing flexibility and resource in mainstream schools. Evidence was also offered to the group to suggest that schools were less likely to offer students a 'second chance'. It was queried whether pupils who were permanently excluded should be moved into alternative mainstream schools rather than directly to the PRU.

The group recommended that the executive engages with those schools with a high level of permanent exclusions to determine if behaviour and exclusion strategies were in place. If schools could also offer pupils a 'second chance' it was felt that there could be a decrease in the level of referrals to the PRU. It was felt that in appropriate circumstances this would be preferable for the education and development of the pupil whilst helping to reduce the number of referrals to the PRU.

#### 4.5 Post-16 opportunities for PRU leavers

The group were interested in what provision and support existed for young people aged 16-18 who were leaving the PRU. Details of a project which had run previously were outlined to the group to support pupils leaving Brookfield School and entering training opportunities but funding for this initiative had now ceased. The group was concerned that there was a possibility that without the right support pupils leaving the PRU could become young people not in education, employment or training (NEETs). It was felt that work should be undertaken to consider strategies to support young people into work or training who were leaving full-time education with significant challenges. It was acknowledged that such strategies could not be developed in isolation by Herefordshire Council but required a multi-agency approach.

The group felt that local advocates or champions for young people leaving the PRU post-16 could play a valuable role in helping them to avoid becoming NEETs. It was felt that such individuals could engage with local colleges and employers on behalf of young people to attempt to secure future opportunities for their development.

The group learned that there was an initiative at the Council to encourage apprenticeships and it was felt that access to these opportunities should be facilitated by the Council and promoted to pupils leaving the PRU.

The group also noted that the establishment of the new university provided a potential opportunity to post 16 PRU leavers. It was felt that the vocational courses at the university could provide valuable opportunities and the Council should seek to engage with the

university to identify suitable opportunities for PRU leavers and investigate arrangements to facilitate access to such opportunities.

#### 4.6 Academic outcomes and vocational courses

The group was told that one piece of national guidance described good alternative provision as that which 'achieved outcomes on a par with mainstream schools' however academic performance at the PRUs nationally was well below the national benchmark attainment level. It was understood that the principle of parity of outcomes was a positive objective for the service but in practice it was recognised that this was very difficult to achieve. It was felt that the current level of academic outcomes for pupils at the PRU required an investigation of alternative educational pathways. The executive was recommended to work with the PRU to identify a wider range of vocational courses which could improve outcomes for pupils.

#### 4.7 Primary to secondary school transition

The group heard evidence during the witness sessions that the transition for pupils from primary to secondary schools could be problematic. It was recognised that in Herefordshire there were small primary schools with small classes in which pupils with problems could be managed. When pupils transitioned to larger secondary schools they could struggle in a new much larger environment. This issue was acknowledged by secondary schools and the PRU received more referrals from year 7 than any other year group.

The group was concerned at the level of referrals arising from pupils in year 7. It was reported that a variety of approaches existed to try to ease the transition of pupils from primary to secondary schools. This included an example of inviting pupils from local schools from as early as year 4 for science days.

The group felt that the executive should work with schools across Herefordshire to identify transition arrangements which represented best practice. By ensuring that pupils were familiar with their new surroundings at secondary school and comfortable in new environs it was hoped that the high level of referrals from year 7 would be reduced.

#### 4.8 Re-integration of pupils returning from the PRU

Through the witness session the group heard evidence regarding the difficulty experienced by pupils attempting to re-integrate into mainstream education after a period of referral at the PRU. It was reported that success with integration was limited; pupils had become familiar with the smaller scale of the PRU and close contact with teaching staff. Limited timetables for returning pupils were used but pupils could struggle upon return to a much larger educational setting where they also could become acquainted with old friends and return to old behaviours.

The group heard of the work that was ongoing between the PRU and Earl Mortimer College to dedicate part of the school to intervention work conducted by the PRU. Part of the work of this intervention pilot would provide placements to focus on re-integration into mainstream schools.

The group felt that in order to address high referral rates in the county effective methods of reintegrating pupils returning from the PRU to mainstream schools were required. There was support for the work ongoing between the PRU and Earl Mortimer College and it was recommended that the executive should seek to make resources available to assist the pilot. It was recommended that the executive examine the outcomes of the pilot to determine if the model could be implemented in other parts of the county. If the pilot was effective in re-

integrating pupils back into mainstream schools it was felt this would assist efforts to reduce referral levels.

#### 4.9 Cost/social benefit analysis of alternative provision

The group discussed the value of alternative provision and the work of the PRU to the broader community. It was felt that alternative provision that was adequately resourced was able to make a significant difference to the lives and outcomes of young people. The benefit to society as a whole by improving the life chances of young people and helping to divert them from detrimental lifestyles, with social and financial implications to the community, was obvious. The group acknowledged the role that the PRU played in this regard and its value to the community.

The group were informed of the financial pressures under which the higher needs budget in the Herefordshire was placed. It was confirmed that cuts to higher needs budget had been made over the course of a number of years whilst demand had been increasing. It was felt that a calculation of the social and financial benefit of having a well-resourced PRU should be undertaken to strengthen the ability of the council to lobby central government for increased levels of higher needs funding.

#### 4.10 Perception and reputation of the PRU

During the witness session the group heard from former pupils of the St David's Centre and asked them what improvements could be made to the PRU. The pupils in attendance spoke eloquently about their concerns regarding the manner in which mainstream schools portrayed the PRU and how this influenced parents and pupils perception of the PRU. Pupils had been told that the PRU was the 'end of road' and the prospect of being referred to the PRU was used as a threat.

Referral to the PRU, on the part of those pupils giving evidence, had been perceived as the removal of opportunities and prospects for success due to the reputation and stigma attached to the PRU. Once the pupils were at the PRU the opportunities available to them had become apparent and their earlier apprehensions had been misplaced.

The former pupils were clear that the reputation of the PRU and the manner in which it had been portrayed to them ahead of their referral was very negative and not accurate. An improvement which the former pupils raised was that mainstream schools should not threaten pupils with referral to the PRU or portray referral to the PRU as a removal of opportunity for success in life.

The group were concerned by this testimony and acknowledged the positive work that the PRU undertook. The group felt that the executive should work with mainstream schools to reduce the stigma attached to the PRU.

#### 4.11 PRU training of secondary school teachers

The group heard from witnesses that it would be of value to teachers in mainstream schools to learn from teachers at the PRU regarding the methods and practices they adopted to cope with challenging and disruptive pupils.

The group supported training for teachers in mainstream schools in the methods used by teachers in the PRU or to undertake observation of teaching in the PRU. It was felt that if teachers in mainstream schools were equipped with the same skills as those in the PRU to address and overcome challenging behaviour this could assist in efforts to reduce the number of referrals to the PRU.

It was felt that the executive should work with mainstream schools and the PRU to explore the prospect of providing training concerning coping with challenging behaviours.

## 5 Summary of Recommendations

From our findings, the task and finish group would like to make the following **11 recommendations** to the executive and ask that they are given appropriate consideration:

### 5.1 Representatives on the PRU Management Committee

#### **Recommendations –**

**– The executive considers methods to encourage head teachers of local secondary schools to provide input into the design of alternative provision including sufficient numbers attending and participating in the PRU Management Committee.**

**– The executive continues to consider methods to encourage parents and extended family to attend the PRU Management Committee and investigates methods to allow former pupils to contribute feedback.**

**– The executive considers broadening the role of representatives on the PRU management committee to include carers/guardians.**

### 5.2 Closer working or integration of PRU Forum and the In-Year Fair Access (IYFA) Panel

#### **Recommendation –**

**– The executive considers how to ensure closer working between the PRU Forum and IYFA Panel, including an assessment of the benefits of integrating the two bodies, with any changes in operation being recorded and agreed by all schools within a revised In-year fair access protocol.**

### 5.3 Designated senior lead for mental health and training for schools

#### **Recommendations –**

**– That the executive encourages all schools in Herefordshire to make preparations to identify a designated, qualified mental health (wellbeing) lead and undertakes a survey of schools to assess what progress is being made to appoint to this post.**

**– That the executive works with partners, including the CCG, CAMHS, Public Health England, 2gether NHS Foundation Trust and schools to develop a framework of training packages for schools including the designated mental health leads.**

### 5.4 Permanent exclusions from mainstream schools

#### **Recommendations –**

**– That the executive engages schools with a high level of permanent exclusions to identify whether strategies to prevent exclusion are in place.**

**– That the executive reviews the In-year fair access protocol to gain agreement to YP being offered a second chance for certain types of first-time permanent exclusion.**

#### 5.5 Post-16 opportunities for PRU leavers

##### **Recommendations**

**– That the executive considers how to broaden opportunities and enhance the prospects of pupils leaving the PRU post-16 and considers alternative means of providing the resource to offer ‘scaffolding’ to encourage former PRU pupils to move into employment, education and training.**

**– That the executive considers how local advocates or young people champions could work with local employers and further/higher education providers locally to increase opportunities for pupils leaving the PRU post-16.**

**– That the executive considers how apprenticeships at the Council can be provided to young people leaving the PRU.**

**– That the executive works with the New Model in Technology and Engineering (NMiTE) university, and all Higher Education providers in Herefordshire, to identify where opportunities may exist for post 16 PRU leavers and investigate arrangements to facilitate access to such opportunities.**

#### 5.6 Academic outcomes and vocational courses

##### **Recommendation –**

**– That the executive considers working with the PRU to consider how to develop a wider range of vocational courses for pupils.**

#### 5.7 Primary to secondary school transition

##### **Recommendation –**

**– That the executive considers the impact of the transition from primary to secondary school on referrals to the PRU and examines models of best practice to share with all schools.**

#### 5.8 Re-integration of pupils returning from the PRU

##### **Recommendations –**

**– That the executive considers any resources it could make available to assist the intervention pilot at Earl Mortimer School.**

**– That the executive examines the success of the work of the pilot to re-integrate pupils following return from the PRU and if the model could be replicated at other schools across Herefordshire.**

#### 5.9 Cost/social benefit analysis of alternative provision

##### **Recommendation –**

**– The executive is recommended to work on the production of a broader community and social cost-benefit analysis of alternative provision and the PRU for the purposes of lobbying.**

5.10 Perception and reputation of the PRU

**Recommendation –**

**– The executive is recommended to work with mainstream schools to reduce the stigma that is attached to the PRU.**

5.11 PRU training of secondary school teachers

**Recommendation –**

**– The executive is recommended to work with mainstream schools and the PRU to explore the prospect of providing training concerning coping with challenging behaviours.**

Appendix 1  
**Children and Young People Scrutiny Committee**  
**PRU Referrals Task and Finish Group – Scoping Document**

Title of review	PRU referrals
Scope	
Reason for review	The cabinet member has suggested that the current level of referrals to the PRU should be reviewed by the scrutiny committee
Links to the corporate plan	<p>The review contributes to the following objectives contained in the Herefordshire corporate plan and other key plans and strategies:</p> <ul style="list-style-type: none"> <li>• Keep children and young people safe and give them a great start in life; and</li> <li>• Secure better services, quality of life and value for money.</li> </ul>
Summary of the review and terms of reference	<p>Summary:</p> <p>The review will look at: pupil referral units in Herefordshire; current referral levels; recent trends in permanent exclusions and referral levels including comparative data nationally and regionally; national and local policy.</p>
	<p>Terms of Reference:</p> <p>The task and finish group will:</p> <ul style="list-style-type: none"> <li>• develop an understanding of the structure of the Herefordshire Pupil Referral Service and the Hereford Integrated Behaviour Outreach Service (HIBOS);</li> <li>• learn about policies and guidelines (and local interpretation) which support schools to determine when referrals to the PRU are appropriate;</li> <li>• learn how the Council works with HIBOS (a multi-Academy Trust) to address concerns regarding referral levels;</li> <li>• assess trends in the level of permanent exclusions and pupil referrals to determine any recent increases. Compare such trends against regional and national statistics;</li> <li>• engage professionals in the sector to determine the reasons behind recent trends;</li> <li>• investigate any impacts on referral numbers resulting from changes to the educational landscape e.g. academies and free schools; and</li> <li>• consider statistics relating to the success of pupils who transition from the PRU to mainstream schools in Herefordshire.</li> </ul> <p>Membership (to be determined):</p>

	Group leaders will be contacted to fill any remaining vacancies following initial recruitment of members on the committee.
What will NOT be included	<ul style="list-style-type: none"> <li>• A review of individual cases.</li> </ul>
Potential outcomes	<ul style="list-style-type: none"> <li>• To determine current trends around referrals to the PRU and if an increase has been recorded;</li> <li>• To understand the reasons behind any recent trends in referrals; and</li> <li>• Gain assurance that effective co-ordination between the Council, the PRU and local schools exists to address increases in referral numbers.</li> </ul>
Key Questions	<p>To consider:</p> <ul style="list-style-type: none"> <li>• What are the current level of referrals; are there any discernible trends in the level of recent referrals;</li> <li>• Where are referrals originating; is there an even distribution across maintained schools, academies and free schools;</li> <li>• How does the Council coordinate/liase with the PRU and schools (maintained and non-maintained) to ensure there is alignment and consistency;</li> <li>• How long do pupils remain at the PRU and how successful are transition arrangements for pupils leaving the PRU; how many return to the service;</li> <li>• What thresholds/policies/guidelines are in place for schools to follow to undertake referrals for those pupils not permanently excluded; and</li> <li>• Has there been any impact upon referral numbers as a consequence of academies and free schools in Herefordshire?</li> </ul>
Cabinet Member	Cabinet member young people and children's wellbeing
Key stakeholders / Consultees	<ul style="list-style-type: none"> <li>• Internal – education officers concerned with additional needs.</li> <li>• Head teacher/representative from management committee – PRUs</li> <li>• Head teachers from schools with high permanent exclusion/referral rates</li> <li>• Management Committees at PRUs</li> <li>• Governing Bodies at maintained schools</li> <li>• Parents of permanently excluded children or at PRU</li> </ul>
Potential witnesses	<ul style="list-style-type: none"> <li>• Head Teacher from PRU</li> <li>• Management Committee members</li> <li>• Governing bodies members</li> </ul>
Research Required	<ul style="list-style-type: none"> <li>• Statistics relating to permanent exclusions and referral numbers; current data and previous years to determine any trends;</li> <li>• Comparative referral data – national and regional;</li> <li>• Policies and guidelines issued to schools to manage permanent exclusions and referrals.</li> </ul>
Potential Visits	
Publicity Requirements	Following the conclusion of the task Report back to the children and young people scrutiny committee.

Outline Timetable (to be determined): (following decision by the children and young people scrutiny committee to commission the Review)	
<i>Activity</i>	<i>Timescale</i>
Confirm approach, Terms of Reference, programme of consultation/research/provisional witnesses/meeting dates	Committee meeting – 16 July 2018
Present final report to Children and Young People Scrutiny Committee	

Group Members	
Chair	
Support Members	
Support Officers	J Coleman M Evans

## Children and Young People Scrutiny Committee

11 March 2019

### Work Programme 2018/19

Meeting date: 14 May 2018 – 10.15 a.m.		Despatch: 3 May	
Item	Description	Report Author	Form of Scrutiny
Learning Disability Strategy 2018 - 2028	To preview the draft learning disability strategy before it is presented to the cabinet for approval. The committee is asked to agree recommendations and comments to submit to the cabinet member health and wellbeing for consideration during the finalisation of the strategy.	Adam Russell	Pre-decision call-in
Children's Safeguarding and Family Support Performance Data	To receive a quarterly performance report on safeguarding measures.	Vicki Lawson/Chris Jones	Performance review
<b>Briefing</b>	NEETs – current level of NEETs, new data recording system; and breakdown of statistics around rural/urban/market towns/gender/traveller community.  Regional Schools Commissioner – briefing note on role of the RSC and areas of overlap with the council.  Provision of children's rights and advocacy service	Louise Tanner  Lisa Fraser  Sandra Griffiths	
Meeting date: 16 July 2018 – 2.00 p.m.		Despatch: 6 July	
Children and Young People Plan	To receive the draft children and young people plan ahead of its presentation to Cabinet and Council. To make recommendations on the draft plan.	Richard Watson, Amanda Price	Pre-decision call-in
Adoption Service and Fostering Service annual reports	To receive the annual reports from the adoption and fostering services and consider the outcomes and recommendations. To make recommendations to the cabinet member on the operation of the services during 2018/19.	Gill Cox	Performance review

Child Protection Numbers	To receive an update on the number of children currently subject to child protection arrangements and to make any necessary recommendations to the Cabinet Member.	Jane Hoey	Performance review
Meeting date: 17 September 2018 – <b>10.15 a.m.</b>		Despatch: 7 September	
Youth Justice Plan	To endorse the Youth Justice Plan 2018/19 for approval by full Council and consider whether there are any comments the committee would wish to make that would inform the production of the Plan for 2019/20.	Keith Barham	Pre-decision call in of Policy Framework Item
Education Strategy	To preview the draft education strategy before it is presented to the cabinet for approval. The committee is asked to agree recommendations and comments to submit to the executive for consideration during the finalisation and approval of the strategy.	Lisa Fraser	Pre-decision call in
Implementation of the Corporate Parenting Strategy action plan	To consider the updated action plan to the corporate parenting strategy and receive a performance report against the objectives	Gill Cox	Performance review
<b>Briefing paper</b>	Autism Strategy update		
Meeting date: 1 October 2018 – <b>2.00 p.m.</b>		Despatch: 21 September	
Herefordshire Safeguarding Children's board annual report	To consider the annual report and any recommendations contained within it. To assess if the report provides assurance and make comments and recommendations to the council and cabinet.	Sally Halls/Ann Bonney	Performance review
Referrals to the Multi Agency Safeguarding Hub	To receive a report concerning referrals to the MASH from agencies and in particular the Police.	Liz Elgar	Performance review/policy review and development
Ofsted action plan	To consider the action plan established following the Ofsted inspection in June 2018. To make recommendations to the executive on those actions identified.	Chris Baird	

Meeting date: 12 November 2018 – <b>10.15 a.m.</b>		Despatch: 2 November	
Section 20 Task and finish group – recommendations and outcomes	To present the final report of the task and finish group to the Children and Young People Scrutiny Committee.	Chairman of T&F	Policy review and development
Recommendations from the Spotlight review	To consider and approve the recommendations emerging from the spotlight review concerning dental health and childhood obesity.	Democratic Services Officer	Policy review and development
Meeting date: 29 November 2018 – <b>3.00 p.m.</b>		Despatch: 21 November	
Scrutiny Panel – LAC reduction project	To receive a report of the outcomes of the scrutiny panel to provide an oversight of progress against the proposal to reduce the number of looked after children and associated resource implications, including the medium term financial target.	Chris Baird	Performance review
Budget and Medium Term Financial Strategy (MTFS)	To seek the views of the committee on the draft medium term financial strategy (MTFS) 2017-21 and the budget proposals for 2019-20 relating to Children and Families.	Andrew Lovegrove, Audrey Harris	Pre-decision call-in/Policy review and development
Meeting date: 4 February 2019 – <b>2.00 p.m.</b>		Despatch: 25 January	
Alternative Budget	To seek the views of the committee on any alternative budget received.	Andrew Lovegrove/John Coleman	Pre-decision call-in/Policy review and development
Meeting date: 11 March 2019 – <b>10.00 a.m.</b>		Despatch: 29 February	
School Examination Performance	To consider school performance of summer 2018 and make recommendations to cabinet on how the effectiveness of the school improvement framework and strategy could be enhanced.	Lisa Fraser	Performance review
Quarterly review of performance against the Ofsted action plan	Quarterly review of the progress against the action plan produced in response to the Ofsted judgement in June 2018.	Liz Elgar	Performance Review
SEND Provision Task and finish group –	To present the final report of the task and finish group to the Children and Young People Scrutiny Committee.	Chairman of T&F	Policy review and development

recommendations and outcomes			
PRU Referrals Task and finish group – recommendations and outcomes	To present the final report of the task and finish group to the Children and Young People Scrutiny Committee.	Chairman of T&F	Policy review and development
Court Judgements Task and finish group – recommendations and outcomes	To present the final report of the task and finish group to the Children and Young People Scrutiny Committee.	Chairman of T&F	Policy review and development
<b>Briefing paper</b>	<p>Update on the level of referrals from the Police to the MASH and engagement between the Police and early help service.</p> <p>Update on the Herefordshire Children and Young People Mental Health and Emotional Wellbeing Transformation Plan 2015 – 2020 - CCG</p> <p>New Safeguarding Monitoring Arrangements – To receive details of proposed safeguarding monitoring arrangements in Herefordshire under new legislative provisions.</p> <p>Outcome of internal audit review of section 20 arrangements and processes.</p>	<p>Liz Elgar</p> <p>CCG</p> <p>Liz Elgar</p> <p>Internal Audit</p>	

### Scrutiny Panel

– a panel of two members of the committee was in operation to provide an oversight of progress against the savings proposal to reduce the number of looked after children. Councillors Gandy and Seldon comprised the Panel which reported to the Committee on 29 November 2018.

### Task and Finish Groups

– Section 20 Orders – three meetings of the Group took place, the final recommendations of the Group were reported to committee on 12 November 2018 and the responses to those recommendations are attached as appendix c.

– SEN Provision – Four meetings undertaken with the final report and recommendations to be reported to this meeting on 11 March 2019.

– PRU referrals – Three meetings undertaken with the final report and recommendations to be reported to this meeting on 11 March 2019.

– Court Judgements – Three meetings undertaken with the final report and recommendations to be reported to this meeting on 11 March 2019.

**Spotlight review**

– Dental Health and Childhood Obesity – took place on 17 September 2018. Recommendations reported to committee on 12 November 2018 and the responses to those recommendations were reported to the meeting of the committee on 4 February 2019.

**Business to allocate in 2019/20**

- Bereavement Services
- 12 month report of progress against the improvement plan
- Public Health nursing update
- Young Carers Service

**Appendix – recommendation tracker 2017 - 2019**



**Schedule of Children and Young People Scrutiny Committee recommendations made and actions in response**

Meeting	item	Recommendations	Action	Status
5 July 2017	Corporate Parenting Strategy 2017 – 2020	<ul style="list-style-type: none"> <li>- The committee welcomes the strategy, supports the priorities identified and agrees to provide a summary of comments and recommendations to the cabinet member;</li> <li>- The committee requests annual performance reports relating to the action plan in the strategy;</li> <li>- The committee provides a forum, where appropriate, for children and young people in care and care leavers to hold their Corporate Parents to account;</li> <li>- The members of the committee facilitate training, with officers, on corporate parenting to all members of Herefordshire Council;</li> <li>- The committee recommends that the cabinet member reviews the measures for success and outcomes sought in the action plan on a regular basis to see whether any measures need to be strengthened;</li> <li>- The committee recommends that procedures are introduced to ensure that significant decisions of the council take account formally of likely implications for looked after children;</li> <li>- The committee recommends that members undertake a mentoring role, where</li> </ul>	<p>Response of executive:</p> <p>The draft strategy was discussed at the children’s scrutiny committee on 5 July 2017; they are supportive of the strategy and associated action plan and have requested that an annual update on its implementation is presented to the committee. The recommendations have been considered by the cabinet member young people and children’s wellbeing and as a consequence children’s scrutiny is referred to in the action plan:</p> <p><a href="#">Corporate Parenting Action Plan 2017-20</a></p>	Completed

		<p>appropriate, for looked after children to share skills and experience to help enhance personal development and there is consideration of how this is best facilitated and publicised; and</p> <ul style="list-style-type: none"> <li>- The committee recommends that methods and strategies are investigated to engage partners and businesses in corporate parenting.</li> </ul>		
	Annual reports for the fostering and adoption services	<p>Resolved – that:</p> <ul style="list-style-type: none"> <li>a) the committee notes the annual reports from the adoption and fostering services and agrees to feedback comments to the cabinet member; and</li> <li>b) the adoption and fostering reports are considered as separate agenda items in future years.</li> </ul>	Adoption service and Fostering service annual reports allocated to the draft work programme 2018/19 for committee on 16 July 2016.	Completed
2 October 2017	Commissioning intentions for universal and early help services for children, young people and families	<p>Resolved - That the committee:</p> <p>supports the extension of the family befriending services contracts with the existing providers to the end of March 2018;</p> <p>has significant concerns about the commissioning exercise proposed. The cabinet members for health and wellbeing and young people and children's wellbeing are asked to have regard to the committee's concerns, particularly:</p> <ul style="list-style-type: none"> <li>- i) The reported lack of consultation concerning safeguarding arrangements and engagement</li> </ul>	<p>Response of executive:</p> <p>i) The intention to re-procure health visiting and school nursing services has been in the public domain since August 2016. CCG colleagues have been involved in steps taken thereafter to inform future commissioning intentions. There has been an opportunity to raise any issues or questions regarding procurement, during this time.</p> <p>A generalised concern regarding safeguarding arrangements had been</p>	Completed.

		<p>with the Herefordshire Safeguarding Children's Board;</p> <ul style="list-style-type: none"> <li>- ii) The provision of services in rural areas;</li> <li>- iii) The requirement for additional detail in the report, in particular the contract specification ; and</li> <li>- iv) A reported lack of communication with the CCG.</li> </ul> <p>requests that, before a decision is taken on the proposal, the cabinet members share additional information with the committee, including the contract specification.</p>	<p>raised by the CCG very recently prior to the scrutiny committee meeting and reassurances were provided to the CCG that discussions to understand the detail would be welcome and these have since been initiated.</p> <p>Issues relating to <i>safeguarding</i> commissioning responsibilities are resolvable through further discussion.</p> <p>There is no requirement to present the commissioning proposal to the Herefordshire Safeguarding Children's Board, because the service will be required to adhere to all national and local policies, guidance, standards and procedures.</p> <p>Further discussion and an agreed way forward have been made with the Chair of the Children's Safeguarding Board, including a request to include reference to safeguarding within this paper (see para 7).</p> <p>ii) It is recognised that there are challenges in delivering timely and accessible services across a rural county and this has been reflected in the draft specification. To respond to those challenges, the provider will be required to ensure that access is available via drop-in sessions (which could be held in any community facility or venue), clinics, home visits, telephone contact, texting and other formats appropriate for the families and community. Broadband</p>	
--	--	---	---	--

			<p>coverage across the county is currently 83% (30Mbps) so the provider will need to demonstrate how they will work with families who currently have no access to broadband or where phone signals are not available. The provider will also be expected to be organised around geographical areas/localities and pragmatically structured in line with local children's centre reach areas. The provider will also identify a named public health nurse link to each GP practice, children's centre and school, in order to facilitate local liaison, information-sharing and joint working in the best interests of families.</p> <p>iii) the draft specifications for the commissioning of 0-25 PH Nursing services and family mentoring services, to which have been added the requested additional detail relating to targets and outcomes and key issues outlined in the JSNA, have been made available, by exemption, to council members of the Children's Scrutiny Committee</p> <p>iv) This concern is not accepted and a summary of engagement activity is provided below:</p> <ul style="list-style-type: none"><li>• Representatives from the CCG have been engaged since August 2016 when CCG requirements were reviewed;</li><li>• a public online survey was launched</li></ul>	
--	--	--	--	--

			<p>in November 2016;</p> <ul style="list-style-type: none"> <li>• stakeholder engagement events To which GP and CCG representatives were invited were held during December 2016 through to end of January 2017;</li> <li>• feedback events were held in February 2017;</li> <li>• an early years review/scoping workshop held in May 2017;</li> <li>• Soft market testing was undertaken June/July 2017;</li> <li>• Updates have been provided to a Joint Commissioning Board which includes representatives of the CCG and reports to the CCG Board in August/September 2017;</li> <li>• Engagement/information session with GPs on key principles to be incorporated into the specification, was held in October 2017.and ongoing engagement agreed re implementation arrangements.</li> </ul>	
	Herefordshire safeguarding	Resolved – that:	Update from Chair of HSCB containing <i>Model Initial Parish Action Plan for</i>	Completed

	children's board (HSCB) annual report 2016/17 and business plan 2017/19	a) The annual report and effectiveness of the safeguarding arrangements for children and young people in Herefordshire as assessed by the Board are noted; and b) The strategic priorities identified by the Board are noted.	<i>Promoting a Safer Church</i> and latest detail with reference to work on the role of Parish Councils in safeguarding children.	
	Outcomes of casework peer review	Resolved – that the committee notes the report and offers congratulations to the teams involved in the review for the positive feedback received.		Completed
	Children's Wellbeing self-assessment	Resolved – that the committee notes the draft self-assessment document for the Children's Wellbeing Directorate.		Completed
4 December 2017	Children and Young People Mental Health Partnership	That the committee:  supports the response of the CCG to the task and finish group recommendations;  supports the objectives of the Herefordshire Children and Young People Mental Health and Emotional Wellbeing Transformation Plan 2015 – 2020; and  requests an update report on the implementation of the plan in 2018.	To determine the timing an update on the implementation of the plan in 2018. A briefing note will be provided to the committee in March 2019.	Completed
	Children's Wellbeing self-assessment – update	That the Committee:  endorses the self-assessment in its current form; and  agrees that the comments raised by the committee are circulated to the cabinet member.	Excerpt of minutes detailing the discussion sent to the cabinet member for Children and Young People.	Completed

5 February 2018	School Examination Performance	<p>Resolved – that the committee:</p> <p>Recognises positive attainment in a number of areas of school examination performance but in particular in the field of phonics;</p> <p>Requests a briefing note on the current level of NEETs, the new data recording system and a breakdown of statistics to include indicators around rural/urban/market towns/gender/traveller community;</p> <p>Requests a briefing note on the role of the Regional Schools Commissioner and a focus on areas of overlap with the Council; and</p> <p>Agrees to write to government to express concern regarding the lack of regulation and monitoring in respect of home schooling. The correspondence should include reference to the potential impacts of home schooling upon the educational achievements of children and safeguarding responsibilities of the Council.</p>	<p>Correspondence sent to Nadhim Zahawi MP, Parliamentary Under Secretary of State for Children and Families. Copied to Jesse Norman MP and Bill Wiggin MP.</p> <p>Response received.</p>	
	Children and Young Peoples Plan	<p>Resolved - that the committee:</p> <p>Supports the inclusion of: obesity; dental health; mental health and wellbeing; transport; and youth facilities as key areas of focus for the plan;</p> <p>Supports the implementation of a robust monitoring framework for the new version of the Plan; and</p> <p>Asks for the draft Plan to be presented to the</p>	<p>Allocated to the committee's draft work</p>	<p>Completed</p>

		committee ahead of consideration at Cabinet and full Council.	programme 2018/19 for committee on 16 July 2018.	
16 April 2018	Autism Strategy for Herefordshire 2018 – 2021	<p>Resolved – that:</p> <p>(a) the significant successes achieved in the first Herefordshire autism strategy published in 2014 be recognised;</p> <p>(b) the outcomes identified by the strategy and the means in the action plan to achieve these ends be supported but noting that the committee would like to see more detailed milestones;</p> <p>(c) it be requested that as the action plan evolves additional base line data is included in the action plan to ensure tangible and quantifiable measures of performance and success, particularly in respect of improving diagnosis rates;</p>	<p>Resolutions of the Committee sent to the Executive for a response.</p> <p>Resolution (e) sent to the Herefordshire CCG for consideration.</p> <p>Executive response – 18/10/2018:</p> <p>(a) The significant successes achieved in the first Herefordshire autism strategy published in 2014 are now incorporated into the 2019-2022 strategy;</p> <p>(b) The outcomes identified by the strategy and the means in the action plan to achieve these ends are now supported by a detailed implementation plan with timescales for completion, the responsible organisation who will lead and the required performance measures;</p> <p>(c) Additional base line data is now included in the action plan to ensure tangible and quantifiable measures of performance and success where this is available. Where this is not available the action plan itemises the data required to be captured or processes required to be changed in order to facilitate this;</p>	Completed

		<p>(d) the executive be asked to investigate the development of a system/process to ensure an accurate picture of the incidence of autism across Herefordshire can be produced;</p> <p>(e) efforts to improve diagnosis rates and the recording of autism within GP patient records be supported and Herefordshire Clinical Commissioning Group asked to take this initiative forward as a matter of priority;</p> <p>(f) the executive be asked to take steps to work more closely with independent and private schools in Herefordshire to share data regarding enrolled autistic pupils to enable the production of comprehensive statistics of pupils in the county with autism;</p> <p>(g) the executive be asked to consider methods to promote employment at the council to people with autism;</p> <p>(h) the executive be asked to consider contacting key local organisations, such as Halo leisure, to ensure they promote autism-friendly service provision;</p>	<p>(d) The action plan outlines a review of diagnosis pathways in Herefordshire which will begin to address issues around formal diagnosis in Herefordshire and has been signed off by Joint Commissioning Board;</p> <p>(e) Initiatives to improve diagnosis rates and the recording of autism within GP patient records are itemised and supported by Herefordshire Clinical Commissioning Group;</p> <p>(f) Improved sharing of data with independent and private schools in Herefordshire regarding enrolled autistic pupils, which will enable the production of comprehensive statistics of pupils in the county with autism;</p> <p>(g) The development of employment pathways are now an action within the implementation plan;</p> <p>(h) Universal services are included within the strategy and the plan outlines the promotion of autism-friendly service provision as a key activity for the local branch of the National Autistic Society and the Autism Partnership Board;</p>	
--	--	--	---	--

		<p>(i) the executive be asked to ensure that the Herefordshire branch of the National Autistic Society and the Hereford Autism Partnership are consultees during the planning process to ensure that new housing and public access buildings have autism-friendly design considerations;</p> <p>(j) the executive be asked to investigate proposals to ensure that new and existing council buildings and facilities are autism-friendly; and</p> <p>(k) the executive be asked to consider autistic-awareness training for new members of staff and elected members of the Council and ensure that all members are able to disseminate good practices within their local communities.</p>	<p>(i) The implementation plan outlines mechanisms for the Herefordshire Autism Partnership board to produce best practice guidelines for council buildings, new housing and public access buildings to have autism friendly design considerations;</p> <p>(j) As above</p> <p>(k) Autism awareness training is a key theme throughout all the priorities, and targets have been built into the plan to roll this out further, with key target workforces and metrics.</p>	
	LGA Safeguarding Peer Review Feedback	<p>Resolved – that:</p> <p>(a) a report be submitted on the referrals to the MASH, in particular those by West Mercia Police, for review by the Committee;</p> <p>(b) it be requested that corporate parent training for all members be made mandatory;</p> <p>(c) progress on actions in the finalised improvement plan is reported to the Committee, at 3, 6 and 12 months to enable it to be monitored; and</p> <p>(d) the Committee’s recognition and support of the work of staff in this challenging area be noted.</p>	<p>(a) Report received at committee meeting on 01/10/2018.</p> <p>(b) corporate parenting is a mandatory training module and must be completed within three months of being elected.</p> <p>(c) briefing notes for progress at 3 and 6 monthly intervals added to the work programme. The 12 month progress report to be allocated to the first committee in the new term.</p>	<p>Completed</p> <p>Completed</p> <p>Completed</p>

14 May 2018	Learning Disability Strategy 2018 – 2028	<p>Resolved – that the committee:</p> <p>(a) supports the strategy and requests the missing information, concerning health and wellbeing outcomes and social impact, and the implementation plan is shared with the committee when available;</p> <p>(b) requests that the executive prioritise the incorporation of improved metrics in the strategy to measure progress and provide evidence that objectives are realising desired outcomes;</p> <p>(c) requests that the executive considers making updates on the development and implementation of the strategy available through an appropriate forum e.g. the corporate budget and performance report;</p> <p>(d) asks the executive to provide a report to the committee, in due course, on the re-modelling of the Learning Disability Partnership Board;</p> <p>(e) asks the executive to consider appointing a member champion for learning disabilities;</p> <p>(f) asks the executive and the CCG to investigate methods of utilising learning disability registers, held by GP surgeries, to provide evidence for those with learning disabilities to more easily obtain bus passes;</p>	<p>Executive response, 7 June:</p> <p>(a) Agreed. The information will be circulated to committee members by 01 October 2018 and it will be for the committee to determine whether to include further consideration in its work programme;</p> <p>(b) Agreed. This will form part of the first years activity in the implementation plan.</p> <p>(c) Agreed. Progress will be reported through the quarterly corporate performance reporting process.</p> <p>(d) Agreed. The information will be circulated to committee members by 31 December 2018 and it will be for the committee to determine whether to include further consideration in its work programme</p> <p>(e) Agreed. A draft role profile will be prepared and the Leader of the Council will consult with political group leaders before making an appointment.</p> <p>(f) Not agreed. Whilst the problem is recognised, there are still complex issues with accessing and sharing learning disability registration data in order to achieve this specific outcome. The requirement for and provision of qualifying</p>	Completed
-------------	--	--	--	-----------

		<p>(g) asks the executive to investigate the promotion of a scheme, similar to the Gloucestershire 50/50 strategy, in Herefordshire to encourage employment opportunities for people with learning disabilities; and</p> <p>(h) ensures that following the adoption of the strategy, the CCG and the 2gether Trust are held to account for those elements of the strategy for which they are responsible.</p>	<p>information for exemption schemes will be considered across the whole of the health and wellbeing pathway.</p> <p>Recommendation amended at committee on 16/07/2018 below.</p> <p>(g) Agreed. Knowledge gained from the Gloucestershire 50/50 learning disability employment strategy will be incorporated into planned work to promote employment opportunities for people with learning disabilities in Herefordshire and that this will form part of the 2018-19 implementation plan;</p> <p>(h) This is not a function of the executive. The scrutiny committee may review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and make reports and recommendations directly to the relevant body.</p>	
	Children's safeguarding and family support performance data	Resolved - that a report concerning referrals to the MASH is added to the work programme for the committee in September to include an invitation to Sally Halls to participate in the item and access to comparative data from other local authorities.	Item added to the Committee's work programme for 17 September.	Completed
16 July 2018	Minutes of the previous meeting (14 May)	<i>'f. asks the executive and the CCG to investigate methods of joint working with GP surgeries to assist those with learning disabilities to more easily obtain bus passes'</i>		Completed

		RESOLVED: that subject to the change outlined above the committee approves the minutes of the meeting on 14 May 2018.		
	Fostering and Adoption Annual reports	<p>RESOLVED: that the committee:</p> <ol style="list-style-type: none"> <li>1) Expresses concern regarding the lack of progress in joining a regional adoption agency and the executive is requested to undertake any available actions to expedite membership of Adoption Central England;</li> <li>2) Requests clarification regarding how the overspends of the fostering service and external fostering budget in 2017/18 have been addressed;</li> <li>3) Asks the executive to approach local cultural and leisure providers to attempt to secure concessionary rates for looked after children; and</li> <li>4) Notes the annual reports 2017/18 for the fostering and adoption services.</li> </ol>	Executive response – 27/09/2018	Completed
	Children and Young People	RESOLVED: that the Committee recommends that the Plan includes reference to:	Approval of plan expected in Summer 2019.	

	Plan 2018 - 2023	<p>a) the impact of poverty and deprivation on children and young people;</p> <p>b) refugee and migrant children and families; and</p> <p>c) the issue of County lines under the <i>be safe from harm</i> priority.</p>		
17 September 2018	Youth Justice Plan 2018-2019	<p>RESOLVED: that the Committee:</p> <p>a. endorses the Plan for presentation to full Council;</p> <p>b. notes the improvement in the rate of first time entrants across West Mercia but recognises further progress is required to reduce the rate in Herefordshire;</p> <p>c. supports an increase in the use of informal responses, such as community resolution, to divert young people from the formal justice system and recommends that this is progressed as a priority;</p> <p>d. expresses concern regarding the persistently high level of reoffending in Herefordshire and recommends that the General Scrutiny Committee review the reducing youth offending delivery plan, being produced by the Herefordshire Community Safety Partnership, and also scrutinises the CSPs approach to youth crime and anti-social</p>	<p>Recommendations a,b,c and f sent to the Youth Justice Service – 20/09/2018</p> <p>Recommendation d sent to the chairman of the general scrutiny committee – 20/09/2018. General scrutiny to consider the draft <i>reducing youth reoffending delivery plan</i> during the 2019/20 municipal year.</p>	Completed

		<p>behaviour;</p> <p>e. agrees witnesses from the police, the CSP and other relevant partners such as Addaction will be invited to participate in the committees future consideration of the Youth Justice Plan; and</p> <p>f. requests that the Plan incorporates clarity regarding why it is produced, to whom it is aimed and the communities it serves.</p>		
	Corporate Parenting annual Update	<p>RESOLVED: that the Committee:</p> <p>a. notes the update and recognises the progress made;</p> <p>b. asks the executive to encourage all members to use local contacts to identify employment and work experience opportunities for LAC; and</p> <p>c. agrees to write to local cultural providers to request concessions for LAC.</p>	<p>b. a letter will be sent to all Councillors who have not previously responded asking them to identify work experience and employment opportunities that they may be able to broker on behalf of looked after children and care leavers.</p> <p>c. letters circulated 25 October 2018. Response received from Conquest Theatre, Bromyard who have committed to provide a concession for looked after children.</p>	Completed
	Education, Development and Skills Strategy 2018-2021	<p>RESOLVED: that the Committee:</p> <p>a. supports the Strategy as a high level statement of intent and requests that further detail on the individual projects are circulated when available; and</p> <p>b. requests that the committee is involved in the</p>	<p><b>From Cabinet Member decision report – 14/12/2018</b></p> <p>The children and young people’s scrutiny committee reviewed the draft strategy at their meeting on 17 September and they confirmed their support for the strategy as a high level statement of intent and requested</p>	Completed

		review of the SEND strategy.	that further detail on the individual projects are circulated when they become available.	
1 October 2018	Referrals to the multi-agency safeguarding hub	RESOLVED - That the committee notes the report and requests that an update on the level of referrals and engagement between the Police and early help service is provided to a meeting of the committee in March 2019.	Update report allocated to the meeting of the committee on 4 March 2019	Completed
	Outcome of Ofsted inspection of local authority children's services and action plan	RESOLVED – That the committee: <ul style="list-style-type: none"> <li>• endorses the action plan;</li> <li>• allocates a quarterly item to its work programme to assess progress against the action plan; and</li> <li>• welcomes those positive elements emerging from the inspection including: safeguarding arrangements; looked after children and early help; care leavers; children with disabilities; children at risk of sexual exploitation or wider exploitation; the Council's approach to elective home education; and children who go missing.</li> </ul>	First quarterly report allocated to the meeting of the committee on 4 March 2019.  Considered by Cabinet on 18/10/2018	Completed
	Herefordshire Safeguarding Children Board (HSCB) Annual Report 2017/18	RESOLVED – that: <ul style="list-style-type: none"> <li>• The HSCB annual report 2017/18 is noted and the committee recognises the concerns raised by the Chair of the Board;</li> <li>• The committee receives details of proposed safeguarding monitoring arrangements in Herefordshire under new legislative provisions; and</li> </ul>	Update report allocated to the meeting of the committee on 4 March 2019.	Completed

		<ul style="list-style-type: none"> <li>Following the implementation of new safeguarding monitoring arrangements in Herefordshire from 2019 the committee reviews the involvement and commitment of all agencies.</li> </ul>		
12 November 2018	Dental health and childhood obesity spotlight review - recommendations and outcomes	<p>RESOLVED: that the committee agrees:</p> <ol style="list-style-type: none"> <li>The submission to the executive and relevant organisations of the outcomes and recommendations of the spotlight review, subject to those amendments to the recommendations outlined above;</li> <li>the inclusion of additional recommendations, as outlined above, in the report of the spotlight review and submission to the executive and relevant organisations;</li> <li>to write to local Herefordshire MPs to request detail as to how the priority of childhood obesity in the county is being championed; and</li> <li>to delegate to the Chairperson the finalisation of the report of the outcomes and recommendations of the spotlight review prior to submission to the executive and relevant partners.</li> </ol>	Executive response reported to the committee meeting on 4 February 2019.	Completed
	Section 20 task and finish group – recommendations and outcomes	RESOLVED: that the committee agrees the submission of the report and recommendations of the section 20 task and finish group to the executive.	Executive response reported to the committee meeting on 4 February 2019.	Completed
29 November	Scrutiny working group update on	RESOLVED: that future updates concerning performance against the LAC reduction savings proposal added to the committee’s work programme.		Completed

2018	looked after children cost reduction			
	Setting the 2019/20 budget, capital investment and updating the medium term financial strategy	<p>RESOLVED – That the committee:</p> <ul style="list-style-type: none"> <li>- supports investment in early help, edge of care and placement stability services and requests that business cases are shared with the scrutiny committee when available; and</li> <li>- supports the separate monitoring and reporting of overspends on the LAC budget from the children and families budget.</li> </ul>		Completed
4 February 2019	Alternative budget proposal 2019-20	<p>RESOLVED: that the committee:</p> <ul style="list-style-type: none"> <li>• notes the cabinet members welcoming of the ideas coming forward in the alternative budget and the commitment to exploring these ideas further with officers;</li> <li>• welcomes the emphasis on the family centred approach to supporting vulnerable children and families. The committee recommends that the 'It's Our County 'group updates the alternative budget to present additional evidence relating to the family centred approach; and</li> <li>• has some concern over the short term nature of the funding, which does not extend beyond 2019/20.</li> </ul>		Completed