

Minutes of the meeting of Children and young people scrutiny committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Tuesday 7 September 2021 at 2.30 pm

Present: Councillor Phillip Howells (chairperson)
Councillor Jennie Hewitt (vice-chairperson)

Councillors: Toni Fagan, Helen I'Anson, James, Mike Jones and David Summers

Virtual attendees Councillor Toni Fagan
Mr Andy James – education co-optee

Officers: Interim Director of Children and Families and statutory Director of Children's Services, Interim Assistant Director for MASH CIN CP, Interim Assistant Director Quality Assurance, Safeguarding and Partnerships and Acting deputy chief executive - solicitor to the council

23. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Graham Andrews and Jim Kenyon and from Mr Sam Pratley.

Apologies were noted from Councillor Diana Toynbee, cabinet member for children and family services and Cath Knowles, interim director of children and families.

Councillor Toni Fagan and Mr Andy James were not able to attend the meeting in person. They joined the meeting by remote video link but did not vote on any resolutions of the committee.

24. NAMED SUBSTITUTES

There were no named substitutes.

25. DECLARATIONS OF INTEREST

No declarations of interest were made.

26. MINUTES

The chair explained that additional comments had been received from a member of the public in relation to the minutes of 1 June. It was accepted that it was important to compare Herefordshire to its statistical neighbours and noted that Herefordshire's LAC rate was twice that of 'statistical neighbour' Cornwall, 88:10,000 and 44:10,000 respectively.

The minutes of the meeting of the 5 August would be amended as follows in relation to the discussion of the minutes of 1 June:

'Under item 8 the minutes recorded in the first bullet point that "The number of children in care in the county was slightly higher than in statistical neighbours but there could be many different reasons for this". This had been challenged by a member of the public who felt

highlighted that the difference in figures for Herefordshire from comparator authorities statistical neighbours was significant.'

With this point noted, it was resolved that the minutes of 5 August 2021 be approved and signed by the chairperson.

It was noted that the clerk to the committee would set up a separate 'action tracker' to record progress on agreed committee actions over time and added in addition to the minutes from after the next meeting of the committee.

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

The question and response are attached as appendix 1 to the minutes.

28. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions from councillors.

29. CHILDREN'S SERVICES IMPROVEMENT JOURNEY

The chairperson agreed that this item be taken ahead of the other substantive items on the agenda due to the availability of presenting officers.

The committee considered the report by the interim director for children and families. The report was presented by the Interim Assistant Director for MASH CIN CP and the Interim Assistant Director Quality Assurance Safeguarding and Partnerships.

In response to concerns regarding the wellbeing of staff and avenues for support, including outside of line management arrangements, officers outlined the role of the principal social worker, the whistleblowing process and planned team away days.

The committee received an update on progress with case audits and noted the emerging themes, support and training for social workers and timescales for completion of the work.

The recommendations below were proposed and seconded and carried unanimously.

That the committee having reviewed and noted the directors update report makes the following recommendations:

- a) **That progress on development with heat maps be shared with the committee by 23 November 2021;**
- b) **That development sessions include members of children's services legal team as well as social workers;**
- c) **That the committee review all the challenges identified in the report with a view to identifying areas where scrutiny can contribute;**
- d) **That examples of audit documentation be shared with the committee by 23 November 2021;**
- e) **That a link to relevant information on the council website be provided to the committee;**
- f) **That the voice of the staff be captured in an appropriate form as evidence for external review and the scrutiny committee.**

Mr Andy James left the meeting at the conclusion of this item.

The committee adjourned at 16:15 and resumed at 16:25.

30. UPDATE ON CHILDREN'S LEGAL TEAM IMPROVEMENT PLAN

The committee considered the report which was introduced by the acting deputy chief executive – solicitor to the council.

The committee queried the numbers of cases under the Human Rights Act and whether training was required.

The committee received an update on the staffing structure in and progress on recruitment to the children's services legal team. The challenges of recruiting permanent staff were noted.

The committee reflected on the Internal Escalation Procedure for Managing Disagreements on Case Planning for Children and Young People and queried the support available to senior officers when considering potentially very difficult decisions. It was suggested that the process be reviewed in relation to the criteria under which a second opinion should be sought.

The ability of councillors to call in decisions was noted. It was felt that training was required to give councillors the confidence to initiate the call in procedure.

In answer to the chair's question on progress in adding a new standing co-optee to the committee as already agreed, the acting deputy chief executive advised that an advert was expected to be placed soon and that agreement to add to the standing co-optee list would be put to the full council meeting on the 8th October for formal confirmation.

Actions arising:

- The solicitor to the council to check and confirm if the Human Rights Act is highlighted as a workshop requirement for social workers;
- The solicitor to the council to provide an example of an induction pack for new starters.

The recommendations below were proposed and seconded and carried unanimously.

- a) The committee notes the progress made to date and the plan to continue with improvements in the Children's Legal Team;**
- b) Further updates on the legal team improvement plan be presented to the committee bi-monthly, with evidence in the next meeting (23 November 2021) on the service level agreement, knowledge and understanding of when to access legal services by middle managers**
- c) Add more clarity on the status of HRA cases and include evidence of training / workshops of areas of concern;**
- d) Post court proceedings meetings be required rather than optional (Q7 in Children's Legal Team Improvement Plan relates);**
- e) A review of the escalation process be undertaken in relation to decision making by senior officers within the escalation process and support for them, including the criteria under which a second opinion is sought;**
- f) Training be provided to councillors to help them be confident in instigating the call in procedure**

31. WORK PROGRAMME REVIEW

The committee considered the recommendation tracker and work programme which were attached as appendices to the agenda paper. Potential additional items were discussed and it was noted that a work programming session would be scheduled after Council had agreed the new scrutiny structures as part of the re-thinking governance project.

Actions arising:

- The clerk to the committee to seek an update on the schools update briefing promised on 28 July 2020.

The committee

- a) **Notes the updated recommendation tracker in appendix 1; and**
- b) **Agrees the work programme at appendix 2 with the following amendments:**
 - i. **A report on health and wellbeing be scheduled for the December meeting, to include mental health in schools**
 - ii. **A report on holiday activities provided by schools during covid be scheduled for the December meeting, with a focus on contextual safeguarding**

32. DATE OF NEXT MEETING

The date of the next meeting was noted as Tuesday 12 October 2021 at 2:30pm.

The meeting ended at 5:31pm

Chairperson

Supplement – schedule of questions received for meeting of children and young people scrutiny committee – 7 September 2021

Agenda item no. 5 - Questions from members of the public

Question Number	Questioner	Question	
PQ 1		Question deferred.	
PQ 2	Ms B Shore, Hereford	<p>I raised a public question at Cabinet in November 2020 about the use of the term “alleged victim” in the Council’s peer on peer abuse guidance. I set out the arguments and evidence for the importance of using the term victim, rather than alleged victim. In response to my question, it was agreed: “We will ensure that the description “victim” is used in all documentation going forward”.</p> <p>In view of this Cabinet decision, why, 10 months on, does the Council’s published Example Peer on Peer Abuse Policy for Schools continue to use the term “alleged victim”?</p>	

Response from Interim Director of Children and Families:

☺ I am sorry this has now been changed. The original guidance issued was always intended to be updated regularly as the national guidance to schools changes. The term ‘alleged victim’ has now been changed to reflect this request. It is being issued to schools as the new term starts with the updated terms. There will be further updates in the coming months also as we see this as a guidance that will require constant updating. The current version has the updated terminology in it. The latest national guidance was updated in April 2021 (this was itself delayed) so we waited for that before updating our own. We apologise for the delay.

Supplementary question

Hereford Women’s Equality Group has been working on the issue of peer on peer sexual abuse in schools particularly around keeping victims safe and as such we absolutely welcome the change in the guidance to schools changing alleged victim to victim. This is incredibly important.

The national guidance came out in April this year but it took over four months to make this change and when I submitted the question on the first of September ‘alleged victim’ was still being used in the council guidance to schools.

Why was the word alleged ever used at all given that this committee made a very clear decision in November 2020 to use the word victim in all future documents and why did it take so long to change?

Response

The chairperson indicated that a written response would be provided. The importance of a clear action tracking process was highlighted, with a responsible person identified to deliver actions and a date for completion.

Response received from Children's Services – 22.11.21

The word alleged was initially used on the back of advice which suggested that, given that most cases involve children and do not reach a legal resolution (ie a court judgement) they remain allegations. However, we recognised that the use of the word alleged was inappropriate for victims and it has subsequently been removed. The delay was because the guidance is updated regularly following national changes. It is usually updated termly.

PQ 3	Ms D Hobbs, Parent Carer Voice Herefordshire	How can you show effective monitoring of SEN provision across the county and within Mainstream Education and then how are you effectively Implementing that this has then been Quality Assured for SEN children?
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Response from Interim Director of Children and Families:

There are a number of ways that SEN provision is monitored in both mainstream and specialist educational settings in Herefordshire.

Schools and settings have a responsibility to make provision to meet the full range of pupils on their roll. As such, they are inspected through the Ofsted inspection framework and the LA monitors inspection letters for SEND specific comments and recommendations. All schools are expected to monitor the success of specific groups including SEND within the school or settings and if there are found to be weaknesses, action to address these should be built into the school improvement plan. The members of the Governing Body act as 'critical friends' to the school and in this regard, the SEN Governor is key to challenging the school about the quality and range of its SEN provision.

o Where a child has an Education, Health and Care Plan, the school will hold a meeting to review the plan annually. SEN Officers from the LA will attend a proportion of these annual reviews Annual Reviews and the vast majority of our schools are visited in this way every year. The SEN Officers are in a position to challenge progress being made by the child concerned. In addition, a wide range of council officers from the Additional Needs Service, e.g. peripatetic teachers for sensory impairment or educational psychologists, work directly with children in all schools on a regular basis. Where the officers have concerns, these are raised with senior officers. These are discussed at the monthly 'round table' meetings and where it is deemed appropriate, challenge is made to the school. Other intelligence about SEND provision, e.g. if there are complaints from parents or from other non-Council services is also considered at these meetings.

The performance of SEN children is monitored across the County as a whole and in relation to specific schools on an annual basis by the LA. Periodically, there are reviews of specific types of provision to ensure that quality is being maintained.

There is an action in the latest iteration of the SEND Strategic Action Plan to train expert peer reviewers to conduct peer challenge using a range of SEND indicators similar to those used in the successful 'London Challenge' programme. This work is being supported by the 'Whole School Support for SEND' organisation which is in turn supported by the National Association for Special Education Needs (NASEN).