

Minutes of the meeting of Children and young people scrutiny committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Tuesday 26 April 2022 at 2.30 pm

Present: Councillor Phillip Howells (chairperson)
Councillors: Helen l'Anson, Mike Jones, and David Summers
Councillor Jim Kenyon (non-voting member)

Co-optee: Wiktor Daron – Archdiocese of Cardiff Representative
Fiona Reid – Observing nominate Co-optee for Families

Officers: Darry Freeman Corporate Director - Children & Young People, Project Lead, Head of Law and Legal Business Partner, Children and Families, Democratic Services Officer and Statutory Scrutiny Officer.

Remote committee attendees (non-voting): Councillors Toni Fagan, Graham Andrews (joined approx. 3.00pm)

Other remote attendees: Councillor Diana Toynbee (Lead Member), Interim Assistant Service Director Safeguarding, QA & Improvement, Head of Law and Legal Business Partner, Children and Families; Technical Support Officer

82. APOLOGIES FOR ABSENCE

Apologies were received from:

- ~ Councillor Jennie Hewitt
- ~ Mr Sam Pratley - Diocese of Hereford, Church Representative – Co-optee
- ~ Mr Andy James - SEND Sector Parent Governor Representative - Education Co-optee
- ~ Jane Ellis - Healthwatch

83. NAMED SUBSTITUTES

There were no named substitutes.

84. DECLARATIONS OF INTEREST

There were no declarations of interest.

85. MINUTES AND ACTION LOG

It was requested that the attendance record was reviewed so that virtual attendees were marked as in attendance.

Resolved: It was resolved that the minutes of the meeting held on 22 March 2022 be approved as an accurate record and signed by the Chairperson.

When reviewing the Action Log, it was noted that:

- The committee was making great steps forward to accurately track and review their agreed actions.
- Some enhancements are needed and the committee is looking to schedule regular meetings to refine actions to adhere to a SMART format.
- Over time the actions will be refined to be more specific with action-by-dates.
- It was noted that the recommendation tracker was absent, and would be included in future agenda packs for the committee to review.

86. CO-OPTEE CONFIRMATION

Mr Wiktor Daron was welcomed as the Archdiocese of Cardiff representative co-optee.

It was put that Fiona Reid is nominated as a non-voting co-optee in relation to concerns around families and the committee to confirm her appointment.

Concerns were raised by two committee members about not having any background information on the position or candidate.

It was noted that information about the nomination was circulated a few months previously. This communication led to two queries being raised. These queries were answered and satisfied prior to this meeting.

The committee were given ample opportunity to comment on the nomination as stated by the Chair. Therefore there was no further need to delay the approval of the co-optee nomination.

Resolved – Fiona Reid was confirmed as the non-voting Co-optee for Families.

87. QUESTIONS FROM MEMBERS OF THE PUBLIC

Before the committee could hear subsequent questions from members of the public, a question was put by a councillor on a concern they have currently that they wished to have resolved.

Year 7 special students are unaware of secondary school places, why is this and when will they be informed?

A response was to be given in a written form by the Corporate Director – Children and Young People.

There were three questions submitted prior to the committee meeting. Answers to these questions were published as a supplement to the agenda.

Following this, each person who submitted a question also requested to ask a supplementary question. The first of these was submitted as a written follow up question which the Chair read aloud:

The Department for Education reviewed the A Fertile Heart programme after the Ofsted Inspection and found serious non-compliance issues. Consequently, in June 2021 the (former) Minister for School Standards, Nick Gibb MP wrote to local MPs that “A Fertile Heart contained content that would be hard for a school to present in a way that was consistent with the statutory guidance on Relationships, Sex and Health Education (RSHE)”. He undertook to write to the Archdiocese and the Publishers. According to the Council's response, it appears no significant changes to the programme have been made. Given this, how does the legal advice square with the Council's duty to protect children and ensure primary equality and

human rights are not breached, and how can the Council legally challenge the continuation of such a programme in one of our schools?

Mr Darryl Freeman picked up this question and offered to provide a written response to the individual within 2 weeks, following consultation with the Legal Team.

The chair then invited the first member of the public in the room to present their supplementary question.

They stated:

Thank you for the written response. It refers to a lot of documents but fails to answer my question and it does not explain how the Human Rights Act and the Equality Act apply to cases of peer-on-peer sexual assault.

The Council's guidance for schools has only one reference to the Human Rights Act and one reference to the Equality Act – these are cursory references in the Appendix which merely urges schools to ensure they adhere to those Acts.

There is NO explanation for schools as to how those Acts apply to cases of peer-on-peer sexual assault. No wonder that schools are still getting it wrong and that victims – mainly girls – are still at risk of harm.

I am more than ever concerned that no officer in this Council has got to grips with how the Human Rights Act and the Equality Act apply and I hope I am wrong on that. Can someone – any officer or any member – put my mind at rest, and please explain to us how the Human Rights Act and the Equality Act should operate in a specific circumstance of protecting a rape victim who has reported the crime to the police but does not wish to go through the criminal justice system.

Mr Darryl Freeman was asked to provide a response to the question from the member of the public. He stated that he disagreed that the council did not have appropriate guidance and policies, as suggested.

The response to the question was deferred to a written response following consultation with Legal colleagues. The deadline for this would be within 2 weeks.

The chair then invited the second member of the public in the room to present their supplement question. They stated:

In the written response to my question, Q3 again relevant to Peer on Peer abuse. Case by case basis with the voice of the child in use. My trouble with this is that the child in many cases will not be familiar with their rights under the equality act or human rights act. May feel that there is pressure to be kept in the same space as the perpetrator of their abuse. More often than not it is girls that are victims sadly. My concern is that there being asked to be in the same space and continue their education in the same space as the same situation. What guidance will be given by officers of the council to the schools specifically where there aren't going to be pursuing a criminal case, as this doesn't always happen in a timely manner. What guidance will be given to schools?

The Chair asked Mr Darryl Freeman to provide a response to the question from the member of the public.

The response to the question was deferred to a written response following consultation with Legal colleagues. The deadline for this would be within 2 weeks.

88. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions from members of the Council

89. INCREASED BUDGET FOR CHILDREN'S SERVICES: INVESTING IN CHILDREN'S SERVICES TRANSFORMATION

The Corporate Director for Children and Young People introduced the report, the purpose of which was for the Committee to review the increased budget for children's services for investing in children's services transformation.

During the following discussion/debate the following principal points were noted:

- The pension scheme that care givers can receive as part of their contract is/will be the Local Government pension scheme which can be opted in and out. This is regulated and generous and should attract people.
- The terms and conditions of the employment contract are being reviewed to ensure it attracts people to the positions and made more attractive.
- Herefordshire needs to attract people inwards and this could be improved by a good pension scheme.
- A copy of the employment contract was requested to be provided to committee members.
- Although working to an exemption at the moment given the urgent need to recruit, we will be returning to a regional memorandum of understanding between all the regional authorities and will not be aiming to poach the expertise or staff/LOCUMs of other local councils.
- The council needs to ensure that the £11m, is spent correctly and in the best way the council can. When looking at the figures Legal receive a lot of the funding. Queried whether legal secretaries would be better hires than solicitors as it would be more cost effective.
- Human Resources were commented to be an expensive outsourcing resource that could be brought internal.
- Suggestions were raised about including a 'refer a friend bonus' to try and encourage people into the council to fill positions. We could be using similar incentives to come and work in Herefordshire.
- The committee wants to see commitment from experienced social workers to help in training other social workers especially the level 1(new starters) and 2. It was raised that this does happen already and a number of social workers take on an education role.
- Interim workers are aware of the deadline of their contracts. Some are approached to stay on and these conversations start early on in the process before the end of the contract. There are a number of ongoing initiatives in place to try and retain some of the interim workers.
- There needs to be a look at how to better utilise support workers to try and reduce the workload of social workers where possible. This could also lead to further training opportunities to train support workers into becoming social workers.
- Sexual abuse in children is not touched upon in the plan, nor how these children are identified and supported. Some of the money should/could have been inputted to informing children on the importance of coming forward when they have been abused and in understanding the need for the protection of their personal space.
- Pastoral support and more proactive support is needed for children who are at risk or are experiencing abuse.
- Children services come into their own when abuse is known and they are able to support and help. Potential usage of collaboration with charity services.

- Important to note that recruitment is underway, but noted it is a difficult problem faced by all authorities. Idea of supporting career progression with salary increases which could aid the problem of recruitment was muted.
- Social workers have a protected status and must undertake a degree course to qualify. A number of social workers undertake additional courses that are linked to universities to develop and train further. The council needs a workforce that is diverse and has a range of skills.
- There appears to be a significant drop in the budget figures for HR and Legal support, but this is due to the fact this resource was reported in their individual budgets and not in the budgets of the Children's Services.
- There is no budget in this transformation money that would be available to develop and recruit youth workers locally. There is nevertheless a very important need to think more about adequate service provisions for the youth in the county, since this is certainly not currently in place.
- Improvement progress metrics are reported to the improvement board and the corporate cabinet board quarterly. The committee should include reviews of these quarterly reports in its future work programme.
- There currently isn't a contingency plan for not recruiting sufficient staff, but this is not seen as vital as the council has not had issue with recruitment at the moment. Most of the staff recruited for the transformation plan are already in post. There is a risk and challenge to other recruitment, but not so much on newly qualified staff.
- The committee should be reviewing aspects of children's service delivery that actually impact on the lives of young people as much as simply looking at the KPI's

On being asked to sum up their thoughts on the discussion, the cabinet member noted that they were pleased that over the past few weeks the committee had had opportunities to see this plan and understand the investment being made, which should be seen as a very significant investment in people and admin support.

Conclusions:

Resolved: that the committee requested the following information:

- A written response to a question posed by the committee be provided by the Corporate Director for Children's Services - What is the timescale for effectively providing SENCO support when identified?
- A copy of the employment contract of social workers be circulated to members of the committee for review.
- Further detail should be provided to explain the figures set out in Appendix A. Table 1 in relation to the increased budget figure of £11.4m (relative to the table in the original budget)

Resolved: that the committee asked for the following actions and recommendations to take place:

- To bring a draft proposal, based on the advice of officers, back to the next committee meeting, with regards to reviewing retention and recruitment in the form of a Task and Finish Group. This should include opportunities to meet frontline staff.
- Key weakness areas in the service delivery should be particularly identified for subsequent committee review, with the view of moving beyond just the recruitment and key performance indicators. The Director of Children's Service was asked to look at additional metrics that could be used by the committee to effectively evaluate service delivery improvement, which it was agreed would be reported to and scrutinised by the committee quarterly.

The meeting adjourned for a short break at 16:06.

The meeting recommenced at 16:16

90. CHILDREN AND YOUNG PEOPLE' IMPROVEMENT PLAN - PROGRESS UPDATE

The Corporate Director, Children and Young People, introduced the report with the help of the Project Lead, the purpose of which was for the Committee to review the Children and Families Strategic Improvement Plan

During discussion the following principal points were noted:

- Officers will be finalising the contents of the enhanced improvement plan in the next week. This will then be circulated to the committee for comment. A plan that frequently changes is not what is wanted and are looking to have a final draft ready to send that can be signed off.
- Expecting to have quarterly data in July, which will be reported back to cabinet. This will provide feedback on how the plan is progressing in the improvement of the service.
- Good to see that partnerships are being highlighted in the plan.
- There are outside forums which engage with the service users and gain passive feedback on the services performance. What is key, is to capture the lived experience of the service users.
- Expecting to see less complaints from users on the service provided as a result of this plan.
- Expecting to see good performance improvements over the next few months, and not receive any surprises in July meeting.
- Concerns raised over the term 'critical friend', and its usage in terms of the scrutiny function. Agreed that although scrutiny committees have the key scrutiny role, but the Corporate Leadership Team has a right to scrutinise its own work as well. The main difference in emphasis is that the committee scrutinises and the CLT monitors.
- The service is already heavily monitored and the reality is that there is not currently sufficient time to satisfy all interested parties on performance whilst also completing their work on the improvement plan.
- There are some measures that matter more than others, but there is no current feedback baseline by which to compare; this be improved in the final version of the new plan.
- The committee wants to see realistic, but challenging targets to attain and against which to scrutinise.
- The Improvement Plan is sent over to OFSTED and the Department of Education for review to show how the work that is underway is progressing. Feedback illustrates there is a high degree of confidence in the direction in which the service is going.
- There needs to be a sensible balance on the frequency of when these reports come to the committee. It is of course in the services interest for effective scrutiny, but there is a risk of duplication and excessive work that is unnecessary.
- The directorate is happy to provide separate briefing notes as opposed to being committee meeting agenda items, providing stage reports on the improvement plan if necessary.

The cabinet member commented on the report and debate, saying they were pleased with the identification of the measures that matter most in the plan, and that being worded in plain English it is easier to understand and scrutinise.

Conclusions

Resolved - that the committee would like to review the following information:

- Regular updates to be circulated to members on the progress on Corporate Parenting.
- Monthly updates starting the end of May to be provided on the progress of the improvement plan to all members via a briefing note
- A new format for looked after children to be updated and provided to the committee in the form of a briefing note within two weeks of the committee meeting.
- Version 2 of the improvement plan to be updated and circulated to the committee by the 6th May

Resolved – that the committee would like the following action to take place:

- When the updates are provided they should include feedback on how the voice of the child is reflected and this should be included within the first quarterly report in July.

91. WORK PROGRAMME REVIEW

The Chair opened the item with the purpose of reviewing the current work programme plans for 2022/23.

During the discussion the following points were raised/agreed:

- 21 June committee meeting be converted into a work plan meeting, so that people have it pencilled in and can attend to contribute to alterations to the work plan for 22/23
- Workshops will be held circa one week prior to the main meeting in future
- Some members felt that the workshops were too much and should not be necessary. They could be meetings for meeting sake. However other members found them useful and informative to help form more informed lines of scrutiny query. The workshops help members obtain a better overall picture of the topics and the key issues in advance of the committee meeting.
- In agreeing to revert back to bi-monthly meetings for the coming year, some concern was raised over a reduction possibly resulting in lengthier meetings. However it was agreed that this format allowed officers a fairer time to produce the reports needed and that the committee needed to review other ways in which work could be done, such as agreeing reports that could be circulated for feedback without necessarily coming to scrutiny meetings, in order to be more effective.
- There needs to be set times and dates for meetings upcoming and it was agreed that now the improvement plan was in place and a formal review structure established, it was now possible to set a meetings schedule for the whole municipal year.

Resolved:

That the committee will return to bi-monthly meetings following the May committee meeting, thus allowing better time for preparation of officers and members. This will be reviewed over time if more items become needed.

92. DATE OF NEXT MEETING

The date of the next meeting was noted as Tuesday 17 May at 2.30pm.

The meeting ended at 5.21 pm

Chairperson