

**Minutes of the meeting of Children and Young People Scrutiny Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Tuesday 28 February 2023 at 2.30 pm**

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

**Remote:** Wiktor Daron (Representative of the Archdiocese of Cardiff), Nicki Gilbert (Head Teacher Westfield School) , Councillor Diana Toynbee

**In attendance:** Councillors Graham Andrews, Toni Fagan, D Freeman, Helen l'Anson and David Summers. Ms. Fiona Reid.

**Officers:** Head of Law Children and Families, Democratic Services Manager, Service Director Safeguarding and Family Support, Director of Optimising Potential Limited, Head of Service Safeguarding and Review, Child Protection Conference Chair and Project Lead, Service Director, Education, Skills and Learning, Head of Additional Needs, Corporate Director, Children and Young People

#### **126. APOLOGIES FOR ABSENCE**

Apologies were received from Sam Pratley (Representative of the Diocese of Hereford), Andy James (Parent governor representative for the special school sector), Councillor Mike Jones, and Councillor John Stone.

#### **127. NAMED SUBSTITUTES**

Councillor Claire Davies substituted for Councillor Mike Jones

#### **128. DECLARATIONS OF INTEREST**

No declarations of interest.

#### **129. MINUTES**

The minutes of the meeting held on 13 December 2022 were agreed as a correct record and signed by the Chairperson.

#### **130. QUESTIONS FROM MEMBERS OF THE PUBLIC**

The Chair issued an apology regarding public questions submitted to the committee having only been made apparent on the morning of the meeting. It was explained that the questions would not be included on the agenda paper and would not be answered during the meeting. Responses to the questions would be sent out and recorded in the minutes of the meeting. Supplementary questions from those who had submitted questions would be accepted once initial responses had been provided.

#### **Questions and responses:**

**Question:** *Has any Independent Reviewing Officer or the IRO Service Manager got responsibility for any work for other teams or managing teams other than those relating to IRO Service? If so, please give details e.g. how many IROs?*

*Ms Hannah Currie*

**Response:** Thank you for your question.

The current establishment is 1 Service Manager (Independent Reviewing Officer Service), 6 Independent Reviewing Officers (IROs) and 1 Fostering IRO (FIRO) whose role it is to quality assure the fostering review processes.

The Service Manager (IRO Service), IROs and FIRO do not have any additional responsibilities or work which does not relate to the IRO Service.

**Question:** *Dear Sir/ Madam,*

*The public have previously asked for the FII audit data to back up the reassurances given by Cabinet members that the rate of FII allegations in Herefordshire are not higher than the national average. The public were told that the data would be available by 18 November. That date slipped and we were told it would be available in January. Nothing has been published yet and we are now five months since the reassurances were given.*

*If the audit is now complete, please can we have the full data set so that we can understand how many families have been affected by an FII allegation and of these, how many have been substantiated and how many have been successfully challenged by innocent parents/carers?*

*Kind Regards*

*Ms Donna Conway*

**Response:** Thank you for your question.

The audit is not yet complete and has taken considerably longer than was originally anticipated due to the need to check many cases manually. It has not been possible to simply run a report and arrive at a number in this particular case.

Once we have concluded the activity we have made a commitment to making the findings public.

**Question:** Discrepancies eg:

- *Response (PQ2, 11/10/22 CYPSC) states that 10 children were placed for adoption in 2021-22. However, the HSCP report and LAIT states 22 children.*
- *Response (PQ18, 9/12/22 Council) gives average weekly cost in "residential" care as £3,249 (£4,223,305 ÷ 50) ÷ 26) but FOI2022/01890 states £5,066.*

Incomplete responses eg:

- *The response (PQ2, 11/10/22 CYPSC) had missing data for Herefordshire (not for other areas).*

Late responses to supplementary questions eg

- On 7/2/23 for 9/12/22 meeting (many questions were about Herefordshire Children's Services).

Sometimes information requests by the CYPSC Committee are not provided or not timely provided and sometimes the Progress Report is not up-to-date.

Please will the CYPSC escalate the above concerns about responses to public questions etc - eg to SMB, Chief Executive – an invaluable legacy for the future CYPSC members and others (eg public)? If not, why not?

Ms Reid, Herefordshire

**Response:** Thank you for your question.

In respect of your suggestion of inaccurate data. In respect of information provided in answer to PQ2, 11/10/22 CYPSC and information in the Herefordshire Safeguarding Children's Partnership (HSPC) report and the Local Authority Interactive Tool (LAIT):

PQ2, 11/10/22 CYPSC specifically asked for data in respect of Placement Orders.

This is not the same as the number of children being adopted in the year. There might be time elapsed (potentially several years) between the making of a Placement Order and the child being adopted. In addition to this not all children subject to a Placement Order will be adopted.

The HSPC and the LAIT report on the number of children adopted in the year.

The council does not view that there were inaccuracies in this data.

As you point out the initial response to PQ2, 11/10/22 CYPSC did have missing data. This was an oversight and the data was provided in full in response to the supplementary question.

In respect of PQ18, 9/12/22 Council and FOI2022/01890.

For PQ18, 9/12/22, the average weekly costs in residential care value of £3,249 was calculated using the actual costs of Q1 and Q2 of 2022/23 divided by the total number of children who had been in residential care during that period. This included children who had received care not spanning the entire period in question.

For FOI2022/01890., the average weekly costs in residential care value of £5,066 was calculated using the actual costs of Q1 and Q2 2022/23 divided by the actual number of children in a residential placement on 12<sup>th</sup> January 2023.

The council does not view that there were inaccuracies in this data.

In respect of the late responses to supplementary questions, the example noted by you is one where we would have wanted to provide you with an answer at an earlier opportunity. We apologise for the delay and note that answers to all your questions have been provided."

**Question:**

"Did CYP Scrutiny committee ever get a satisfactory answer to its question posed in September 2020 on the back of public questions which was this: why was the decision was made to keep the existence of the CSO report and its advice on safeguarding victims of peer on peer sexual assault hidden from the Committee for over three years?"

(Name Provided)

**Response:**

“The question posed to scrutiny in Sept 2020 informed the scope of the subsequent VWV Report commissioned by and for Cabinet. Specifically in relation to this question, the review was asked to form an independent view on: “Item (e) - Why was the CSO report not made available to CYPSC when it undertook a spotlight review into PoP abuse in Herefordshire in the autumn of 2019?”.

In undertaking its investigation VWV considered the council’s handling of the CSO report from its inception through to the present date.

The final VWV report was received by the council in November 2022. The Leader at the time, Cllr Hitchiner, undertook to share the investigation outcome by briefing the then Chair of Scrutiny (Cllr Howells) on the entire report and providing all C&YPS scrutiny members with the entire Executive Summary with the offer to answer any questions they had.

The Chair of Scrutiny agreed that there would be no public debate of the report or its Exec Summary as all had been agreed as confidential from the outset so as to encourage the most open engagement of staff with the investigation and to achieve the widest possible organisational learning from its findings.

The previous Chair of S&YPS, Cllr Gandy, was also given a briefing on the report and specifically on the findings relating to item (e). These briefings took place in December 2022.

The then members of the Scrutiny Committee considered that:

- the information they had been provided with to be satisfactory in explaining the council’s handling of the CSO report and the advice it contained;
- the investigation captured the occasions when the council missed opportunities to make better use of the information in the council’s possession from 2017 onwards; and
- these mistakes had had been acknowledged and opportunities to learn from this had been identified.

The lessons learned from the findings of the investigation continue to inform and shape improvements in Children’s Services and across other service areas of the council’s operation.”

**131. QUESTIONS FROM MEMBERS OF THE COUNCIL**

There were no questions received from Councillors.

**132. DEVELOPING SEND SERVICES - PROGRESS REPORT**

The Chair suggested to the Committee that it might be helpful to have officers present the Developing SEND Services Progress Report, Draft SEND Strategy and SEND Peer Review Feedback together. Then approve the progress report and peer review feedback

and invite discussion and questions on the draft SEND strategy. The committee agreed unanimously to proceed in this manner.

### **SEND Services Progress Report**

Liz Farr (Service Director, Education, Skills and Learning) introduced and gave an overview of the developing SEND services progress report, which provided an update on progress and impact of activity undertaken within and across the multi-agency partnership in response to the recommendations made following the Local Government Association (LGA) Peer review carried out in October 2022.

It was explained that the review made a number of recommendations, as well as identifying strengths in the provision of the SEND pupils in Herefordshire, it was advised that it would be useful to bring together short and medium priorities and actions to address the actions that were received in the report.

It was stated that the SEND partnership group, made up of health, education and school representatives, met regularly to consider and re-evaluate the improvement priorities. A self-evaluation document had been completed along with a draft SEND strategy. Underpinning the strategy was a thorough SEND action plan. Governance arrangements had been strengthened through the establishment of a SEND strategic board chaired by Deborah Glassbrook (Director of Optimising Potential Limited). The strategic board met on a monthly basis.

An update was provided on Education Health Care Plan (EHCP) performance, with the percentage of plans being received within 20 weeks within the County being above the national figure.

It was pointed out that reviews of children's plans were highly important when children were transferring from primary to secondary school and great focus had been put on this.

The service director highlighted a piece of work on local offer, regarding the services that parents could access. Officers were currently migrating all site content to one place to improve accessibility and navigation for users.

The draft SEND strategy was currently out for comment with schools and sencos (special education needs coordinators) and the service had welcomed support from external partners, meeting with the LGA SEND improvement partner and the DfE SEND Improvement advisor on a fortnightly basis.

### **Draft SEND Strategy**

Les Knight (Head of Additional Needs) and Liz Farr (Service Director, Education, Skills and Learning) presented and provided an overview of the draft strategy.

The service director explained that following the LGA review, the service had taken the opportunity to revisit and rewrite its SEND strategy.

The draft document had been through various groups and Parent Carer Voice had contributed strongly, which was hopefully reflected in the document.

The service had worked with partners in health and education and the strategy reflected the local authorities own staff evaluation of where things were working well and where things could be better.

The document was aligned closely with the Ofsted Inspection Framework, which was republished in January 2023, so the core aims and objectives link strongly with that. Great focus had been placed on ensuring that children would receive the right help at the right time and that their voices would be heard as they went through the statutory processes.

The strategy reflected the aims and ambitions for Herefordshire's young people over the next few years. It also reflected feedback from young people and professionals in relation to quality of the service and what could be done better in the future.

### **SEND Peer Review Feedback**

The Service Director, Education, Skills and Learning introduced and presented the feedback report, explaining that the peer review took place in October 2022 and was commissioned by the local authority.

The service director outlined the four agreed key lines of enquiry (as listed in section 4 of the report).

The peer review team had heard from 75 people, including children, young people, parents, lead members, chief executive, senior leadership team, front-line practitioners and managers and partners.

There was a need to strengthen the governance framework, hence the establishment of an SEND strategic board.

The review team made four key recommendations:

1. Produce a multi-agency strategy with short, medium and long-term priorities
2. Establish the partnership governance and scrutiny arrangements at pace
3. Review the effectiveness of resources, service delivery and systems to meet the child's needs
4. Develop a robust performance and quality assurance framework for the local area with an immediate focus on all children with an EHCP open to Social Care and others with particular vulnerabilities.

The Chair thanked the service director for the update and suggested that the Committee vote on the two reports and then ask questions in relation to the SEND strategy.

### **RESOLVED:**

- (i) The board voted unanimously to note the progress report.**
- (ii) The board voted unanimously to note the peer review report.**

The Chair then opened the meeting up to questions regarding the SEND strategy.

### **Q: The Committee asked if there was a timeline for the multi-agency strategy and when did the service expect it to be in the report with a scorecard?**

The service director stated that the three core documents (the strategy, self-evaluation document and the action plan) underpinned all of that and were in a very well developed draft form having gone to the strategic board twice. Final comments were being taken from a range of providers and parties on those documents to make sure they were reflective of the partnership working in Herefordshire. A final sign-off of those documents

at the assurance board would be expected toward the end of March/beginning of April 2023.

Darryl Freeman (Corporate Director, Children and Young People) stated he would be happy to circulate the strategy document to Committee members, via email, for comment before final sign off.

**Q: The Committee was concerned and interested about how easy it was for children to be accepted with an EHCP, it knew that for children there was drift and delay in accessing effective education and that this had an impact on their learning journey. 20 weeks was probably statutory, but it seemed a long time for parents to wait, how could the service work in a more effective and quick way with health colleagues to get those EHCPs in place and validated more quickly?**

The service director explained that 20 weeks was statutory and was set out because it was a thorough staged process of gathering health advice, education/psychology advice and speaking to parents and carers. Then case workers bring together all that information to form a plan, then feedback at different stages.

The head of additional needs pointed out that there was pre-work going on, there was assessment going on in the health service, for example in early years in the child development centre, which provided parents with information. This progresses to schools and it would be expected that assessment would be ongoing at early stages with teachers and special needs coordinators building up assessment information and putting in cycles of intervention as needed in an escalating manner. The statutory process was not the only thing going on and should not be the start of the process for parents.

**Q: The Committee asked if the service was confident that the health services had enough capacity to recognize neurodivergence in our children, which is an increasing problem and one which can create the problem of ADHD not being spotted early enough?**

Maria Hardy (Programme Manager Herefordshire and Worcestershire Integrated Care Board) acknowledged that the NHS was challenged in terms of recognition of neurodiversity and that in terms of recognising needs and support, there was more work to do. However, resource had been increased to bolster the workforce and look at different ways of support, a medical diagnosis shouldn't be the mechanism where needs are addressed. It may be necessary, but support to the family and child was equally as important to the child as the diagnostic pathway. Capacity was a challenge, acquiring, training and supporting the workforce to stay in Herefordshire was also a problem. There was clarity that there was an increasing need in the community, at all ages, but specifically at early ages, for identification of need for children and their families. The support mechanism to enable the families to provide that first line of intervention and support to their child was most important and that they would often need external help to do that, which shouldn't be linked with the diagnostic pathway. Support before, during and afterwards has been further increased, it hadn't been right historically, but it was recognised as a challenge and the service was working hard to make a positive difference

**Q: The Committee asked if it could do anything as a local authority to assist in obtaining resources?**

The programme manager explained this was already happening. It was very much linked with the SEND partnership work and being challenged through the SEND strategic assurance board.

**Q: Herefordshire is working alongside the NHS and Worcestershire; reports on the situation in Worcestershire are concerning in that Worcestershire Children First is heavily criticised for continuing to fail SEND children, young people and their families. Are the monthly meetings of the Strategy Board actually taking place and are staffing issues being resolved. How can we be assured that Herefordshire is not subject to the same failings as its neighbouring county?**

The programme manager responded that Worcestershire SEND services were inspected and found to be failing children and young people across 12 areas including the areas noted. They were re-inspected 18 months ago and were found to have been supporting effectively and adequately in eight of the 12 areas that had been a worry. The four remaining areas were subject to a one year action plan, with quarterly monitoring by the DfE and NHS England, that one year period would end in April 2023.

The four remaining areas were: fragile relationships with parents and carers, quality of education health and care plans, inclusivity in mainstream schools and sufficiency of specialist provision.

Recent feedback from the DfE and NHS England noted that inclusivity was being challenged appropriately. Specialist provision; the sufficiency strategy that they had developed addressed how they were meeting the increasing demand for specialist provision across the ages from pre-school to post 18.

EHCP sufficient local scrutiny of all the component parts of the plan including the parents' voice and the child's voice to indicate that sufficient improvement was being made to meet the needs of the children within the special schools environments and those requiring special support within mainstream schools.

The most challenging area would be working parent carers, much more constructive work was going on, but challenges remained, some of which centred on early identification of neurodiversity, and historic cases where late identification of needs had been a significant factor for young children moving into adulthood.

There had been challenges, but also improvements and Herefordshire was in a position to take lessons learned from Worcestershire through its own plans.

The service director noted that Herefordshire local authority had developed a strong working relationship with Herefordshire parent carer voice, which wasn't in place pre 2016.

It was confirmed that the board had met regularly. The strategic assurance board had met twice and the send partnership also met regularly and had had an extraordinary meeting to keep up with developments.

**Q: The committee raised concerns that the reports and strategies were aspirational and lacked any kind of timelines for implementation of plans. Also, in relation to EHCP deadlines, what is preventing the council from moving from 75% on time to 100%?**

The service director stated that the service was ambitious and committed to improving as rapidly as it could in areas highlighted. The development of a data dashboard was an overarching piece of work and underneath that was regular monthly reporting and scrutiny of performance information. This included performance of EHCPs and scrutinising of drift and delay and the detail of why that has occurred (often at the request of families). An increase in performance measures could be evidenced in the service maintaining a position (75%) above the national average and the ambition for EHCP was to get back to the 85% mark.



It was difficult to provide assurance on deadlines, but underneath the strategy was a very detailed action plan that provided exactly that, showing that certain pieces of work would be completed by a certain date and what would be the impact of that work. The deadlines were all set out in the action plan and the aim was to provide an absolutely excellent service for the children and young people of Herefordshire.

Deborah Glassbrook (Director of Optimising Potential Limited) added that the strategic assurance board was expecting assurance from across the whole system from every single partner, with ambitious targets and tight deadlines across the partnership. The action and ambition plan that sits under the strategic plan, that was how the board was working and the board had confidence that there was good pace in most areas.

The programme manager HWICB stated that regarding SEND support being a challenged area, the NHS has just doubled the budget for speech, language and physiotherapy specifically to address the challenges of timeliness of access to support. Within the action plan there were very clearly defined expectations, which the partner organisations had assigned themselves to and were delivering against.

**Q: The Committee queried figures about children and young people with special education needs, the report notes an increase, but the figures for 2021-2022 and 2022-2023 don't reflect an increase.**

The service director gave an assurance that the percentage of children with an EHCP had definitely gone up and pointed out that the figures for 2022-2023 were not for a full year, already those numbers referenced were higher.

**Q: The Committee asked are we satisfied now that IT systems and the ability to share and analyse information across service areas has been sufficiently strengthened so they are now fit for purpose?**

The service director explained a lot of work had been done with IT especially in the SEND space and developing the reporting function, which may have been underutilized in the past. Teams of individuals were working to strengthen data reporting, particularly from case workers and work-flow information that was reported back, this then formed part of the SEND dashboard. The service was making much better use now of the data systems it had, that gives an accurate representation of the current situation.

**Q: The Committee asked if data sharing was being worked on as well?**

The programme manager HWICB stated that across Herefordshire and Worcestershire there was a shared digital program. Data sharing agreements had already been entered into by Herefordshire council, all aspects of children and adults social care, Wye Valley NHS Trust, Herefordshire and Worcestershire Health and Care Trust and the ambulance service. They had all signed a data sharing agreement.

**Q: The Committee asked why are there health differences for LAC and how is this being addressed?**

The programme manager was unsure of the level of challenge outlined in the report. There were challenges around the timeliness of health assessments for children who were looked after, and that was often children who were looked after by Herefordshire Council, but were placed outside of the county where the health service in their home fit the children in amongst its own children, so they were often not responded to in the timeframes set. In the broadest terms they were describing an inequity to provision for Herefordshire's looked after children. For those within easy travelling distance, local nurses would provide a health assessment, where further away the programme manager

would have a conversation with the provider in that area to try and expedite health assessments.

The other challenge was that some older children didn't want to have health assessments and at 16 plus they were quite within their rights to say 'I don't want an assessment thank you, I go to the opticians/dentists I'm fine, I don't need you telling me I need a health assessment.'

There was a focus to make sure that looked after children and those children looked after outside of the county were taken good care of.

**Q: The Committee noted that the peer review identified that the model of delivery and the current capacity of the community paediatricians is leading to increased waiting times for assessment. The consequence of this is that for some children they are now receiving their assessment and diagnosis only three months before they start school. What are the planned actions to increase this gap?**

The programme manager stated that there was a plan to address the challenge of being almost at school age before there was a recognition of how needs could be met. There had been an improvement in that timeframe, so more children were seen earlier, they would typically be identified with a development need at two and a half to three years of age, with the health history assessment and they would be referred through, if they required that specialist intervention, to the community paediatrician. The paediatrician would assess for other physical delays and suggest ways to support the parents to work with the child to enable their development to progress, but also to put in place extra supports.

There were challenges with capacity still, but the community paediatrician had in place a clinical prioritization framework which was applied to any new referral and would prioritise early intervention as required. Children who had non-acute illnesses would wait a bit longer to enable those who were a clinical priority to be seen sooner.

Recruiting paediatricians was a challenge, but existing paediatricians were working extra hours. The report was accurate, but it was part of the plan to improve time frames. Best practice was between three and three and a half years. Referrals came about through health visitors and nurseries, where they identified a need that was beyond usual.

**Q: The Committee asked, in relation to the action plan, what was meant by short, medium and long-term deadlines?**

The service director described short-term as urgent issues that needed to be dealt with as a priority, such as getting a SEND strategy in place.

Medium-term, was work that took time to gain traction and improved in increments, such as increasing the timeliness of EHC plans.

Long-term included projects underpinning self-evaluation and perhaps improving placement opportunities for children and developing things that have a sustainability, such as the work stream for inclusion.

**Q: What is a scorecard?**

The service director explained this was a monthly top level data dashboard that related specifically to the work being done with SEND provision in Herefordshire, which included a multi-agency data set. There was also a desire to include qualitative measures based on what children and families were telling them about their experiences with the services that they had received.

**Q: How is lack of overnight provision and short breaks in the county being addressed? Does this link to the Sufficiency Strategy and how provision is used in the county? Could we have an update on the Sufficiency Strategy and how it is serving Herefordshire's young people?**

The head of additional needs explained that in terms of short breaks a piece of work on the all ages commissioning team was reviewing that. Historically it had been challenging to get sufficient number of places for short breaks, particularly overnight short breaks. Geographical isolation and the small numbers being commissioned had exacerbated the problems. A new plan was being developed for this.

In terms of the sufficiency of special school places, that was being focused on because demand post-covid had escalated dramatically, however, it was very difficult to build capital projects like new schools in a short timeframe, even when funding was available to do so.

The programme manager added that regarding specialist NHS provision, Herefordshire did not have, on its doorstep, access to highly specialised health services that it required, because these were located in tertiary centres (highly specialised environments) and individuals with complex needs would typically go to Birmingham for care, especially so for mental health, where even tertiary centres were struggling to meet the increased demand.

The service had the opportunity to look at how it could help young people and families when it saw a crisis on the horizon, so that it could have places and resources that support families with extra help at home. It also wanted to create a safe haven to meet the mental health needs of children coming out of regional support who were not well enough to come home and for children who had extra needs but didn't require regional support. This would be broader than a short break strategy and would include provision for education, social activities, family support and associated psychological and mental health treatments.

The capital bid for the safe haven has been accepted and the location for the building was being explored, somewhere midway between the extremes of Herefordshire and Worcestershire would be preferable, staffing would be the main stumbling block.

**Q: Wiktor Daron (Representative of the Archdiocese of Cardiff): Raised concerns about how you provide services when funding ratios tend to be less than the national average, but the issues are the same as they are nationally. It's encouraging to hear that there is funding for certain aspects of the various plans that are being put in place.**

The scrutiny Chair pointed out that at the scrutiny management board meeting questions were raised about funding for SEND plans, an assurance was given that there was sufficient budget, with what was available, to deliver on the SEND service and strategy.

The service director explained that utilising external partners such as the LGA and DfE to provide additional capacity helped financially. One of the biggest challenges that schools faced was actually recruitment, the local authority tried to provide helpful training and support, including a new system of top up funding, but it was a pinch point.

**Q: Wiktor Daron (Representative of the Archdiocese of Cardiff) raised an issue around long term funding and how it was difficult for schools to recruit on a long-term basis, when funding is often only short-term.**

The head of additional needs pointed out that Herefordshire had a good record of managing its high needs budget, but for the first time had gone marginally over budget. Many other counties had gone into deficit long ago. Herefordshire Council's budget had

been managed well through; the school finance manager, budget working group and schools forum. Although absolute resource wasn't enough, the council shared it out between the different functions it needed to cover and tried to be creative, but it was dependent on central government for the grant and although that had increased, the demand was higher than the increase.

A lot of the funding was attached to EHCPs, which is guaranteed for the length of the plan, very rarely are those plans removed from children, so it was fairly secure. There was short-term funding for issues where things could potentially be resolved within a year or so.

Nicki Gilbert (Head Teacher Westfield School) was invited to comment remotely. Ms Gilbert stated that regardless of the timeliness or the quality of the Education Health and Care Plan it was just a piece of paper. What was actually needed to improve and to address the quality of provision that was experienced was the buy-in of each school to do what it says on that piece of paper. As good as the education health care plans can be written, it is a bureaucratic exercise and the practice is always down to the school. Annual reviews are very rarely attended by officers of the SEN team unless it's a crucial review because they haven't got the capacity to attend, so it's all about holding schools to account.

"Funding doesn't necessarily have to buy a person, funding can be put to training the wider staff body to become more efficient and effective at meeting the needs of young people with disabilities, we are experiencing a crisis in specialist provision. Only two provisions (not three as stated) in Herefordshire for two-16 year olds and there's two provisions for 16-19 year olds. Every other provision is a mainstream school.

The EHCP is the document by which schools are held to account as to whether or not they're doing what it says on the document. We cannot hold schools to account especially with increasing numbers of academies, because the local authority doesn't have the remit to hold those schools to account.

During outreach to schools there is often nobody able to say whether or not the EHCP is being followed. Education should be about everybody in the school meeting the needs of the young person by increasing their skills base and their experience and working with young people, many of who shouldn't need a specialist provision.

One problem, is that an early diagnosis identification can lead to a school thinking that they cannot meet the needs, regardless of how well a plan is written or if has been written within 20 weeks. Base funding for specialist schools has not increased since 0214, but has increased for mainstream schools."

Ms Gilbert was keen to see the action plan behind the strategy as many of the points on how things would be delivered were very aspirational.

"If the annual review is the only means of scrutinising the quality of what is being delivered, then the SEND officers need to be present at every single one of those reviews to feedback on whether it is good provision.

The plan is the responsibility of the school and head teacher and if they're not reviewed and overseen by somebody who can hold schools to account then it isn't going to get any better. The timeline of the document is not what changes the experience of the child, the experience of the child is in the school and the piece of the paper is a statutory document that says what is supposed to happen.

Regarding early years, if we are diagnosing at three years old we need to be able to cater for those needs at three and not wait until they're five. There is no pre-school

setting for the parents who want to do right by their children, who are getting early diagnosis and we need to be looking at how to address this.”

The service director thanked Ms Gilbert for her honest and helpful feedback and offered to share the action plan with her. In terms of delivery, the sole responsibility did not rest simply with the schools, it rested with all the partner agencies to provide that support.

The service director continued that it was not just about timeliness of the document, but the impact it had. Qualitative feedback from families and children about their experiences was currently being gathered.

Herefordshire specialist schools were very strong and the service had developed a social inclusion group made up of head teachers, including representatives from special schools.

There was a need to maximise use of this expertise in improving provision and really capture and utilize outreach support.

There was a high proportion of good or better schools in Herefordshire. The Ofsted framework and judgements around schools focuses heavily on provision for SEND pupils in school when determining the rating. That would indicate a high proportion of pupils with EHCP and care support were in a good provision.

There was room for improvement with annual reviews and this was highlighted on the data indicator dashboard. The service didn't do well for phased transfer in the last academic year, but it was focused on it now and was currently improving in that area.

**Q: The Committee questioned availability of funding for under four-year-olds.**

The head of additional needs explained that the early years settings were able to attract inclusion funding to support individual children in the same that way that school age children could. The availability of this funding had been made visible for some time.

The scrutiny Chair relayed a question from Debbie Hobbs of Parent Carer Voice regarding the 'what you have told us' section in the draft SEND strategy.

*“2.1 – what you have told us*

*Why are all the comments positive? This is not a true reflection of how the parents and young people in Hereford truly feel. If this were true then the Ofsted report would have at least been 'good'.*

*Hereford is aware that we do not have the provisions for SEND children in this county, there are no after school clubs or weekend clubs bar a very few select charities who cannot cope with the sheer demand leaving a vast amount of eligible children being isolated and left at home with parents and there is not enough support. This is having a detrimental effect on these children and young people p as there is no social element truly available outside of parent trying to integrate them into society outside of a school setting. For some of the children with severe complex disabilities and needs this is having a huge impact on parent carers as they are just not able to manage this constantly, and it also means that there is no true peer interaction outside of school. There is no respite provision and certainly no overnight respite in this county, therefore the use of surrounding counties are required. This again is having a huge detrimental impact as some respite centres are as far as Telford therefore leaving parents concerned due to travel times if there is an issue that arises. Also because it is all out of*

*county which again is leading to horrific waiting lists and parents and young people unable to have respite where they are able to safely mix with their peers.*

*Even if parents receives direct payments for respite, there is a massive shortage of PA's, a lot of whom already work within the SEND educational setting, therefore not giving parents or in fact those who do PA in their spare time and true respite as it is all adhoc and even worse parents with severely complex needs children are falling short as most PA's are happy to receive the payments to look after the more abled children as there is no pay structure to compensate for those who have high needs, such as personal care.*

*Most children in the SEND sector don't have the opportunities that their siblings as stated above and most can only aspire to have friendship groups out of the school setting. The reason they can only aspire is because the provision are not available in Hereford."*

The service director responded that they had used quotes from some of the events that they had run and felt that there was a balance. The comments were not entirely positive and the service planned to develop the capturing of pupils and children's voices with its engagement and participation work.

The Chair stated that the Committee would wait until the strategy was more developed until it made recommendations, but would wish to look at it after it has been to the assurance board and cabinet.

The Chair stated that the Committee would share the full list of committee questions, feedback from parent carer voice and Nicki Gilbert's notes with the service director and noted that they would expect a more developed report by March.

The Committee unanimously proposed the following action:

**Action: The Committee will write to council urging it to lobby central government for greater provision of need.**

### **133. SEND PEER REVIEW FEEDBACK**

The Committee had previously voted unanimously to include the SEND Peer Review Feedback as part of the preceding item.

### **134. INDEPENDENT REVIEWING OFFICERS (IRO) ANNUAL REPORT 2021/2022**

Dylan Harrison (Head of Service Safeguarding and Review) provided a description of the role of the IRO to the Committee and then provided an overview of the annual report for 2021 and 2022, as provided within the agenda pack.

**Q: The Committee raised concerns about the red rating of dispute resolution protocols.**

The head of service pointed out that increased disputes were a healthy sign. Disputes can be extremely complex with a variety of issues, because looked after children are the most vulnerable children, but having disputes demonstrates that the IROs are being effective in holding the local authorities to account. They can't always be resolved easily, but we work together to do that.

Rachael Gillott (Service Director, Safeguarding and Family Support) said "IROs are the eyes and ears of the service, the disputes escalated have all been appropriate and have

largely focused on planning for children. The IRO needs to be a critical friend, so it's a healthy sign to see a high number of disputes".

**Q: Why show it as red and not green in the improvement plan?**

The service director explained that the red related to the signing off and completion of the new process and pathway, which had been delayed. The resolution protocol had almost been fully drafted and just needed to be completed, that was why it was red.

**Q: How long between a dispute being raised and getting new actions in place? Is there a statutory time frame?**

Sarah Jarratt (Child Protection Conference Chair) explained it was measured within 20 working days and the process was automated. A dispute is raised and then the system calculates what day it should be resolved by and sends that deadline out to the relevant individuals. A dispute meeting should be held if progress hasn't been made within 15 working days to review where things are.

**Q: How many children outside of that timeframe at the moment?**

The head of service stated there were 19 current disputes, none of them were outside of the time frame because there was an escalating process. If things couldn't be resolved at the first level they were escalated. The head was confident there had been improvement in this area. "We now have a tracker that we all have access to and have a greater grip on the issues where we have children with concerns."

**Q: Ms. Fiona Reid (Representative of families) asked a number of questions including the percentage of cases resolved within 20 working days, staffing levels, caseloads per IRO and numbers of looked after children.**

The head of service explained that the percentage of cases resolved within 20 days was about 50% with the other 50% being escalated through the process. Staffing issues meant individual IRO caseloads (shared between the 6 full-time employees) were currently at 71, but recruitment was underway and the service would be fully staffed by summer, which would bring the caseload per IRO down. The looked after children figure currently stood at 406, a figure which had levelled out in recent times.

**Q: The Committee asked how do you track the extensions and escalations of disputes?**

The head of service explained that "we use a tracker, which records full case history with lots of details that can be accessed by all users as it goes through the stages, as it goes through the process, parts of it will likely be resolved. Mostly they are resolved very quickly."

**Q: Are there common themes of dispute and is one of them my life story work?**

The head of service cited drift and delay in resolving issues as a common theme and the other theme being where there was a disagreement about the care plan for the child, for example there had been a recent case with a proposal that a child would live with their grandparents, which would often be desirable, but there were concerns about the

grandparents' health and capability and eventually the child was placed with adopted parents.

**Q: Many children have benefitted from independent visitors, would you encourage councillors to become independent volunteers?**

The service director explained "The independent visitors service is run by an independent charity. It is absolutely valuable and by coming in from outside and befriending the young person, visitors act like a surrogate aunt or uncle to the young person. Being able to commit for two years, for continuity and stability, is desirable and councillors would be welcome to come forward and volunteer."

**RESOLVED: The Committee unanimously noted the report.**

**135. CHILDREN'S IMPROVEMENT PLAN TRANSFORMATION FUNDING**

Rachel Gillott (Service Director Safeguarding and Family Support) gave an overview of the report.

On 31 March 2022, Cabinet approved £11.49m Resilience Reserve funding to assist the improvement of Children's Services. The recommendation was for funding to be allocated in two tranches, the first tranche of £5m and a further tranche of £6.49m have subsequently been released.

In respect of interim recruitment, the investment had allowed interim staff to be deployed across a number of areas:

- a. Additional social work teams to manage the increase in demand during 2022/23
- b. Auditors, Improvement Leads and Practice Develop Leads
- c. Two additional Heads of Service (Fostering and Quality Assurance)
- d. Data and Systems Analyst
- e. Additional Independent Reviewing Officers (IROs)
- f. Managing Practitioners across the service
- g. Service Managers across the service
- h. Additional management and worker capacity in the Multi Agency Safeguarding Hub
- i. Funding to scope and implement Trauma Awareness Training being part of the learning offer
- j. Scoping and commissioning of Family Group Conferences pending permanent recruitment

The remaining £473,000 had been set aside to be carried forward into 2023/24 to enable the continuation of key posts to support the response to Ofsted.

The funding had been invaluable to our current improvement journey.

The fostering head of service was highlighted as a particularly valuable post and funding had allowed for time and communication between families and foster carers and others that had had a traumatic journey.

**Q: What is the reason for a forecast underspend of £688,337 at the end of the current financial year – is it targeted spending that was not made as planned (ie. the improvement plan not going to the anticipated pace) or costs being less than expected?**



**Q: Some time ago the DCS agreed to provide a category spend list as per the original improvement plan before the additional funding was approved, to compare how the extra money was proposed to be spent and prioritised. Could this please be provided to the committee?**

The service director assured the Committee she would investigate the category spend list.

Ms Fiona Reid referenced a recommendation made by the Committee to cabinet in relation to family group conferences being introduced by April 2023.

The Committee Chair explained to Ms Reid that Cabinet had not approved the recommendation as it had feared the deadline of April was too tight.

Ms Reid raised concerns about the number and cost of looked after children in the county and stated that she believed the figure was almost double that of statistical neighbours and represented a significant drain on Council funds, which she felt could potentially be reduced by the introduction of family group conferences.

The service director explained that family group conferencing staffing and job expectations had been established and that spot purchasing through another organisation meant that conferencing would be available as of 1 April 2023.

Other key points were:

Due diligence relating to trauma informed training had been carried out regarding a provider and it was now written into the training programme for all workers.

Public Law Outline (PLO) paperwork, which families receive before court proceedings, had been improved following input from families. The input had helped shape a letter that would direct families to guidance and support at the beginning of and during the process.

Tess Burgess (Head of Law Children and Families) explained that the Council had relaunched all of its PLO documentation in October 2022, there was a short testing period of the documentation and it was re-reviewed in January 2023. The paperwork was in line with the relaunch of the PLO process that was undertaken by Sir Andrew McFarlane - the President of the family division of the judiciary. The changes coincided with announcement that there would be a push to reduce the number of weeks care proceedings take back down to 26 rather than the current national average of 44 weeks. It was noted that Herefordshire's average was 19 weeks, which was a top performing figure.

It was also explained that the government had removed the quota system for capping the number of asylum seeking children within counties. This would likely have an impact on funding and looked after children data within Herefordshire..

**Resolved: The Committee unanimously noted the report.**

The Committee took the reports as read.

Recommendation: For the Committee to note the included reports:

**RESOLVED: The Committee unanimously noted the following reports:**

- (i) Improvement Plan Progress Update Cover Report - January 2023**
- (ii) Improvement Plan Progress Update January 2023**
- (iii) Herefordshire Children's Improvement Board Newsletter January 2023**

A discussion took place regarding the 'measures that matter' dashboard. Rachel Gillott (Service Director, Safeguarding and Family Support) anticipated potential drift where partnership connection was required and that aligning police, health and council agendas would likely take time.

The director stressed that they didn't believe partnerships would fail and that police and health partners were all coming along, however it was suggested that timings would be staggered in terms of implementing certain plans within the partnership. The standing operating procedures had been signed off.

The Chair noted that the measures that matter dashboard had been developed by a professional group, so the committee simply needed to note the dashboard rather than make recommendations.

**Resolved: The Committee unanimously noted the measures that matter dashboard.**

**137. HEREFORDSHIRE SAFEGUARDING CHILDREN PARTNERSHIP (HSCP) ANNUAL REPORT 2021-22**

Due to time constraints and technical difficulties in communicating with the Independent Scrutineer, the Committee took the decision to defer the item until the next meeting. The responses to the Committee's questions from the Independent Scrutineer would be returned to the Committee as a report for the next meeting.

**138. OFSTED UPDATE**

No update was available.

**139. PROGRESS REPORT**

The Committee received the report as set out on pages 151-158 of the agenda, which provided a brief summary update on issues previously considered.

It was resolved that:

- (i) The progress report on scrutiny information requests, scrutiny reports and recommendations and other matters raised by the committee be noted; and**
- (ii) Those information requests where a response has been received be agreed as completed, and any other outstanding items be requested for the next meeting.**

**140. WORK PROGRAMME**

The committee unanimously approved a set of suggested items for the incoming committee to consider for future agendas.

**141. DATE OF THE NEXT MEETING**

The date of the next meeting was to be confirmed.

The meeting ended at 17:23

**Chairperson**

**Chairperson**