

Minutes of the Children's Services Scrutiny Committee

Thursday, 25th September, 2014 at 6 p.m.
In Committee Room 2, The Council House, Dudley

Present:

Councillor M Mottram (Chair)
Councillor I Cooper (Vice-Chair)
Councillors N Barlow, P Bradley, K Casey, Z Islam, I Marrey, C Perks, R Scott – Dow and M Wood

Officers:

D Channings (Assistant Director of Adult, Community and Housing Services – Lead Officer), P Sharratt (Interim Director of Children's Services), H Powell (Divisional Lead – Additional Educational Needs), J Broadmeadow (Divisional Lead – Safeguarding), J Prashar (Divisional Lead - Looked After Children), S Hearne (Special Educational Needs Team Manager) – all Directorate of Children's Services and R Sanders (Assistant Principal Officer – Democratic Services)

Also in attendance

R Clayton (Independent Chair of the Children and Adults Safeguarding Boards) – for agenda item no 7

9 **Apologies for absence**

Apologies for absence from the meeting were received on behalf of Councillors Billingham and Simms, Mrs Ward and Reverend Wickens.

10 **Substitution**

It was reported that Councillors Barlow and Wood were serving in place of Councillors Billingham and Simms, respectively, for this meeting of the Committee only.

11 **Declarations of Interest**

In accordance with the Members' Code of Conduct, the following interests were declared:-

Declarations of non-pecuniary interest in agenda items numbered 6 and 7 were made by the following Members for the reasons indicated below:

Councillor Attwood – Member of the Management Committee of the Sycamore Centre (a short stay Special school).

Councillor Cooper – Governor of Caslon Primary School and a Member of its Finance Committee.

Councillor Marrey – Member of the governing body of a special school and the parent of a pupil with special educational needs.

Councillor Mottram – Governor of Christchurch Primary School

Councillor Wood – Chair of the Finance Committee of the Halesbury school and Vice-Chair of the Trustees of the People's Fields Trust, which oversees the Halesbury and Sutton schools.

12 **Minutes**

Resolved

That the minutes of the meeting held on 26th June, 2014 be approved as a correct record and signed.

13 **Children's Services Scrutiny Committee – Invitation to attend meetings**

The Committee considered a report of the Lead Officer and Director of Corporate Resources on an invitation for Members formerly co-opted to the Committee to attend by invitation for the remainder of the current municipal year.

Resolved

That the non-statutory former co-optees to the Committee, namely Mrs Coulter, Mr Lynch or Mr Nesbitt, Mr Ridley, Ms Sinden and Mr Taylor be invited to attend meetings and participate for the remainder of the current municipal year.

(Ms Sinden thereupon joined the meeting. Apologies for absence had been received from Mrs Coulter, Mr Lynch and Mr Ridley. A declaration of interest in items 6 and 7 on the agenda was made by Ms Sinden in view of her employment in the Specialist Early Years Service).

14 **Special Educational Needs Reforms 2014**

The Committee considered a report of the Interim Director of Children's Services summarising the key changes made with regard to children with special educational needs and their families under the Children and Families Act, 2014, which came into force on 1st September, 2014.

The changes made under the legislation provided for the following:

- The introduction of a revised Code of Practice, to which all local authorities, schools, academies, Pupil Referral Units, early years providers and the National Health Services were required to have regard to whenever decisions were taken relating to children with special educational needs and disabilities;
- A requirement on health services and local authorities to jointly commission and plan services for children, young people and families, which placed a duty on local authorities to ensure that children, their parents and young people were involved in discussions and decisions about their individual support and about local provision and for local authorities and other agencies to cooperate reciprocally in identifying, assessing and determining provision for pupils with special educational needs and disabilities;
- Replacing Statements of Special Educational Needs (Statements) with a single assessment process through an Education, Health and Care Plan (Plans) to provide statutory protection comparable with those inherent in a Statement for young people who were in education or training up to the age of 25. Assessments were required to be made where it is considered special educational provision is necessary to be made. Education Health and Care Plans were to be designed to specify how services would be delivered as part of a whole package explaining how best to achieve outcomes sought for the child or young person across education, health and social care. (The preparatory work undertaken in conjunction with other services and agencies in the development of the Plan was indicated in the report.)
- Obliging the local authority to publish a Local offer, setting out in one place information about provision they expect to be available for children and young people in their area who have special educational needs or disabilities, those not the subject of Plans. The Dudley Local Offer had been published.
- Giving parents of young people the right to a personal budget for their support, the entitlement to be available once the local authority had completed the assessment and confirmed that a Plan would be prepared. Parents were also enabled to request a personal budget during a statutory review of a Plan. It was indicated in the report that the relevant disciplines within the Council were working with the Dudley Council for Voluntary Service on the process for supporting the use of personal budgets.

The report also indicated the training on the above issues that had already taken place and was currently being arranged for the autumn term and the advice and support offered by the Dudley Special Educational Needs and Disability Information, Advice and Support Service which assisted parents, children and young people in making informed choices and educational decisions.

In presenting the item, the Divisional Lead Officer – Additional Educational Needs discussed the differences between statementing and Education, Health and Care Plan (Plan) systems and the procedures involved with the latter in comparison with statementing. He also drew attention to the change in the age range provided for under the new arrangements. In expanding on the Local Offer the Divisional Lead Officer pointed out that the Offer could extend beyond Borough boundaries.

The Special Educational Needs Team Manager then explained how the preparatory work on the model Plan had been undertaken with the involvement of the relevant agencies of health and social care. Parents of children with special educational needs and Head Teachers had been engaged. In the preparation, endeavours had been made to anticipate where difficulties could arise. Schools had been fully informed of how they could access the Plans. The Local Offer had been launched and publicised heavily. The issue of personal budgets was complex and not progressed as far as would have been wished but the Council was working with partner agencies to resolve the matter.

Questions were then asked by Members, in respect of which the responses indicated were given by the Divisional Lead Officer and the Special Educational Needs Team Manager:

Question

Response

With the "one stop shop", how are organisations being brought together and have changes been enacted or are proposed to improve joint working

Structures have been changed to some extent. A Special Educational Needs Partnership Board has been created with strategic involvement of the three agencies concerned. The practical expectation was that the Special Educational Needs (SEN) team within Children's Services would work closely with officers in Social Care and Health. SEN was less familiar with the commissioning processes of other agencies. While there had always been good operational working with other agencies, the new structure was providing the opportunity for greater joint discussion and this had led to a number of areas of work where there had been gaps identified and action taken to remedy them.

How was it envisaged that Parent Partnerships would work in the coming months and were teething problems anticipated in the context of the changes in the age range. Would there be an increase in funding to help in coping. What is planned with regard to reviews and ongoing discussions.

Work on the Early Support Scheme was in progress with the relevant officers to ensure that the Scheme fed in to the Plan. SEN were mindful of the way in which the Early Years Team operated.

There was no direct increase in Parent Partnership funding but there was additional New Burdens Grant funding for the next two years to support the changeover to the new system.

Were there early indications of the demand for personal budgets.

The response from parents had been mixed with some welcoming the prospect, some unclear about it and others having questioned why personal budgets had been provided for. The view of the professionals was that provision had enabled choice. There was not yet an indication of demand but the situation should become clearer in November/December.

How many children will be the subject of Education, Health and Care Plans (Plans) in comparison with those statemented. Previously, Children's Services had taken responsibility for the issue of Statements, how would new arrangements work and who would be responsible for them.

The number of statemented children had reduced to 1554 from approximately 1700 in two years. This figure represented 3.6% of the Dudley pupil population compared with the national statementing rate of 2.8%. Most statements would be transferred on to Plans but not all. All would be subject to a transfer review. The guidance from the Department for Education had arrived only in late August and the next step would be to leaflet parents of statemented pupils with the new arrangements. The expectation was that all children in special schools would transfer to Plans. If a mainstream school had the resources to deal with the pupil's difficulties, there was no need for a Plan. Parents were able to speak to the school and the Case Officer. There were also a number of independent supporters to support children through the process.

How long will the Plan process take to complete

20 weeks against 26 weeks for statementing.

Were personal budgets to be assessed on the needs of the child

The degree of need for the child would be considered. Provision would be included in the Plan. Parents would be entitled to challenge.

What would be the situation should funding for a statemented child be withdrawn.

Statements are tiered in terms of complexity and the number of hours of support. Schools now receive delegated funding for support that equates to a 20 hours or less statement.

What would be the situation should a child with autism be excluded from a mainstream school. (the point was made by the questioner that an autistic child is more likely to be excluded than a child without that condition)

The Pupil Access Team review any permanent exclusion. If a child has autism, he or she is likely to be deemed to have a disability and it would be unlawful for the child to be discriminated against for reasons of that disability.

Is Dudley in a position to meet the changes

Yes

The Chair suggested that Members might wish to undertake visits as appropriate or have conversations with officers and parents' forums, so as to expand upon their knowledge in the area of special educational needs. He also indicated that training for officers was to be undertaken in the autumn and suggested that Members wishing to engage contact the Interim Director of Children's Services.

Resolved

- (1) That the report and the comments made, as recorded above, be noted.
 - (2) That arrangements be made for the position on the special educational needs reforms to be reviewed at a later stage.
 - (3) That the Head of Old Park school be invited to attend a future meeting of the Committee to discuss how the changes are unfolding.
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The Annual Report of the Dudley Safeguarding Children Board 2013/14

The Committee considered a report of the Interim Director of Children's Services under cover of which was appended the Annual Report of the Dudley Safeguarding Children Board (DSCB) for 2013/14.

Also appended to the covering report were papers setting out the statutory and legislative context for the DSCB, the DSCB Executive Summary for 2013/14 and the DSCB Business Plan and Work Programme for 2013-15. The core objectives of the DSCB and the scope of its role in respect of safeguarding and promoting the welfare of children were set out in paragraph 4 of the covering report.

The covering report indicated the statutory status of the Board and its core objectives under the relevant legislation, together with the scope of the Board. The role included safeguarding and promoting the welfare of children in the three broad areas of activity of identifying and preventing maltreatment, or impairment of health or development to ensure that children grew up in circumstances consistent with safe and effective care, and to undertake proactive work with the aim of targeting particular vulnerable groups and responsive work to protect children who were at risk or at risk of suffering harm. The Board had recently been restructured to secure improved participation and leadership by partner agencies and operated through a substructure with five sub groups currently in place.

The covering report noted that there were around 300 children during 2013/14 the subject of a Child Protection Plan, all of whom were allocated to a social care key worker. All cases were reviewed independently by a Review Unit. One Serious Case review had been published, this about a child death in 2011. The Council had been judged adequate in the last Ofsted Inspection of Safeguarding in 2011. The report also referred to the 5 key priorities in safeguarding and confirmed that an extensive training programme was in operation.

The Independent Chair of the Board, Roger Clayton, attended the meeting to present and discuss the Annual Report. In so doing, he explained his own biographical details and summarised the role of the Board as being strategic with regard to the agencies concerned, with particular regard to communication and co-ordination and meeting challenges. One of the problems historically had been that agencies and professionals had tended to work somewhat in isolation and the Board aspired to bring them together and to encourage debate and for agencies to challenge each other on existing perceptions where necessary. A summary of safeguarding and child protection activity for 2013/14 was set out on page 8 of the Annual Report.

In response to a question to him regarding monitoring and evaluation, in the light of this being identified as a weak area of compliance in the Annual Report, the Board Chair replied that arrangements were in transition but that partner agencies now had far greater responsibility with the four areas the Board covered being charged with particular areas of responsibility which would enable each partner to make a better contribution and therefore improve matters.

The Divisional Lead - Safeguarding and Review then amplified the specifics of the Business Plan, indicating the current position with regard to key priorities of the Board. In this connection she referred to progress on improved agency working to ensure that multi agency structures were consistent, so that agencies worked more adhesively and effectively to mitigate harm to children. Training was now communal between agencies on social care issues.

In the area of child sexual exploitation, Dudley was working with the West Midlands Strategy Group in connection with a national screening assessment toolkit and a number of training and raising awareness events had taken place. Assessments were currently being embedded to improve awareness and to ensure Members of the Council worked within the community so that the Council was better informed on issues.

In the discussion that ensued, concern was expressed by the invitee at the impact on reporting child safety issues in consequence of the reduction in staffing at Children's Centres. She also raised questions regarding the identification of children at risk and what happened when a child made a disclosure about risk, indicating that in her capacity as a teacher no child had made a disclosure to her and expressing the view that such disclosures were more likely to be made to other bodies, e.g. Child Line. The Interim Director of Children's Services acknowledged that the social care aspect of Children's Centres needed to be broadened and that the Directorate was seeking to engage will all partners and assess how Children's Centres could be improved. There was a commitment to further support the voice of the child: to this end the relevant website had been relaunched although there was work to be done to make it more user friendly and a Child Participation Group had been set up.

The Divisional Lead emphasised the importance of training on a multi agency basis to ensure that each agency knew what to do. The Board Chair pointed out that the reconstructed Board structure was still very new but that a foremost role was to find out the best ways of engaging with children and it was now involving children directly.

In response to a question on the direction the Board was moving in with regard to multi agency safeguarding and the timescale, the Board Chair confirmed that the format had to be the right one for Dudley and include the facility for child sexual abuse and domestic abuse but that the timescale had not yet been determined.

In relation to multi agency working, a Member commented on the attendance figures on page 30 of the Annual Report and suggested that a substitute facility should be available when the nominated person was unable to attend. The Divisional Lead replied that the new Board structure provided for shared responsibility and ownership of priorities and there was therefore no option but to attend.

In seeking an assurance that a grooming culture as instanced in Rochdale and Rotherham could not happen in Dudley, the Board Chair stated that the possibility could not be eradicated and that more work needed to be done. Workforces needed to be ready and aware and to know what to do in a particular situation. Lessons needed to be learned from previous mistakes and while there had been successes after the event in terms of prosecution of perpetrators, prevention before the event should be the real aim. He also reflected that the arrest ratio and the prosecution ratio were not records to be proud of.

A comment was made by a Member that there was a view in the Muslim community that there was a conspiracy against them in so far as child sexual grooming was concerned. The Board Director considered that there was a need to accept shared responsibility to address the issue and that there was an over reliance on professionals to respond. In this regard and in acknowledging that grooming was not common to one particular community, he considered that all communities had an important role to play as these were where victims and perpetrators lived.

On the issue of raising awareness, attention was drawn to the usefulness of Chatback. Reference was made by the Chair to the Member training event on 30th September, 2014 at which a film on child sexual exploitation was to be shown. He encouraged all Members of the Committee to attend if they had not already seen the film at the workshop held on 24th September. The Divisional Lead reported that hotels in the Dudley area were participating in an initiative to combat child sexual exploitation in their premises and this had led to a successful prosecution. Councillor Perks referred to an event she was arranging within the community on safeguarding.

A paper summarising the key findings of the Alexis Jay report into Child Sexual exploitation in Rotherham was circulated.

Resolved

- (1) That the Annual Report of the Dudley Safeguarding Children Board 2013/14 be received.
- (2) That the observations and comments of the Chair of the Board be received and the comments made at the meeting ,including those referred to above, be noted.
- (3) That consideration be given to a further workshop on child sexual exploitation being held later in the year.

The meeting ended at 7.45 p.m.

CHAIR