

**BIRMINGHAM CITY COUNCIL**

**EDUCATION AND CHILDREN'S SOCIAL CARE O&S**

**COMMITTEE – PUBLIC MEETING**

**1000 hours on Wednesday, 5 April 2023, Committee Rooms 3 & 4, Council House, Victoria Square, B1 1BB**

**Action Notes**

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**Present:**

Councillor Kerry Jenkins (Chair)

Councillors: Shabina Bano, Debbie Clancy, Des Hughes, and Shehla Moledina

Other Representatives: Justine Lomas, Roman Catholic Diocese, Osamugi Ogbe, Parent Governor, and Sarah Smith, Church of England Diocese

**Also Present:**

Cllr. Karen McCarthy, Cabinet Member for Children, Young People and Families

Sabiha Aziz, Chair of the Parent Carer Forum

Andrew Christie, Chair, Children's Trust

Andy Couldrick, Chief Executive, Children's Trust

Sue Harrison, Strategic Director, Children and Families

Kerry Madden, Strategic Improvement Programme Director

Amanda Simcox, Scrutiny Officer

Amelia Wiltshire, Overview and Scrutiny Manager

**1. NOTICE OF RECORDING/WEBCAST**

The Chair advised that this meeting would be webcast for live or subsequent broadcast via the Council's meeting You Tube site ([www.youtube.com/channel/UCT2kT7ZRPFCXq6\\_5dnVnYlw](https://www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

## **2. APOLOGIES**

Apologies were received on behalf of Cllr. Jilly Bermingham, Cllr. Simon Morrall and Rabia Shami, Parent Governor Representative.

## **3. DECLARATIONS OF INTERESTS**

Members were reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting, and none were declared.

## **4. ACTION NOTES**

(See documents No. 1)

### **RESOLVED:**

That the action notes of the committee meeting held on the 22<sup>nd</sup> February 2023 were agreed.

## **5. ACTION TRACKER**

(See document No. 2)

Since publication of the papers, the structure chart for the Children and Families Directorate and the information requested regarding exclusions and part-time timetables etc., has been circulated via e-mail, and Members were to come back to the Chair and Scrutiny Office if there were any further queries on these.

### **RESOLVED:**

That the action tracker was noted, and Members to come back to the Chair and Scrutiny Office if there were any further queries on the information e-mailed.

## **6. CHILDREN'S TRUST UPDATE**

(See document No. 3)

Andrew Christie, Chair, Children's Trust, Andy Couldrick, Chief Executive, Children's Trust, Cllr. Karen McCarthy, Cabinet Member for Children, Young People and Families, Sue Harrison, Strategic Director, Children and Families, and Sabiha Aziz, Chair of the Parent Carer Forum, were in attendance for this item.

The Chair welcomed the attendees to the meeting and Andy Couldrick presented the headlines from the report. These included:

- Demand was rising which has impacted on an upward pressure of the number of children in care, with the significant increases in unaccompanied asylum seekers contributing to this.
- The Ofsted ILACS inspection (Inspection of Local Authority Children's Services) reflected the progress and improvements made. However, the outcomes of the inspection in March 2023 could not be shared until publication on the 18 April 2023.
- The Council has responded to the financial pressures faced by the Children's Trust, and the Children's Trust will continue to collaborate with the Council on the pressures of the rising demand, which was a national issue.
- Risks or areas of concern:
  - Domestic abuse, which was a significant driver for the demand for children services, and there were some significant gaps in provision, for instance there were no perpetrator programmes in the City.
  - Children's and parental mental ill-health and they were working with colleagues on an integrated service offer.
  - Contextual and transitional safeguarding. The Government has proposed mandatory reporting. However, what was needed was a system to be able to identify and respond collaboratively as soon as concerns were identified. A good example was the Children's Trust staff embedded in the City of Birmingham School (COBS), who work with the school to identify young people at risk early and put in an appropriate response.
  - Early intervention and prevention. The Trust was working with the Council on these programmes, and these included work around the cost of living crisis and food programmes.
- They were in a good position to respond to the challenges and the draft strategic priorities for 2023/24 were listed within the report. This included responding to Ofsted's recommendations following the recent inspection, and His Majesty's Inspectorate of Prisons (HMIPs) recommendations following the Youth Offending Service inspection (with a report due to go to Cabinet later this month).
- The new contract agreed at Cabinet reflected the view that the Children's Trust was improving quality of safeguarding services for children and families, and a ten year commitment to a continued commissioning relationship was positive.
- Recruitment and retention of staff was a national and regional challenge and the Children's Trust were struggling to appoint unqualified personnel as well as qualified social workers.

- The reviews of short breaks has caused some concern and they need to work with partners, parents, and carers regarding the universal and targeted offer, to ensure the offer for families was as impactful as possible, and they were at the beginning of this work.

Andrew Christie highlighted that in relation to rising demand pressures, it was also worth looking back further, and one of the issues Lord Warner highlighted at the time he was the Commissioner for Children's Services in Birmingham was how low referral rates were to children's social care services. This may have been a product of lack of confidence in the system, which meant that there were children who were not getting the services they should have been getting. Over 7 or 8 years there has been a change in awareness of need and strengthening of partnership arrangements.

He re-iterated how important it has been for the Children's Trust, that there has been a solid partnership between the Council and the Children's Trust, which does not always happen nationally, and he paid tribute to this.

During the discussion and in response to queries raised by Members, the main points included:

#### **How the Contract between the Council and Children's Trust Copes with Increasing Demand**

- The Children's Trust needed to demonstrate they were meeting the demand that they should, in the most efficient and effective way they can, within the context of the market in which they operated. The two main problems with the market were staffing and the placement market for children in care.
- In the review of the contract, one of the things introduced as part of the routine monthly review with the Council, which was not previously in the contract, but other Children's Trusts had nationally, was the facility that reflected they were doing all they could to avoid children going into care, whilst not avoiding care for those that absolutely needed it. Then there would be a contract adjustment to reflect that growing pressure.
- Birmingham has c.74 children in care per 10,000 children. Compared to a statistical neighbour rate of 82 children in care per 10,000 children, and core cities rate of c.84-86 per 10,000 children. This could be seen as the services having success in children remaining with their families rather than going into care.
- The Council commissioned the Chartered Institute of Public Finance and Accountancy (CIPFA) to undertake a value for money review of the Children's Trust. The outcome from this was that the Children's Trust was providing value for money and more funding may be required to deal with the growing pressures around children in care.
- The onus was on both partners, the Council and the Children's Trust, to demonstrate they were doing the best they could.

### **Care Placements**

- There were not enough placements, including secure placements, and the reduction in mental health beds. One of the consequences of this was the significant rise in care packages per child. The government recognised and was responding to the challenges.
- The Children's Trust needed to recruit more foster carers and further work was needed to demonstrate why fostering was a great choice.
- They were exploring how they could grow more of their own residential provision, and they had ended the contract for the six children's homes that had been contracted out prior to the operation of the Children's Trust.
- They find a suitable placement for 99% of children in care, of the 1%, they need to create bespoke packages, which were challenging. The government was looking to change some of the marketisation and regulation of what was a private sector care market and explore a regional commissioning of placements so that authorities are bound to work together to meet need.

### **Staff Recruitment and Retention**

- Social workers work for agencies because they think it gives them the opportunity to try different local authorities and agencies pay higher rates.
- The Children's Trust cannot do anything the Council cannot do, and vice versa, so they have looked at non-contract incentives.
- They are running a successful Academy programme.
- All the social workers that spoke to Ofsted as part of the inspection felt positive about working for the Children's Trust, which will assist with recruiting social workers.
- If the government makes the proposed changes, then these may assist with this issue.

### **Ofsted Judgment**

- It was thought the Ofsted judgement was a fair one and this included recommendations that will be published in the report and built into their improvement journey.
- Ofsted was pointing to a broader partnership challenge, particularly around domestic abuse. The Children's Trust was escalating concern regarding the way the Home Office's grant money has been allocated around perpetrator's programmes, because other parts of the West Midlands were getting money that Birmingham was not.
- Also, it was about how the money was deployed and whether services support children to stay in families, rather than the funding itself.
- In addition, Ofsted felt that it was putting undue pressure on social workers, who were the only public service present in the family trying to safeguard the children, and manage a perpetrator, who nobody else was managing. Therefore, they need to find investment to fund the perpetrator's programmes that were then free to access, using Ofsted's findings to assist with this.

### Short Breaks Provision

- In 2016 the Disabled Children's Service was part of the Education Service. Ofsted made a strong recommendation that it needed to be improved and should sit with all the social care services, as all social care services were governed by the same legislation.
- The guidance from government was explicit about the need to review the packages of care provided, because children's needs change over time and this needs to be reflected.
- The Children's Trust ran a programme of work to look at the Disabled Children's Service, and the need to make the reviews slightly more robust was identified. The new model needed a stronger sense of independent review, and these were reviewing officers independent of the line management of the case, who talk to the relevant stakeholders to form a view of what the right package should be. There were no savings requirements attached to this.
- Information on the packages following the reviews was given to the Committee. It was explained that some of the reasons for the changes were because what existed previously was a model where if you were eligible then you all got the same offer. The reviews highlighted that a number of those nights were not taken, and some did not need two to one care but one to one care. The objective of the reviews was not to save money, but to ensure it was as equitable as it could be and according to need.
- Andy Couldrick expressed regret that it had garnered the concern it has and acknowledged they should have done some things better sooner. For instance, there had been a delay in implementation, and they should have got back to the PCF and asked them to prepare the grounds to implement the new model. They had apologised for this oversight.
- They do want to continue to run a process that was compliant with statutory responsibilities and caused less fear and anxiety, to be equitable, and the Children's Trust will bring in external support to be an "independent pair of eyes" through the Council for Disabled Children, who were respected and will provide an analysis report.
- Sabiha Aziz, Chair of PCF expressed concern as she had flagged this earlier and had not received any response. The terminology of the Independent Reviewing Officer (IRO) was confusing as it was not referring to the same IROs for children in care, but it was the same acronym; and she questioned why the decisions were made without the service user involvement. In addition, no updates had been provided to the PCF since the end of the project to look at the service, which she had sat on; there was a discrepancy with the numbers of packages reduced; and it was felt that the Children's Trust made it difficult for families to access short breaks.
- It was agreed that the Children's Trust would confirm via e-mail the number of reduced packages.

- Andrew Christie commented that for those families that were unhappy, they have the opportunity to raise this via the complaints process.
- The Chair highlighted that parents needed to know how to apply, and it needed to be equitable for all parents. She hoped the review of the process would flag up and address the concerns raised and the Committee would like sight of this.

### **Partnership Working**

- The progress made over the period of the Children's Trust was acknowledged, as was the transparent way it has been reported to this Committee. Andy Couldrick commented that engaging with scrutiny has been a positive part of the improvement journey.
- As the SEND improvement work gathers momentum, and universal services strengthen, then we should see less demand for early help, which should mean demand for social care services reduces.
- Cllr. Karen McCarthy highlighted that the partnership relationship between the Council, Children's Trust and wider partners was very well received by Ofsted, and the new contract with the Children's Trust develops this partnership.
- Andrew Christie suggested that Committee may be interested in the dependences set out in the Ofsted report, and the technical support, such as accommodation that was set out in the contract.
- Sue Harrison appreciated the partnership working with the Children's Trust and progress in the improvement journey. Similarly to the Children's Trust, she would like to develop a positive relationship with the Committee as they go through their improvement journey.

### **Parents with Children with Mental Health**

- Parental distress was a significant challenge, especially as the threshold for formal mental health intervention was quite high, which inevitably means a gap was created. The best way to safeguard and support the vast majority of children was to support the parents, and the Council and the Children's Trust were collaborating with partners in the NHS and the Police to shape services in a different way, and this will take time.

### **The Youth Offending Service**

- The Youth Offending Service was part of the Children's Trust and was built on partnership. It was inspected three years ago and reinspected more recently. Significant improvements have been made, but there was more to do, and the Local Youth Justice Board was there to drive improvements.
- The Chair highlighted that this Committee have discussed the draft plan and the Committee were impressed with the draft plan and the improvement journey.

The Chair highlighted the importance of partnership working, and the link between the work of the Children's Trust and the wider work to improve children's services. She suggested the Children's Trust comes to a future meeting(s) to discuss the Ofsted report and the review of short breaks.

**RESOLVED:**

That:

- The report was noted.
- Confirmation via e-mail of the number of reduced short breaks packages to be provided.
- The Children's Trust to attend a future committee meeting(s) to discuss the Ofsted report and the review of short breaks.

**7. IMPROVING SERVICES FOR CHILDREN AND FAMILIES IMPROVEMENT PROGRAMME  
PROGRESS UPDATE**

(See document No. 4)

Cllr. Karen McCarthy, Cabinet Member for Children, Young People and Families, Sue Harrison, Strategic Director, Children and Families, and Kerry Madden, Strategic Improvement Programme Director, were in attendance for this item.

The Chair welcomed the attendees to the meeting and set the context for the discussion.

Kerry Madden gave the presentation which included the vision; context; and headlines regarding the key pieces of work for workstream A – implement a strong and effective Children and Families Directorate to deliver best in class services for children, young people, families, and communities; workstream B – strengthen approaches to identify, recognise and respond to the vulnerability of specific groups of children and young people; and workstream E – ensure services are sustainable, compliant, and designed to deliver best outcomes for children, young people, families and communities; and risks and challenges.

During the discussion and in response to queries raised by Members, the main points included:

**Directorate Key Performance Indicators (KPIs) were Shared:**

- These were the KPIs that the Directorate was scrutinised on, the targets were set in the context of the improvement journey, and the SEND KPI's had been approved by the Department for Education (DfE) and were reported to the SEND Improvement Board. Officers will cross reference the KPIs in the report to where they were reported to and include this information in future reports to the Committee.
- On page 57, the number of children and young people (aged 5-16) with an Education and Health Care Plan (EHCP) awaiting specialist placements had no RAG rating and as at quarter 3, there were 278 children and young people, which was of concern. This should be rated red, and it was the first time they were able to accurately measure this. Reassurances were given to the Committee that these children were being overseen and this will be RAG



rated and more detail will be provided next time they report to the Committee on what they were doing to support the children.

- On page 58, the percentage of new EHCPs issued within 20 weeks, excluding exception target had a target of 65%. As this was a statutory target one member of the committee felt it should be set at 100%. Sue Harrison advised that this target had been agreed by the DfE. However, officers could ask about raising the target and 100% would be an aspirational aim if the target was not raised. Officers will continue to show progress against the target, and they were also working on the quality of the EHCPs.
- Queries were raised regarding those who had a mainstream school named by type and were waiting more than 12 weeks for a placement, and when counting starts, as there was a tendency to name the school in an EHCP for a significant point in the future. It was suggested that the Director of SEND and Inclusion could attend a future committee meeting to discuss EHCPs in more detail, including timely and quality EHCPs. However, Cllr. Des Hughes commented that the right placement was more important than the quality of the EHCPs.
- Education Services and the Children's Trust were working well together and there were no children in care that do not have a school place.
- On page 31, the priority to continue to strengthen the support for learning and education provision for children ever known to a social worker was queried, Sue Harrison confirmed this was national terminology and this meant those children that had previously been known to the service, and this will be made clear the next time it was presented to the Committee.
- A member of the Committee felt that the RAG rating colours were confusing as they included blue and grey, and officers explained that this was the Council's corporate RAG rating system, and undertook to look at how this was presented next time to the Committee.
- The timescales for quarter 1, 2 and 3 were unclear, especially as the proportion of eligible pupils transported to school was showing 100% for quarter 3, and Cllr. Des Hughes was aware of someone who was entitled to home to school transport but was not getting this service. Cllr. Des Hughes to provide information outside the committee meeting to Sue Harrison.

### **Baselining of Services**

- Cllr. Des Hughes expressed disappointment that Appendix 2: Baselining of Services within the Children and Families Directorate May/June 2023 did not provide the details of the results of the baselining.

### **Quarterly reporting**

- Sue Harrison was happy to bring other colleagues when these were reported quarterly to future committee meetings, such as officers responsible for SEND and children excluded from school etc.
- They were working with the head teacher of the City of Birmingham School (COBS) regarding his vision and ensuring there was the right provision across the city. COBS was technically full, although some children did not attend, so they needed to work with the families to encourage their children's attendance. It was suggested that this was another area the Committee may be interested in, and the head teacher could attend a future committee meeting with Sue Harrison.

Cllr. Karen McCarthy commented that the KPI's provided were prioritised to explain what was happening, and the data does include where we started from, and we need to be showing progress. Some of the KPI's were set by the DfE, and it was suggested that the Committee may want an officer to attend to provide a better understanding of these. Also, the SEND Accelerated Progress Plan (APP) was an item at the next committee meeting which provided another opportunity for the SEND KPIs to be discussed.

The Chair informed the Committee that if they were going to look at some deep dive areas then there will need to be a discussion regarding what these will be. Cllr. Albert Bore, Chair of the Co-ordinating O&S Committee, was putting through suggestions and proposals to add more value to the work of Scrutiny, which will open up some opportunity to do some deep dive work, and there had been some really good task and finish work undertaken recently. It was thought that the Committee could make use of this approach to look at some of those key areas, and the Committee will have that discussion and come back to officers around some key focus areas.

### **RESOLVED:**

That the report was noted.

## **8. WORK PROGRAMME**

(See document No. 7)

The Chair informed Members that the Birmingham Safeguarding Children's Partnership (BSCP) item had been deferred from this committee meeting due to the timing of their annual report, which was not being signed off now until May 2023. There were already three substantial items on the agenda for the 17 May 2023 committee meeting, and there can be an in depth discussion at the June committee meeting on the list of items to be scheduled, taking onboard what she has said about doing some deep dive work as well.

Cllr. Des Hughes requested feedback from COBS and Sue Harrison had previously suggested that the head teacher accompanies her to a committee meeting.

Cllr. Karen McCarthy asked whether the Committee would like to have a workshop to discuss data in more depth. The Chair commented that they could discuss utilising the different approaches at the informal committee meeting in June. Also, the Committee could do visits to COBS and the Children's Trust, as she was keen to explore different ways of doing things, which would be more beneficial for people delivering those services.

The Chair and the Deputy Chair will look at the key areas to be scheduled.

**RESOLVED:**

That:

- The work programme was agreed.
- The Chair and the Deputy Chair to look at the key areas to be scheduled.

**9. DATE AND TIME OF NEXT MEETING**

**RESOLVED:**

Noted the next meeting was scheduled for 17<sup>th</sup> May 2023 at 1000 hours in Committee Rooms 3 & 4 and this may overrun due to there being three substantial items on the agenda.

**10. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)**

None.

**11. OTHER URGENT BUSINESS**

None.

**12. AUTHORITY TO CHAIR AND OFFICERS**

**RESOLVED:**

In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee.

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The meeting ended at 12.10 hours.