

## **BIRMINGHAM CITY COUNCIL**

### **EDUCATION, CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**

**WEDNESDAY, 19 JULY 2023 AT 10:00 HOURS**  
**IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA  
SQUARE, BIRMINGHAM, B1 1BB**

## **A G E N D A**

### **1 NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

### **2 APPOINTMENT OF COMMITTEE**

To note the resolution of the City Council meeting appointing Cllr. Morriam Jan in place of Cllr. Deborah Harries on the Committee to serve on the Committee to the period ending with the Annual General Meeting (AGM) of City Council 2024.

### **3 APOLOGIES**

To receive any apologies.

### **4 DECLARATIONS OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and

must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

**5 - 12**

5 **MINUTES**

To confirm the minutes of the meeting held on 14 June 2023.

**13 - 14**

6 **ACTION TRACKER**

To note the action tracker.

**15 - 28**

7 **CHILDREN AND YOUNG PEOPLE'S TRAVEL SERVICE (10.05 - 1045)**

Adrian Weissenbruch, AD, Children and Young People's Travel Service, Stephen Hughes, Interim Deputy Operations Manager, Marie Nicely, Travel Assist Supervisor, Abdulhadi Mehraj, PMO Manager, John Wood, Change Manager, and Linda Sutton-Howard, IT Project Manager in attendance.

**29 - 38**

8 **SEND TRIBUNALS (10.45 - 11.25)**

Helen Ellis, Director, SEND and Inclusion and Kate Harvey, Head of SEND Resolution, Special Educational Needs Assessments & Reviews Service in attendance.

**39 - 50**

9 **PERFORMANCE UPDATE - IMPROVING SERVICES FOR CHILDREN AND FAMILIES IMPROVEMENT PROGRAMME (11.25 - 11.55)**

Sue Harrison, Strategic Director, Children and Families and Fayth Skeete, Head of Strategic Governance & Planning in attendance.

**51 - 60**

10 **WORK PROGRAMME**

To agree the work programme.

11 **DATE AND TIME OF NEXT MEETING**

To note the date of the next meeting is 6 September 2023 at 10am in committee rooms 3 & 4.

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

To consider any request for call in/councillor call for action/petitions (if received).

13 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

14 **AUTHORITY TO CHAIR AND OFFICERS**

Chair to move:-

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



**BIRMINGHAM CITY COUNCIL**

**EDUCATION, CHILDREN AND YOUNG PEOPLE**

**OVERVIEW & SCRUTINY COMMITTEE – PUBLIC MEETING**

**1000 hours on Wednesday, 14 June 2023, Committee Rooms 3 & 4,**

**Council House**

**Minutes**

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**Present:**

Councillor Kerry Jenkins (Chair)

Councillors: Jilly Bermingham, Debbie Clancy, Adam Higgs, Des Hughes, and Jane Jones

Other Representatives: Osamugi Ogbe, Parent Governor, and Rabia Shami, Parent Governor Representative

**Also Present:**

Fiona Bottrill, Senior Overview and Scrutiny Manager

Paul Clarke, AD, Programmes, Performance, and Improvement Division

Sue Harrison, Strategic Director, Children and Young People

Tracey Murray, Improvement and Change Partner, Finance and Governance

Amanda Simcox, Scrutiny Officer

Richard Smith, Head of Insight, Policy, and Strategy

**1. NOTICE OF RECORDING/WEBCAST**

The Chair advised that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite 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 Councillor Deborah Harries, Justine Lomas, Roman Catholic Diocese, and Sarah Smith, Church of England Diocese.

## **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. MEMBERSHIP OF THE EDUCATION, CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**

Noted the resolutions of the City Council meetings on the 23 May 2023 and 13 June 2023 appointing the Committee, Chair and Members to serve on the Committee for the period ending with the Annual General Meeting (AGM) of the City Council 2024:

- Labour (5): Cllrs: Kerry Jenkins (Chair), Jilly Bermingham, Des Hughes, Jane Jones, and Shehla Moledina.
- Conservative (2): Cllrs. Debbie Clancy and Adam Higgs.
- Liberal Democrat (1): Cllr. Debbie Harries.
- Other Representatives:
  - Church of England Diocese (1): Sarah Smith.
  - Roman Catholic Diocese(1): Justine Lomas.
  - Parent Governors (2): Osamugi Ogbe, and Rabia Shami.

## **5. ELECTION OF DEPUTY CHAIR**

Cllr. Des Hughes was elected as Deputy Chair for the purposes of substitution for the Chair if absent for the period ending with the Annual General Meeting of the City Council in 2024.

## **6. EDUCATION, CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE'S TERMS OF REFERENCE**

(See document No. 1)

Noted the Terms of Reference for the Education, Children and Young People Overview and Scrutiny Committee.

## **7. MINUTES**

(See document No. 2)

### **RESOLVED:**

The minutes for the Education and Children's Social Care Overview and Scrutiny Committee meeting held on 17 May 2023 were agreed.

## **8. ACTION TRACKER**

(See document No. 3)

The Committee discussed the outstanding actions and agreed these needed to be added to the new action tracker going forward.

### **RESOLVED:**

The Committee reviewed and noted the actions from the previous Education and Children's Social Care Overview and Scrutiny Committee, and the outstanding actions are to be carried forward into this year.

## **9. DELIVERING EFFECTIVE AND FLEXIBLE SCRUTINY**

(See document No. 4)

Members discussed the different ways of working / options, adding value, and making a difference, and the main points included:

- It was important that the Committee's Child Criminal Exploitation Inquiry was completed and reported to City Council in December 2023.
- There was a need to create space and be flexible so items can be added to the work programme as and when required.
- Scrutiny needs to amplify the public voice and concerns.
- A smaller group of Members could visit and / or undertake pieces of work and report their findings back to the Committee for consideration and agreement.

### **RESOLVED:**

The Committee noted the development of a flexible and effective work programme for 2023/24 as developed by members of the Co-ordinating Overview and Scrutiny Committee in the last municipal year 2022/23.

## **10. DEVELOPING THE EDUCATION, CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE'S WORK PROGRAMME 2023/24**

(See document No. 5)

Paul Clarke, AD, Programmes, Performance, and Improvement, Sue Harrison, Strategic Director, Children and Young People, Tracey Murray, Improvement and Change Partner, Finance and Governance, and Richard Smith, Head of Insight, Policy, and Strategy were in attendance for this item.

The Chair highlighted that the work of the Committee needs to take into account the Cabinet Member and City Council's priorities, drew Members' attention to the papers for this item, and provided an update on the discussion at the informal meeting held on 6 June 2023.

During the discussion, the main points included:

### **Information and Data**

- When the work programme items have been agreed, Officers will look at aligning and providing relevant information / data that would be useful and proportionate.
- This data will assist Scrutiny in its aims to see if improvements are happening, shape policy thinking, and get a better understanding of the issues etc.

### **Child Criminal Exploitation Inquiry**

- Work on the CCE Inquiry will be the focus for the next couple of months. Evidence gathering will take place during July and August, with the report being presented at City Council on 5 December 2023.
- Cllr. Debbie Clancy and Cllr. Adam Higgs will confirm who the Conservative representative will be on the Task & Finish Group for this Inquiry.

### **Children and Young People's Mental Health Inquiry**

- This is a joint Inquiry led by the Health and Adult Social Care O&S Committee. Cllr. Jilly Bermingham will remain on the Task & Finish Group and Fiona Bottrill highlighted that Cllr. Gareth Moore, from the Health and Adult Social Care O&S Committee is on this Task & Finish Group, and she will follow up on the membership in relation to the Education, Children and Young People O&S Committee representative.

### **Committee Meetings**

- To allow for sufficient time for each item it was agreed that there would be two substantive items for formal committee meetings.



### **July Committee Meeting Items**

- Home to School Transport Service / Children and Young Peoples' Travel Service to provide assurances that everything is on track for September, an update on policies and developments, and to address any concerns and issues.
- Janie Berry, City Solicitor to update Members on tribunals and delays etc., and feedback on how the role of Legal Services contributes and makes risk informed decisions (this had previously been added to the work programme under 'to be scheduled' in October 2022).

### **September Committee Meeting Item**

Members discussed school exclusions, part-time timetables, and unsuitable school places, which had been discussed at the February 2023 committee meeting, where the Committee had proposed that officers come back in six months to provide an update on the progress of the work undertaken. During the discussion and in response to Members' queries the main points included:

- Those not in the education system, such as children and young people who were in elective home education, to be included in the item.
- Information on children that have and have not returned following the pandemic to be included in the item.
- Student attendance at school during their period (this had come from the Health and Social Care O&S Committee's Period Poverty Inquiry), to be included in the item if possible.
- The Birmingham Education Partnership (BEP) could be in attendance or provide written information.
- The Head Teacher of City of Birmingham School (the Council's Pupil Referral Unit) to be invited.
- The data provided would be for attendance this year, then a subsequent report can be provided to show post September 2023.
- The Chair was open to suggestions as to the best way for this item to be addressed, taking into account the new ways of working, and this could include having a meeting followed by a visit to a school. The Chair and Deputy Chair will be meeting with the Cabinet Member and Strategic Director to discuss the best way forward.

### **October Committee Meetings Items**

- A report back on the short breaks review if appropriate, and this will be guided by the Children's Trust nearer the time.
- The Birmingham Safeguarding Children Partnership's (BSCP) Annual Report if appropriate, and this will be guided by the BSCP.

### **Future Work Programme Items**

- Early years may need to be scheduled before the end of the year.
- Child Poverty.
- Regular updates on Special Educational Needs and Disabilities (SEND). The Chair and Deputy Chair will discuss with the Strategic Director, as to how these can be incorporated, taking into account the SEND Improvement Board, and the need for a steady stream of communication on a regular basis.

### **Communication**

The Chair highlighted the suggestion at the Co-ordinating O&S Committee for there to be some form of communication strategy for citizens, to make the work of scrutiny more accessible and on point for them.

### **RESOLVED:**

That the Committee:

- Noted the information set out in Appendices 1 – 3 and identified a menu of topics for the Committee to explore over the coming year.
- Confirmed, subject to further input from the Chair and Deputy Chair outside of the meeting, items for the Committee meeting in July:
  - Home to School Transport / Children and Young Peoples' Travel Service.
  - SEND Tribunals.
- Agreed the issues that the Committee will consider during September – October 2023, the proposed aims and objectives and the preferred method of scrutiny.
  - September: Attendance, Exclusions, children not in formal education etc.
  - October: Update on the review of short breaks and the Birmingham Safeguarding Children Partnership's Annual report if appropriate.
- Noted that a draft work programme will be presented to the Committee meeting in July for consideration and approval.
- Noted, subject to further input from the Chair and Deputy Chair outside of the meeting, its proposed work programme will be submitted to Co-ordinating O&S to enable work to be planned and co-ordinated throughout the year.
- Members of the Task and Finish Group for the Child Criminal Exploitation Inquiry and the Children and Young People's Mental Health Inquiry will be followed up.

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

None.

**12. OTHER URGENT BUSINESS**

None.

**13. SCHEDULE OF MEETING DATES FOR COMMITTEE MEETING AND SCRUTINY WORK**

The Chair proposed that the committee meeting on 13 September 2023 was moved to 6 September 2023 due to her being on leave. The Committee agreed to this.

**RESOLVED:**

Noted the scheduled dates for 2023/24: 19 July 2023, 6 September 2023, 18 October 2023, 29 November 2023, 17 January 2024, 28 February 2024, 10 April 2024, and 15 May 2024

**14. 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 10.58 hours.



**EDUCATION, CHILDREN AND YOUNG PEOPLE O&S COMMITTEE**  
**ACTION TRACKER 2023-24**

Date	Agenda Item	Action	Update / Notes
22 Feb 2023	School Attainment and School Improvement	The recruitment and retention rates of teachers in the city in comparison to other areas.	Awaiting information.
5 April 2023	Children’s Trust	The Children’s Trust to attend a future committee meeting to discuss the review of short breaks.	An update on the review of short breaks is currently earmarked for the October 2023 committee meeting.
17 May 2023	Action Tracker	The timeline for when the SEND Sufficiency Report would be available to be provided.	Awaiting information.
17 May 2023	Young People’s Substance Use Service	Aquarius to provide the timeline for the Manchester Met University project.	Aquarius have met with the researchers, and they are preparing a slide deck of their initial findings. They are expecting the project to conclude by the end of the year.
17 May 2023	SEND	<p>The following to be provided via e-mail:</p> <ul style="list-style-type: none"> <li>• The spend information for staffing within the SEND and Inclusion Service.</li> <li>• Information on the indicators in the APP on the Council’s website that state, ‘requires baseline.’</li> </ul>	<p>Awaiting information.</p> <p>E-mailed the response on 12 June 2023.</p>
		The Committee to provide further questions in writing for officers to provide a written response.	
14 Jun 2023	Developing the Education, Children and Young People O&S Committee’s Work Programme 2023/24	Members of the Task and Finish Group for the Child Criminal Exploitation Inquiry and the Children and Young People’s Mental Health Inquiry will be followed up.	



**Birmingham City Council**  
**Education, Children and Young People**  
**Overview and Scrutiny Committee**

19 July 2023



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**Subject:** Children and Young People's Travel Service  
**Report of:** Adrian Weissenbruch, Assistant Director Children and Young People's Travel Service  
**Report author:** Adrian Weissenbruch, Assistant Director Children and Young People's Travel Service

**1 Purpose**

- 1.1 A presentation providing an update on the Children and Young People's Travel Service is attached with this report for consideration by the committee.
- 1.2 Officers will be in attendance at the July 2023 committee meeting to discuss the presentation and answer any questions.

**2 Recommendations**

- 2.1 Members note the presentation attached as Appendix 1.

**3 Any Finance Implications**

- 3.1 None directly associated with this presentation and report.

**4 Any Legal Implications**

- 4.1 None directly associated with this presentation and report.

**5 Any Equalities Implications**

- 5.1 None directly associated with this presentation and report.

**6 Appendices**

- 6.1 Appendix 1 – Children and Young People's Travel Service update presentation.

# Children and Young People's Travel Service: Update for Education, Children and Young People Overview and Scrutiny Committee

Adrian Weissenbruch, Assistant Director Children and Young People's Travel Service  
19 July 2023





# Service overview

- We currently support 5,177 with transport each day, with a further 200 students supported with Personal Transport Budgets.
- Most students we support with Transport have an EHCP
- Students can also qualify for support under 'Extended Rights' which are designed to support low-income families to exercise school choice.
- There are currently 1278 transport contracts
- We support 368 Schools
- Currently spending over £230k each day
- Students we support travel 39,136 combined miles a day (more than a return trip from Birmingham to Bucharest, Romania)
- There have been significant historic issues where trust has been lost which the service has been working hard to rebuild, ensuring that students are kept at the centre of our decisions.
- Transformation program to rebuild the service has brought significant improvement and moving to BAU
- The service must be sustainable to protect services for the most vulnerable.

# September mobilisation

Whilst September 2022 mobilisation was a considerable improvement and success with a 99% service delivery rate, which was one of the best nationally and following several difficult years, the CYPTS identified several areas where the service could be improved. The September Mobilisation plan was implemented in March 2023 to ensure a successful delivery of September 2023 by clearly outlining and monitoring key activities whilst ensuring key activities are closely monitored and completed on time. This allows risks and dependencies to be quickly identified and resolved to ensure a successful September 2023 delivery.

This includes but not limited to:-

- Applications are processed before September
- Draft routes sent to schools before the end of term
- Travel Passengers are allocated to a route
- Draft routes are sent to Transport Operators
- Communication to parents to confirm routes
- Meet and Greets undertaken by Travel Passenger Assistants and Drivers before the start of term.

# September mobilisation – Lessons Learnt for September 2023



Early planning of mobilisation activities – ensure planning for this year's mobilisation starts as early as March 2023 – liaising with relevant teams as early as possible and understanding of what each team must do.



Putting together a robust communication strategy – external (how to communicate with Parents, Passenger Assistants and Schools) and internal (team-to-team communication)



Have in place recruitment strategy – early understanding of resource requirements and ensuring resources are in position and trained well to do their jobs in good time.



Improve data management strategy – access, quality and early gathering and sharing of data



Look at how external dependencies can be managed better e.g. SENAR, Contact Centre etc



Reduce manual interventions where possible by using technologies such as TMS, CRM etc



Assign an owner to oversee the implementation of lessons learned from 2022 mobilisation next year -

# Key performance indicators

Transport consistently operates above 99.5% service delivery for eligible students. This high level of consistency is unlikely to change due to robust contingency process to cover for absent drivers, vehicles and Guides.

New software that is currently being tested will allow us to report a much wider range of statistics to ensure effective management of our operators and improve quality of service.

We are also starting to capture data more effectively to identify the needs of our students, ensuring that needs are met and any groups that may require additional support.

# Finance

The month 9 projections for 22/23 showed an £18.1m overspend. Work is currently underway to finalise the accounts for the 22/23 financial year. Work was undertaken during Q4 to address the overspend, including eligibility panels.

	Current Budget £m	Forecast Outturn £m	Over/(Under) Spend £m
Children & Young People Travel Service	40.46	58.56	18.1

The £18.1m forecast overspend is broken down as follows:

- £13.4m Transport Costs
- £4.7m Guides

Work is well underway to reduce spend in 23/24 including a savings plan that addresses various areas that have been identified, including a revised procurement method, route optimisation and continued effectiveness of eligibility panels.

# Policy development

A revision of the Home to School Transport Policy was undertaken and, whilst BCC were found to be compliant with the legislation, it had not been effectively adhered to.

- A new Application and Eligibility Review Panel was created to ensure that robust and correct decisions were made in line with BCC policy, with an appeal process set up to support parents who look to challenge decisions.
- The DfE published revised Statutory Guidance '[Travel to school for children of compulsory school age](#)' on 29th June 2023. The new Statutory Guidance has a strong focus on sustainability and use of public transport.
- Work immediately started to review the revised guidance against the BCC policy to ensure compliance
- If changes are required, we will work closely with stakeholders including the Parent Carer Forum to review the Policy documents.

# Pre-School and Post-16 Entitlement

## Pre-statutory School Age

- The Council's policy is not to provide travel assistance, except where the child has an EHCP and the circumstances can be said to be exceptional.
- There would also be a charge to access this subsidised service and the support offer will consider the age and needs of the child.

## Post-16 Transport

- The Council's policy is to provide a subsidised travel service that meets the individual needs of the student, in line with the compulsory age School Transport offer, whilst encouraging their personal development in preparation for adulthood.
- This will include offer of a Bus Pass and supported Travel Training where the student is considered capable.

Whilst other Local Authorities nationally are looking to reduce/remove their offer of support for non-statutory transport. BCC intends to continue with the current offer.

# Independent Travel Training in Birmingham



## Collaboration with Stakeholders

Schools, Students, Parent/Carer Forum, Specialist Heads Forum, Council Action Groups, Council Directives



## Informing and Educating

School assemblies and parent events, classroom discussion, try a bus and challenge your travel skills events



## Building futures: Impacting on lives

Making a difference for our young people and their future. Helping them to build their future one step at a time



## Value for Money and Accountability

Building a sustainable programme with a solid foundation. Objectives, Performance KPI and impact analysis



From Pilot to Permanent Programme

# ITT Pilot Programme

Journey and Milestones



# Pilot ITT Programme Impact Spring 2023

## Achievements to Date

- 35 individuals successfully completed programme as of June 2023
- Engagement with 15 BCC Specialist Schools
- Engagement with BCC Parent/Carer Forum and their members
- Development of ITT Learning Materials
- Introduction of West Midlands and Birmingham ITT Forum
- BCC ITT Programme approved as an Open Awards Programme Level II

## Impact on Young People and their Families

Produced a short film to illustrate the impact the programme has on young people. Building their future, one step at a time



Zain and  
Mom's  
Testimonials



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# Birmingham City Council

## Education, Children and Young People Overview and Scrutiny Committee

Wednesday 19<sup>th</sup> July 2023



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**Subject:** SEND Tribunal Appeals in Birmingham  
**Report of:** Helen Ellis, Director of SEND & Inclusion  
**Report author:** Kate Harvey, Head of SEND Resolution

### **1 Purpose**

- 1.1 To update members on the process for SEND tribunals including data on delays and trends.

### **2 Recommendations**

- 2.1 The Committee to agree any comments / recommendations

### **3 Any Finance Implications**

- 3.1 No direct financial implications resulting from this report

### **4 Any Legal Implications**

- 4.1 The Council must comply with its legal duties under Part 3 of the Children and Families Act 2014, the Special Educational Needs Regulations 2014 and the SEND Code of Practice 2015.

### **5 Any Equalities Implications**

- 5.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
  - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 5.2 The Committee should ensure that it addresses these duties by considering them during work programme development, the scoping of work, evidence gathering and making recommendations. This should include considering: how policy issues impact on different groups within the community, particularly those that share a relevant protected characteristic; whether the impact on particular groups is fair and proportionate; whether there is equality of access to services and fair representation of all groups within Birmingham; whether any positive opportunities to advance equality of opportunity and/or good relations between people are being realised.

## **6 Appendices**

- 6.1 'SEND Tribunal Appeals in Birmingham' report

# Birmingham City Council

## Education, Children and Young People Overview and Scrutiny Committee

19 July 2023




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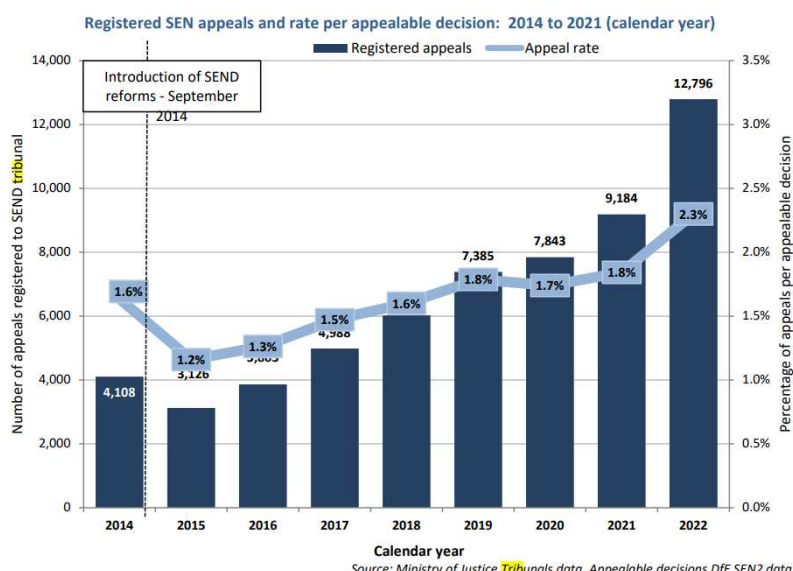
**Subject:** SEND Tribunal Appeals in Birmingham  
**Report of:** Helen Ellis, Director of SEND & Inclusion  
**Report author:** Kate Harvey, Head of SEND Resolution

### 1 Background and Context

- 1.1 The First-Tier Tribunal (Special Educational Needs and Disability) is an independent judicial body which hears appeals related to SEND.
- 1.2 Parents and Young People (YP) can appeal to the SEND Tribunal against the following decisions<sup>1</sup>
- The decision of a LA not to secure an EHCNA or a reassessment (NTA)
  - The decision of a LA not to make an Education, Health and Care Plan (NTI)
  - Sections B, F and/or I of a final Education, Health and Care Plan (EHCP)
  - The decision not to amend the EHCP following a review or reassessment
  - The decision of an LA to cease to maintain an EHCP (CTM)
- 1.3 Local Authorities must respond to and outline its position in each appeal. It must submit all documents relevant to the appeal, even if those which are not supportive of its position. Once a final decision is made, Local Authorities have a statutory duty to comply with orders of the SEND Tribunal.
- 1.4 Since the 2014 reforms, the number of SEND Tribunal appeals has risen across England, from 4,108 in 2014 (equivalent to 1.6% of appealable decisions) to 12,796 in 2022 (equivalent to 2.3% of appealable decisions).

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<sup>1</sup> Section 51 Children and Families Act 2014



1.5 In 2021/22 there were 9,076 outcomes in relation to SEND appeals, an increase of 20% compared to 2020/21, as detailed below:

	2020/21	2021/22
Total outcomes	7,554	9,076
Withdrawn	11% (826)	11% (1,035)
Conceded	25% (1,903)	27% (2,441)
Outcomes decided by tribunal	64% (4,825)	62% (5,600)
<i>Of decided, part in favour of appellant</i>	<i>96% (4,651)</i>	<i>96% (5,393)</i>

3

1.6 Due to the increasing appeal numbers and hearings required, the SEND First Tier Tribunal (not the Birmingham resolutions team) is currently experiencing capacity issues. Apart from in limited cases, appeals were being scheduled on a 49-week timetable (from registration to final hearing) in January 2023 (compared to 16 weeks in January 2022). For appeals received in June 2023, this has reduced to 31 weeks.

## 2 Statistics and analysis of trends

### Appeal numbers

2.1 In the last 5 years, Birmingham have received the following number of appeals:

Year	Appeals registered	Total Appealable Decisions	SEND Tribunal Appeal Rate
2018	265	10,214	2.6%
2019	295	9,793	3.0%
2020	261	10,365	2.5%
2021	371	11,205	3.3%

<sup>2</sup> [Special educational needs and disability: an analysis and summary of data sources \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

<sup>3</sup> [Special educational needs and disability: an analysis and summary of data sources \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)



<b>2022</b>	612	12,503	4.9%
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- 2.2 In 2022, Birmingham received its highest ever number of appeals – a 65% increase on the previous year. The rate of appeals to the Tribunal was also significantly higher than the national average (2.3%).
- 2.3 Analysis of the appeals received in the first 6 months of 2022 against 2023 shows there has been a 21% reduction in the appeals received<sup>4</sup> in 2023. Based on the figures in 2023 to date, Birmingham is on course to receive around 408 appeals this year<sup>5</sup>, which would be a 33.3% reduction in appeals received.
- 2.4 In June 2022, SENAR established a dedicated Mediation team. The Team Manager is an experienced LA senior manager, and the Mediation officers are from a range of backgrounds (legal, education, other LAs). The team works with CYP, families, settings, and other stakeholders to resolve disputes and concerns. There has been a 3.15% increase in mediation requests in 2023.<sup>6</sup>
- 2.5 Of the mediation meetings held in 2023, 48.6% of LA decisions were upheld. Of these, only 9.7% proceed to an appeal.<sup>7</sup>

### **Appeal types**

- 2.6 Between January 2022 and June 2023, Birmingham City Council received 836 appeals. The breakdown of the nature of these appeals was:

<b>Appeal Type</b>	<b>Total</b>	<b>Percentage</b>
NTA	160	19.1%
NTI	57	6.8%
Section B	1	0.1%
Section B & F	14	1.7%
Section B & I	4	0.5%
Section F	7	0.8%
Section F & I	33	3.9%
Section I	479	57.3%
Sections B, F & I	69	8.3%
CTM	12	1.4%
<b>Total Appeals Registered</b>	<b>836<sup>8</sup></b>	

- 2.7 When comparing these figures to the last national figures<sup>9</sup>:
- The number of NTA appeals is lower than the national figure of 27.9%
  - The number of NTI appeals is higher than the national figure of 8.8%

<sup>4</sup> 291 appeals received between Jan – Jun 2022, compared to 229 received between Jan – Jun 2023

<sup>5</sup> Based on average monthly appeals received (34 x 12)

<sup>6</sup> Comparing Jan – Jun 2022 and Jan – June 2023

<sup>7</sup> Based on data from Jan – Jun 2023

<sup>8</sup> Of these 16 were registered as Extended Appeals (Health & Social Care)

<sup>9</sup> [Tribunals SEND 21-22 Tables.ods \(live.com\)](https://www.tribunals.gov.uk/SEND/21-22/Tables.ods)

- The number of appeals that are registered against Section B (needs) and/or Section F (provision) in Birmingham is 14.8%, significantly lower than the national figure of 37.9%
- In contrast, the number of appeals that include Section I (placement) is 70.0% in Birmingham, significantly higher than the national figure of 54.4%
- The number of CTM appeals is slightly higher than the national figure of 0.8%

2.8 It is clear from these figures that the main driver for appeals in Birmingham relates to Section I (placement). The breakdown of placement types sought in Section I appeals<sup>10</sup> registered January 2022 and June 2023 is:

Setting type sought	Number	Percentage
Mainstream	47	8.0%
Mainstream with Resource Base provision	38	6.5%
Special	428	73.0%

2.9 The requests for specialist provision are linked to several factors including lack of confidence in mainstream settings and sufficiency of specialist placements across the City for those CYP who require them.

2.10 Analysis of the appeals received in the first 6 months of 2022 against 2023 shows:

- 45.2% reduction in the NTA appeals
- 53.6% reduction in the NTI appeals
- 10.7% reduction in appeals against EHCPs, including a 14.5% reduction in Section I appeals
- 50% reduction in CTM appeals

### **Outcomes of appeals**

2.11 National data indicates that around 96% of appeals are determined in favour of the parents/young person (appellant). The national figures do not breakdown outcomes in more detail. For example, an appeal against Sections B, F and I could result in some amendments to Sections B and F being ordered, but the Section I aspect being determined in favour of the LA. This outcome is still recorded as being in favour of the appellant. The figures therefore do not provide a fully accurate picture of the outcomes in SEND appeals.

2.12 In recording outcomes in appeals, the Birmingham Tribunal Team record how the appeal was resolved and then who the appeal was determined in favour of based on the overall outcome. This provides more accurate reporting of the outcomes in appeals.

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<sup>10</sup> 586 appeals

2.13 The table below outlines a breakdown of the outcomes of concluded appeals from January 2022 to June 2023 in Birmingham:

Outcome of Appeal	Total	Percentage
Appeal struck out <sup>11</sup>	8	1.3%
LA barred	0	0.0%
Conceded <sup>12</sup>	126	19.9%
Withdrawn by appellant	57	9.0%
<b>Consent Order:</b>	<b>301</b>	<b>47.6%</b>
Upheld in full	31	10.3%
Upheld in part - Compromise	85	28.2%
Upheld in part - Mostly LA	31	10.3%
Upheld in part - Mostly parents/YP	154	51.2%
<b>Decision after final hearing:</b>	<b>140</b>	<b>22.2%</b>
Dismissed	23	16.4%
Upheld in full	79	56.4%
Upheld in part - Compromise	5	3.6%
Upheld in part - Mostly LA	8	5.7%
Upheld in part - Mostly parents/YP	25	17.9%
<b>Total Concluded Appeals</b>	<b>632</b>	

2.14 These figures show that in Birmingham:

- Most appeals are resolved without the need for a determination by the Tribunal (67.6%) ensuring prompt resolutions for the CYP and their families.
- Overall, 65.7% of appeals were resolved in favour of the parent/YP, 9.8% were resolved in favour of the LA and 14.2% of outcomes equally in favour of parents/YP and the LA (compromise).
- Whilst Birmingham appeals are predominantly resolved in favour of the parents/YP, these figures are significantly lower than the national figure of 96%.
- 22.1% that proceed to a final hearing were determined in favour of the LA and 74.3% were determined in favour of parents/YP

### **Representation in appeals**

2.15 Appeals to the SEND Tribunal can be registered and managed by parents/YP without any support or representation. Many families do not have representation

<sup>11</sup> Usually due to failure of the appellant to comply with Tribunal directions

<sup>12</sup> LA did not oppose the appeal

in appeals and the Tribunal service is experienced in supporting parents and carers representing themselves through the process.

- 2.16 There are various sources of support parents/YP can access if they wish. Free support can be obtained through SENDIASS or charitable agencies (e.g. IPSEA, SOS SEN!). Parents/YP who are eligible for legal aid can seek free legal assistance from a legal aid Education Solicitor. Alternatively, parents/YP could pay privately for legal representation or advocacy services.
- 2.17 The table below outlines a breakdown of the recorded representatives in appeals from January 2022 to June 2023 in Birmingham:

Representative	Total	Percentage
Unrepresented	236	28.2%
SENDIASS	488	58.4%
Legal representation	42	5.0%
Non-legal representation <sup>13</sup>	62	7.4%
Other <sup>14</sup>	9	1.1%

- 2.18 Further analysis of the figures is required to provide a current picture of representation in SEND appeals due to the changes in Birmingham’s SENDIASS service to realign to National Standards. The table below compares the recorded representatives in 2022 against 2023 (up to June 2023):

Representative	2022 Jan – Dec		2023 Jan – Jun	
	Total	%	Total	%
Unrepresented	76	12.5%	160	69.9%
SENDIASS	464	76.6%	24	10.5%
Legal representation	26	4.3%	16	7.0%
Non-legal representation	35	5.8%	27	11.8%
Other	4	0.7%	5	2.2%

- 2.19 The figures show that more parents are not supported or represented in appeals than are in appeals registered in 2023.
- 2.20 Analysing the outcomes of appeals registered in 2023, 73.6% were resolved without the need for a determination by the Tribunal and 68.2% of appeals were resolved in favour of parents/YP. This data shows that there has not been a

<sup>13</sup> Advocacy services

<sup>14</sup> SENCO/ family/friends

negative impact on the resolution or outcomes of appeals due to changes in the support provided by SENDIASS.

### **3 Conclusion**

- 3.1 2022 was a record year in Birmingham for numbers of appeals received, a trend mirrored across England. The figures for 2023 to date indicate a reduction in appeal numbers.
- 3.2 The benefits of having a dedicated and specialist Tribunal team in Birmingham are shown in the analysis above. More appeals are resolved without the need for a final hearing ensuring prompt outcomes for CYP and their families.
- 3.3 Educational placements continue to be the primary reason for appeals, with requests for specialist provision remaining the main provision sought. Improvements in mainstream inclusion and support and robust sufficiency planning are key to managing the demand for specialist provision across the City.
- 3.4 A draft strategy to ensure there are sufficient specialist places for the needs of our children, in the right locations in city, has been developed. Commissioning and pupil place planning teams are working proactively with SENAR to create as many specialist places as possible to meet the needs of pupils who currently need them. We are working in partnership with our existing providers to develop solutions for immediate need for places.
- 3.5 Tribunals are not just a SENAR issue. They require an overarching, partnership approach with sustained commitment from all partners to ensure CYP receive the support they require to thrive.



# Birmingham City Council

## Education and Children's Social Care Overview and Scrutiny Committee

Date: 19<sup>th</sup> July 2023



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**Subject:** Improving Services for Children and Families Improvement Programme Progress Update

**Report of:** Sue Harrison, Director of Children and Families

**Report author:** Helen Price, Director of Strategy, Commissioning, and Transformation

### 1 Purpose

- 1.1 To provide an update on the progress made since the April 2023 Overview and Scrutiny Committee meeting regarding the Improving Services for Children and Families Programme.

### 2 Recommendations

- 2.1 That Overview and Scrutiny Committee note this report.
- 2.2 That Overview and Scrutiny Committee advise if they would like a follow up workshop to be arranged to focus on data.

### 3 Background

- 3.1 In April 2023 a progress update on the Improving Services for Children and Families Programme was provided to the Committee.
- 3.2 The Improving Services for Children and Families Plan was launched in 2022 to bring together into one plan all City Council improvement and transformation activity that impacts on children, young people, and their families. The aim of this plan is to drive forward the short and medium-term work to strengthen and improve services for children across the Council.
- 3.3 The work in this plan sits alongside work to deliver our longer-term vision for children and young people in Birmingham through our partnership Change for Children and Young People Plan 2023-2028.
- 3.4 The Improving Services for Children and Families Plan sets out the activity that will support the Directorate, alongside colleagues from across Council, to deliver the vision for children and young people:

Our vision is that Birmingham Children Thrive, all children and young people are safe, healthy, included, confident and achieving.

Our children and families will be supported by a Children and Families Directorate that has strong governance and management and a strong front line working with our partner organisations across the city as one system putting children and families at the heart of everything they do.

3.5 The projects and actions within the plan align to the City Council’s Corporate Plan.

3.6 There are five workstreams in the plan:

- 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
- Workstream C: Transform and improve services for children with Special Educational Needs and Disabilities in line with statutory requirements and to deliver sustainable, well performing services with inclusion of children and young people at the heart
- Workstream D: Transform and improve the Children and Young People’s Travel Service to deliver a sustainable well performing service with outcomes for children and young people at its heart
- Workstream E: Ensure services are sustainable, compliant, and designed to deliver best outcomes for children, young people, families, and communities.

3.7 The Committee has requested, through its work plan, to undertake a ‘Spotlight’ of a particular project within the Improving Services for Children and Families Plan at each meeting. The ‘Spotlight’ agreed for the July 2023 meeting is regarding the Children and Young People’s Travel Service. A detailed update regarding the ‘Spotlight’ is to be presented by the Assistant Director, Children and Young People’s Travel Service.

3.8 This report provides an overview of headline progress for the wider improvement programme and focuses on progress made towards actions within Workstreams A, B and E.

3.9 Headline progress reported May/June 2023:

Workstream	Headline progress since April 2023	Corporate Plan Ambition
A: Implement a strong and effective Children and Families Directorate to deliver best in class services for children, young people, families, and communities	<ul style="list-style-type: none"> <li>• The Director for Thriving Children and Families has commenced in post.</li> <li>• Significant work has taken place on preparation and mobilisation of the Directorate re-design.</li> <li>• Children and Young People’s Travel Service – consultation has closed and the redesign is now in implementation stage, vacant posts are currently out to advert.</li> <li>• SENAR redesign – pre-consultation engagement has taken place, Trade Union and staff consultation is anticipated to take place in July and August.</li> </ul>	A BOLD INCLUSIVE BIRMINGHAM



Workstream	Headline progress since April 2023	Corporate Plan Ambition
	<ul style="list-style-type: none"> <li>• Strategy, Commissioning and Transformation redesign – proposed future operating model has been finalised and all documentation required is now being prepared in readiness for the consultation process.</li> <li>• Thriving Children and Families – proposed operating model is at the design stage and progressing well, in readiness for pre-consultation activities.</li> <li>• N.B. the pace of the redesign is dependent on Trade Union consultation and the availability and capacity of wider council services to support implementation.</li> <li>• The new reconfigured post of Director Schools and Employability has been agreed and is proceeding to advert.</li> <li>• In the meantime, act up arrangements are now in place through internal appointments covering Schools and Employability service areas. These appointments are providing additional leadership capacity pending permanent appointments and finalisation of the new structure.</li> <li>• As a result of the redesign, permanent Heads of Service are beginning to start their new roles working for the City Council.</li> </ul> <p><b>Performance and Impact</b></p> <ul style="list-style-type: none"> <li>• The Directorate is beginning to see an increase in representation of colleagues from ethnic minority backgrounds in grades 4 and above: for grades 4-5 this increased from 26% in December 2022 to 33% in April 2023 for grades 6-7 this increased from 18% in December 2022 to 25% in April 2023.</li> <li>• The % agency workers of the Directorate workforce is steadily declining month on month, from 20% in December 2022 to 17% in April 2023. We expect this to continue to decline in the coming months as the Directorate’s permanent structure is implemented and permanent staff commence their roles.</li> <li>• The % of agency/interim workers in the SENAR service continued to steadily decline from 90% in December 2022 to 87% April 2023.</li> </ul> <p><b>Change for Children and Young People Plan</b></p> <ul style="list-style-type: none"> <li>• The new Birmingham Children Partnership Change for Children and Young People’s Plan 2023 to 2028 has been launched and adopted by the Council in April 2023.</li> <li>• UNICEF have agreed for Birmingham to join the Child Friendly City programme.</li> <li>• The 100 Brilliant Days Campaign is underway to kick start the Change for Children and Young People 2023-28 and UNICEF work.</li> </ul>	
<p>B: Strengthen approaches to identify, recognise and respond to the vulnerability of specific groups of children and young people</p>	<ul style="list-style-type: none"> <li>• The Corporate Safeguarding Network is embedded and leading the Council’s response to Working Together to Safeguard Children, and safeguarding adults through Section 11 Audit and supporting action plans.</li> <li>• The Birmingham Virtual School Annual Conference took place on the 18<sup>th</sup> May 2023 for Designated Teachers, Designated Safeguarding Leads and schools’ leaders with 150 delegates attending from across the City representing primary, secondary and special schools.</li> <li>• The Educational Psychology team and two further training providers are delivering a 3-year training programme for all schools and settings in Birmingham 0-19 years to become Trauma Informed and Attachment Aware. There are currently 100 5-16 schools, 70 early years settings and two Further Education Colleges trained in Trauma Informed and Attachment Aware (TIAAS). A further 14 schools have signed up for the Autumn Term.</li> <li>• A Deputy Head from a Birmingham school who have received a national award for their work in attachment aware and trauma informed practice has been appointed to work with the City Council</li> </ul>	<p><b>A BOLD SAFE BIRMINGHAM</b></p> <p><b>A BOLD INCLUSIVE BIRMINGHAM</b></p>

Workstream	Headline progress since April 2023	Corporate Plan Ambition
	to develop a Trauma Informed Lead Practitioner model for school-to-school improvement from 2024.	
E: Ensure services are sustainable, compliant, and designed to deliver best outcomes for children, young people, families, and communities	<ul style="list-style-type: none"> <li>The Birmingham Adult Education Service redesign phases one and two have been completed and phase three is on track for completion by August 2023.</li> <li>Good progress has been reported regarding the Developing Local Provision Programme (DLP). The aim of the programme is to enable and empower mainstream school leaders to work together in localities to identify needs and resources needed for children and young people with Special Educational Needs and Disabilities and to access the necessary provision easier and quicker to support early intervention to improve outcomes.</li> <li>Phase one of the Developing Local Provision (DLP) programme has been evaluated and the programme has now moved to Phase two – commencing in September 2023.</li> <li>This work will be progressed via the SEND Accelerated Progress Plan and monitored via the SEND Board.</li> <li>Since 1<sup>st</sup> February 2023 to date SENDIASS have provided nearly 1500 parents and young people, with impartial and accurate, information advice and support, through a dedicated helpline and email address. The team are responding to most concerns and queries on the day or within 5 days of contact.</li> <li>In addition, a new standalone SENDIASS website is under development which will provide a wealth of advice and information.</li> </ul>	<p><b>A BOLD PROSPEROUS BIRMINGHAM</b></p> <p><b>A BOLD INCLUSIVE BIRMINGHAM</b></p>

### 3.10 Progress overall

Latest progress regarding projects and actions, reported to the Improving Services for Children and Families Board on the 28<sup>th</sup> June 2023 is as follows:

Of the 34 projects:

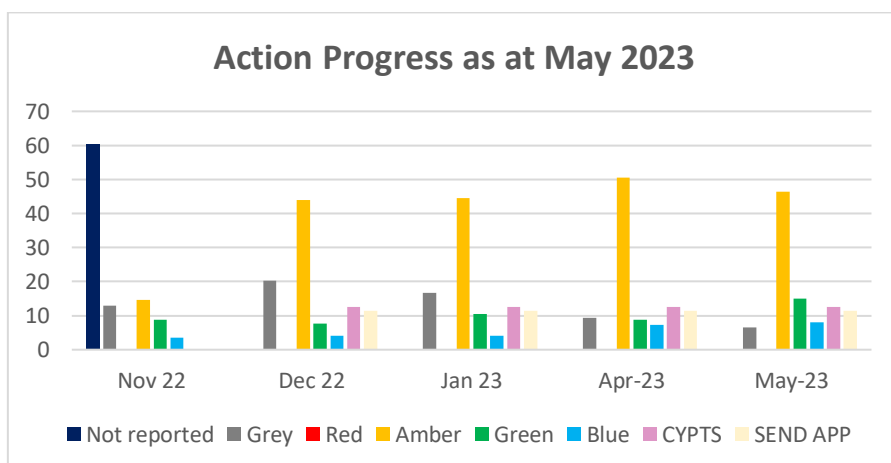
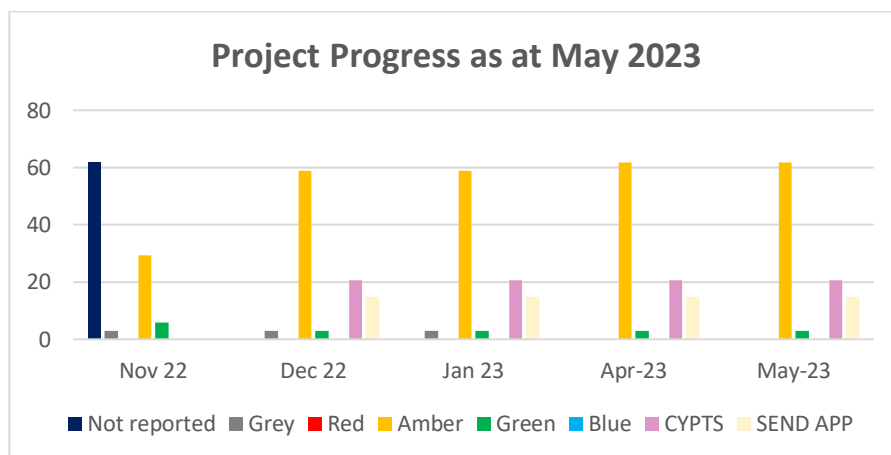
- All Projects are now up and running.
- 21 are RAG rated as Amber (project started and progress is being made)
- 1 is RAG rated Green (project completed but continues to be monitored to ensure it embeds)
- 7 projects are led by the Children and Young People’s Travel Service programme and 5 projects are from the SEND Accelerated Progress Plan and led by the SEND Improvement Board. Updates regarding these projects are provided to the Committee in line with the Forward Plan.

Of the 287 actions:

- 23 are RAG rated as Blue, up from 12 reported in the April 2023 (Blue = action delivered, embedded, and sustained)
- 43 are RAG rated as Green, an increase of 13 from April 2023 as more actions progressed to Blue (Green = action completed but continues to be monitored to ensure it embeds)
- 133 are RAG rated as Amber, an increase of 5 from April 2023 (Amber = action has started, and progress is being made)
- 19 are now RAG rated as Grey, a reduction from the 48 reported in April 2023, as more actions have now started (Grey = action not yet started/due to start)
- 36 actions are led by the Children and Young People’s Travel Service programme and 33 actions are from the SEND Accelerated Progress Plan

and led by the SEND Improvement Board. As above, updates regarding these projects/actions are provided to the Committee in line with the Forward Plan.

The following graphs provide an overview of progress:



**3.11 Corporate oversight of Children and Families Directorate Performance:**

Appendix one sets out the agreed measures the Council has in place to hold the Children and Families Directorate to account: Key Performance Indicators progress reporting for 2022/23 Quarter 4. Headlines from Children and Families Directorate Workforce measures are also provided.

3.12 At the April meeting of this Committee, the potential to hold a workshop to discuss data in more depth was discussed. This workshop can be arranged by officers in Children and Families Directorate if it is something that the Committee would find helpful.

**3.13 Strategic Risks and Challenges**

Risk/challenge	Mitigation
Changes to leadership at Birmingham Children's Trust	Director of Children's Services working closely with BCT and supporting recruitment

Scale and pace of recruitment and the supply of potential candidates to apply for the volume of jobs	<p>Plan in place to support recruitment which includes timescales and targeted recruitment campaigns</p> <p>Additional capacity in partnership with HR has been secured to support the recruitment and onboarding of new staff</p> <p>Directorate Redesign and Corporate HR teams working closely together</p>
Access to data and information	<p>As systems develop, we will be able to report in more detail</p> <p>Focused work is being undertaken to develop reporting meanwhile existing reporting mechanisms are being maintained</p>

#### **4 Any Finance Implications**

4.1 There are no direct financial implications with this progress update report.

#### **5 Any Legal Implications**

5.1 The Improvement Plan will support the Director of Children’s Services and Lead Member for Children’s Services to fulfil the functions set out in Sections 18 and 19 of the Children Act 2004, in the associated statutory guidance on their roles and responsibilities Directors of children’s services: roles and responsibilities - GOV.UK ([www.gov.uk](http://www.gov.uk)) and in the Council’s Constitution.

5.2 The improvement will support the Council to fulfil many of its statutory duties. In particular, the Council must ensure that its relevant education and training functions are exercised by the authority with a view to promoting high standards, ensuring fair access to opportunity for education and training, and promoting the fulfilment of learning potential by every person under the age of 20 and person aged 20 or over for whom an EHC plan is maintained, by virtue of section 13A of the Education Act 1996.

#### **6 Any Equalities Implications**

6.1 The Improving Services for Children and Families Plan supports the Council’s Everyone’s Battle, Everyone’s Business ambitions.

#### **7 Appendices**

7.1 Appendix one: Children and Families Directorate Key Performance Indicators

# CHILDREN AND FAMILIES DIRECTORATE

## KEY PERFORMANCE INDICATORS 2022/23 – PROGRESS UPDATE



**Making a positive difference** every day to people's lives



## 1. KEY PERFORMANCE INDICATORS

Measure	Target	Qtr1	Qtr2	Qtr3	Qtr4	Q4 Commentary
<b>Early Years</b>						
<p><b>Percentage of 2-year- olds accessing Early Education Entitlement (EEE)</b></p> <p><i>These are snapshot figures as at quarter end. Our statistical neighbour average for 2022 was 65.7%.</i></p>	72%	67%	67%	69%	67%	<p>This is provisional information as the DfE information with benchmarking comparators for January 2023 have not yet been published. We continue to see an increase in the take-up percentage in comparison to the previous year comparable term. The trend is an improving take-up compared to the West Mids, our statistical neighbours and the national take-up by 5%, 2% and 3% respectively, which means our take-up has increased faster than nationally and we have begun to close the gap. Spring Term 2023 has continued this trend. At 67% this is a 5% increase on 2022 and a 2% decrease from Autumn term compared to a 4% decrease between Autumn and Spring in 21/22.</p>
<p><b>Percentage of 3 and 4-year-olds accessing 15 hours Early Education Entitlement (EEE)</b></p> <p><i>These are snapshot figures as at quarter end. Our statistical neighbour average for 2022 was 88.7%</i></p>	92%	86%	86%	91%	90%	<p>This is provisional information as the DfE information with benchmarking comparators for January 2023 have not yet been published. Again the performance sits below the national average but we have seen a sustained increase over the last 12 months. Spring Term 23 was 90% which is a 2% increase on the previous year. This is a sustained 2% increase over the whole of last year.</p>

Measure	Target	Qtr1	Qtr2	Qtr3	Qtr4	Q4 Commentary
<b>SEND</b>						
<b>Number of children and young people (aged 5-16) with an EHCP awaiting specialist placements for more than 12 weeks</b>  <i>These are snapshot figures as at quarter end.</i>	N/A		244	278	327	Measure includes both those children and young people out of school and those attending mainstream schools who are awaiting a specialist placement. Insufficient capacity in our Special Schools is impacting on our ability to place these children as quickly as we would like. Schemes are in place to deliver additional places for 2023 with urgent expansions schemes prioritised for September 2023 and September 2024, these will further be enhanced with the creation of 2 new special schools as approved in March 2023.
<b>Percentage of new Education Health Care (EHC) plans issued within 20 weeks, excluding exceptions</b>  <i>The MBC benchmark is 60%.</i>	65%	69%	63%	65%	67%	The rolling average continues to be above target for the year end. New processes are embedded with rigorous oversight from application to issuing the final EHCP. The imminent service restructure will seek to make permanent agency staff who are offering an excellent service to children in Birmingham.
<b>Absence</b>						
<b>Absence Rate: Primary</b>  <i>Absence for academic year 21/22. The Metropolitan Borough Council (MBC) average for this period was 6.3%</i>	4%				6.9%	Data is the published verified data for the full academic year 2021-2022. Absence rates in Birmingham were higher than the national, statistical neighbour and core city rates. This is consistent with previous years and the gap has slightly widened from 2018-19 (the last full year of data which COVID19 did not affect). Birmingham is ranked 146 out of 151 local authorities. As absence rates have risen significantly across the country since 2018-19 the Target may need to be reviewed.
<b>Absence Rate: Secondary</b>  <i>Absence for academic year 21/22. The MBC average for this period was 9.5%.</i>	6%				8.6%	Data is the published verified data for the full academic year 2021-2022. Absence rates in Birmingham were lower than the national, statistical neighbour and core city rates. Birmingham is ranked 55 out of 151 local authorities. As absence rates have risen significantly across the country since 2018-19 the Target may need to be reviewed.

Measure	Target	Qtr1	Qtr2	Qtr3	Qtr4	Q4 Commentary
<b>Exclusions</b>						
<b>Primary school exclusion rate</b>  <i>This is data for 20/21 academic year. The MBC average for this period was 0.01%</i>	0.01%				0.02%	Data is the published verified data for the full academic year 2020-2021, during which most children were out of school from the COVID-19 lockdown and tier restrictions; permanent exclusion rates fell across the country as a result. Permanent exclusion rates in Birmingham remain above the overall national rate most notably in primary schools and Birmingham is ranked 139 out of 151 local authorities.
<b>Secondary school exclusions rate</b>  <i>This is data for 20/21 academic year. The MBC average for this period was 0.15%</i>	0.1%				0.12%	Data is the published verified data for the full academic year 2020-2021, during which most children were out of school from the COVID-19 lockdown and tier restrictions; permanent exclusion rates fell across the country as a result. Permanent exclusion rates in Birmingham remain above the overall national rate in secondary schools and Birmingham is ranked 87 out of 151 local authorities.
<b>Special School Exclusion rate</b>  <i>This is data for 20/21 academic year. The MBC average for this period was 0.02%</i>	0.05%				0.07%	Data is the published verified data for the full academic year 2020-2021, during which most children were out of school from the COVID-19 lockdown and tier restrictions; permanent exclusion rates fell across the country as a result. Permanent exclusion rates in Birmingham remain above the overall national rate in special schools with Birmingham having over double the national rate.
<b>Travel Service</b>						
<b>Proportion of eligible pupils transported to school</b>  <i>These are snapshot figures as at quarter end.</i>	99.5%	100%	99.9%	100%	99.5%	This continues to be above target and has been consistently through 2022/23. For 2023/24 the KPI will be amended to monitor the 'Number of Pupils we provide Transport for.



Measure	Target	Qtr1	Qtr2	Qtr3	Qtr4	Q4 Commentary
<b>Holiday Activities and Food Programme</b>						
<b>Number of individual children attending the HAF programme</b>  <i>Q1 result is the spring programme, Q3 is summer and Q4 winter.</i>	15000 (Q4)	12523		19576	13104	<p>Sufficiency of provision was not built to meet the targets from the offset due to limited providers coming forward to deliver activities and constraints on budgets. There was a shortfall of approximately 3,733 in places made available. In addition, there was a 23% did not attend (DNA) for children and young people booked onto HAF programmes. This has had a cumulative effect on delivery.</p> <p>Against DFE reporting targets (12,000 unique) we have exceeded the target for this delivery period by +1104.</p>
<b>Number of meals taken up by children through the HAF</b>  <i>Q1 result is the spring programme, Q3 is summer and Q4 winter.</i>	60000 (Q4)	50092		162566	58787	<p>There was a decrease in meals provided due to the increased costs in the service delivery related to cost of living. The increase in costs from £8.31 to £8.50 in year has resulted in a reduction of meals available at the final out turn of the contracting period.</p> <p>Birmingham is performing well compared to other localities in reach and access of those eligible and has exceeded target of 46,400 performance for DFE by +12,387.</p>
<b>Young People Not in Education, Employment or Training</b>						
<b>Percentage of 16 and 17 year olds that are Not in Education, Employment or Training'</b>  <i>These are snapshot figures as at quarter end. The All England average for March 2022 was 2.6%.</i>	5%	3.5%	3.8%	2.2%	2.7%	<p>On target, improvement on 2022 figure by 0.1%, in line with seasonal expectations around NEET numbers, figure will now gradually increase as new cohorts of leavers from 2023 start to register post April – again in line with expectation.</p>
<b>Number of NEET's aged between 16 and 18 engaged in support to help them into education, training, apprenticeships, and jobs</b>  <i>These are snapshot figures as at quarter end.</i>	1049	1112	1127	725	871	<p>871 is the result based on those neets who have registered and are known to the system hence support was provided. All 16/17 year olds known to the Authority are allocated a level 6/7 qualified careers adviser to support them with their next steps. Numbers will increase in line with seasonal trends and national expectations from April 2023 as leavers from college, training and schools register as NEET looking for opportunities from September 2023.</p>

## 2. CHILDREN AND FAMILIES DIRECTORATE WORKFORCE MEASURES

Measure	Narrative
Attrition/retention	<ul style="list-style-type: none"> <li>Total headcount for Children and Families is 1483 employees, as of the 1<sup>st</sup> of June 2023.</li> <li>In April and May 2023, more employees left the council from Children and Families than joined the directorate. Eight employees joined in April, with 15 leaving. Four employees joined in May, with 12 leaving.</li> </ul>
Staff sickness absence	<ul style="list-style-type: none"> <li>Number of absentees: 3.9% of Children and Families employees were absent as of 1st June 2023, compared to the Council rate of 4.7%.</li> <li>Percentage of employees absent in the directorate has steadily decreased over the past four months (5.5% in February 2023) and is notably lower than the same period last year (5.8% in May 2022).</li> <li>Average number of days absent: 1.8 days per C&amp;F employee as of the 1<sup>st</sup> of June 2023, compared to the Council rate of 1.8. This has progressively declined since March 2023 (5.4 average days).</li> <li>Types of absence: most common reason for absence, as of the 1<sup>st</sup> of June 2023, was musculo-skeletal (27.42%), followed by "medical" (23.45%), and mental health (15.87%). From November 2022, there was a notable increase in mental health absences (12.47% to 31.89% in April 2023) so a significant improvement was seen in May. Musculo-skeletal cases notably jumped from 5.82% in April 2023.</li> </ul>
<ul style="list-style-type: none"> <li>Agency usage</li> </ul>	<ul style="list-style-type: none"> <li>Known agency is currently 16% of headcount compared to Council average of 17%, as of the 1<sup>st</sup> of May 2023.</li> <li>Agency usage in Children and Families has decreased significantly in the past eight months, with agency staff comprising 24% of C&amp;F headcount in September 2022. April's figure is the lowest seen in this period.</li> <li>Average agency contract length is eight and a half months, as of the 1<sup>st</sup> of May 2023. This is the greatest average length seen in the past 12 months (average contract length was approximately four and a half months in April 2022).</li> </ul>

# Birmingham City Council

## Education, Children and Young People Overview and Scrutiny Committee

19 July 2023



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**Subject:** Education, Children and Young People Overview and Scrutiny Committee's Work Programme

**Report of:** Christian Scade, Head of Scrutiny and Committee Services

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### 1 Purpose

- 1.1 This report sets out the proposed work programme for the Education, Children and Young People Overview and Scrutiny Committee for 2023-24, based on the Committee's meeting in June 2023. Appendix 1 outlines the topics identified, aims and objectives and the preferred method of scrutiny to achieve these objectives.
- 1.2 The report also refers to other topics, which the Committee has identified, for future consideration, and this will be continuously updated during the year.

### 2 Recommendations

#### 2.1 That the Committee:

- Notes the information set out in Appendix 1 and identifies if any further topics need to be added to the menu of topics for the Committee to explore over the coming year.
- Agrees, subject to further input from the Chair and Deputy Chair, the issues that the Committee will consider during September – October 2023, the proposed aims and objectives and the preferred method of scrutiny.
- Identifies, subject to further input from the Chair and Deputy Chair, the issues that the Committee will consider in November 2023, the proposed aims and objectives and the preferred method of scrutiny.
- Notes, subject to further input from the Chair and Deputy Chair outside of the meeting, its proposed work programme will be submitted to Co-ordinating O&S to enable work to be planned and co-ordinated throughout the year.

### 3 Background

3.1 The [statutory guidance for local government overview and scrutiny](#) sets out the role it can play in holding an authority's decision makers to account. This makes it fundamentally important to the successful functioning of local democracy.

3.2 Effective Overview and Scrutiny should:

- Provide constructive 'critical friend' challenge.
- Amplify the voices and concerns of the public.
- Be led by independent people who take responsibility for their role.
- Drive improvements in public services.

3.3 The role and functions of Overview and Scrutiny Committees are outlined in [The City Council's Constitution | Birmingham City Council](#) They will:

- Make reports and/or recommendations to the full Council, the Executive and/or other organisations in connection with the discharge of the functions specified in their terms of reference.
- Consider any matter covered in their terms of reference that may affect or be likely to have an effect on the citizens of Birmingham; relevant to the Council's strategic objectives; relevant to major issues faced by officers in managing a function of the Council; and likely to make contribution to moving the Council forward and achieving key performance targets.

3.4 Effective scrutiny needs to add value. A well planned and timely work programme enables Overview and Scrutiny Committees to be involved at the right time and in the right way, and ensure their involvement is meaningful and can influence the outcome.

3.5 Members often have a number of topics suggested to them and are therefore required to **prioritise** matters for consideration. The Scrutiny Framework sets out the following factors to be considered:

- Public interest: concerns of local people should influence the issues chosen.
- Ability to change: priority should be given to issues that the Committee can realistically influence.
- Performance: priority should be given to areas in which the Council and Partners are not performing well.
- Extent: priority should be given to issues that are relevant to all or a large part of the city.
- Replication: work programme must take account of what else is happening to avoid duplication.

### ***Looking Ahead***

- 3.6 Overview and Scrutiny Committees will identify a 'menu' of issues (including policy development, policy review, issues of accountability and statutory functions) at the start of the year. Each Committee should then regularly review their 'menu' and decide which issues need to be examined further, and how that work would be undertaken. Scrutiny activities should be thorough and undertaken in a timely manner.

### ***Scrutiny Methods***

- 3.7 There are a range of ways to undertake scrutiny. The approach for 2023-24 enables flexible scrutiny and outlines a shift from monthly formal meetings to a combination of approaches. The Committee will choose the most effective scrutiny method to achieve the desired aims and objectives for each topic.
- 3.8 Based on Statutory Guidance published in 2019, different scrutiny methods include (but are not limited to):
- A single item, or items, on a committee agenda – this method fits more closely with the “overview” aspect of the Scrutiny function and provides limited opportunity for effective scrutiny. It is most appropriate for specific issues where the committee wants to maintain a watching brief.
  - A single item meeting, either as the committee or a more limited number of Members. It has the capacity to enhance the previous option by taking evidence from a number of witnesses.
  - A task and finish day - provided that these are properly focused, they ensure Councillors can swiftly reach conclusions and make recommendations and are effective even for complex topics.
  - A task and finish review – this is an enhancement of the previous option being held over four or six meetings spread over a limited number of months.

### ***Education, Children and Young People Overview and Scrutiny Committee***

- 3.9 The Committee's Terms of Reference is to fulfil its functions as they relate to any policies, services and activities concerning:
- Education and children's social care.
  - The safety and wellbeing of children, including safeguarding with statutory partners.
  - The needs of all children and young people, families and carers (children's services).
  - Oversight of the Children's Trust.
  - Early years health and wellbeing.
  - Looked after children, corporate parenting.

- Special Education Needs and Disability.
- School improvement, school places and travel to and from school.
- Youth engagement and youth services.
- Development of 14-19 career pathways, enterprise and entrepreneurship in Birmingham schools.

3.10 The Overview and Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

- a) Church of England diocese representative (one).
- b) Roman Catholic diocese representative (one).
- c) Parent Governor representatives (two).

3.11 The Committee is chaired by Cllr Kerry Jenkins, and its membership comprises Cllrs: Jilly Bermingham, Debbie Clancy, Adam Higgs, Des Hughes, Morriam Jan, Jane Jones, and Shehla Moledina, and statutory co-optees: Sarah Smith, Justine Lomas, Osamugi Ogbé and Rabia Shami.

#### **4 Work Programme 2023-24**

4.1 Appendix 1 sets out the topics the Committee will consider over the next few months, and also outlines future items for consideration.

4.2 The Committee may decide to add further items to the work programme during the course of the year. When considering this, the Committee is advised to consider where it can best add value through scrutiny, and how it can prioritise topics for consideration based on the Scrutiny Framework referred to in 3.5.

4.3 The Council's latest [Forward Plan](#) may assist Members in identifying future topics. The following reports are of particular relevance to this Overview and Scrutiny Committee:

<b>ID Number</b>	<b>Title</b>	<b>Proposed Date of Decision</b>
011636/2023	Independent Travel Training: From Pilot to Permanent Programme	25 Jul 23

4.4 Overview and Scrutiny Chairs are advised to maintain regular engagement with Cabinet Members to enable flexibility to be built into the Overview and Scrutiny work programme, so as to respond to the Council's policy priorities in a timely way.

#### **5 Any Finance Implications**

5.1 There are no financial implications arising from the recommendations set out in this report.

## **6 Any Legal Implications**

6.1 There are no legal implications arising from the recommendations set out in this report.

## **7 Any Equalities Implications**

7.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 The protected characteristics and groups outlined in the Equality Act are Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion and Belief; Sex, and Sexual Orientation.

7.3 The Committee should ensure that it addresses these duties by considering them during work programme development, the scoping of work, evidence gathering and making recommendations. This should include considering how policy issues impact on different groups within the community, particularly those that share a relevant protected characteristic; whether the impact on particular groups is fair and proportionate; whether there is equality of access to services and fair representation of all groups within Birmingham; and whether any positive opportunities to advance equality of opportunity and/or good relations between people are being realised.

7.4 The Committee should ensure that equalities comments, and any recommendations, are based on evidence. This should include demographic and service level data and evidence of residents/service-users views gathered through consultation.

## **8 Appendices**

8.1 Appendix 1: Education, Children and Young People Overview and Scrutiny Committee's Work Programme 2023-24 – July 2023.

## **9 Background Papers**

9.1 [Birmingham City Council Constitution](#)

9.2 Birmingham City Council Overview and Scrutiny Framework April 2021

## Education, Children and Young People Overview and Scrutiny Committee Work Programme 2023/24

Month	Item/Topic	Aims and Objectives	Scrutiny Method	Cabinet Member/ Lead Officer	Other Witnesses	Additional Information and Outcome*
July	Children and Young People's Travel Service	<p>Assurance to the Committee and public that everything is on track for September.</p> <p>Overview of KPIs, performance and finance.</p> <p>Policy development including travel services for under statutory school age and over 16 year olds, including how decisions are made and what criteria is used.</p> <p>Independent travel training, including the views of young people, and how this has been informed and received by the children, parents and carers.</p> <p>Concerns that have been identified and how these will be addressed.</p> <p>The Committee to agree any comments / recommendations.</p>	<p>Committee Meeting single item: 19 July 2023 at 10am</p> <p>Venue: Committee Rooms 3 and 4, Council House</p> <p>Paper/Presentation Deadline: 10 July 2023</p>	Adrian Weissenbruch, AD, Children and Young People's Travel Service	<p>Stephen Hughes, Interim Deputy Operations Manager</p> <p>Marie Nicely, Travel Assist Supervisor</p> <p>Abdulhadi Mehraj, PMO Manager</p> <p>John Wood, Change Manager</p> <p>Linda Sutton-Howard, IT Project Manager</p>	
July	SEND Tribunals	To update members to on the process for SEND tribunals including data.	Committee meeting single item: 19 July 2023 at 10am	Helen Ellis, Director, SEND and Inclusion	Kate Harvey, Head of SEND Resolution, SENAR	Agreed at Committee meeting October 2022 ( <a href="#">CMIS Link</a> ).



Month	Item/Topic	Aims and Objectives	Scrutiny Method	Cabinet Member/ Lead Officer	Other Witnesses	Additional Information and Outcome*
		The Committee to agree any comments / recommendations.	Venue: Committee Rooms 3 and 4, Council House  Paper/Presentation Deadline: 10 July 2023			
July	Performance Update	Report on Children's Services Improvement Plan and data.  The Committee to agree any comments / recommendations.	Committee meeting standing item: 19 July 2023 at 10am.  Venue: Committee Rooms 3 and 4, Council House.  Paper/Presentation Deadline: 10 July 2023	Sue Harrison, Strategic Director, Children and Families	Fayth Skeete, Head of Strategic Governance & Planning	
September	Hidden Children	To update the Committee on hidden children including exclusions, suspensions, part time timetables, elective home education, findings of the Inquiry on period poverty regarding attendance during their periods, and information on children that	Committee meeting - single theme item: 6 Sep 2023 at 10am  Venue: Committee Rooms 3 and 4, Council House	Sue Harrison, Strategic Director, Children and Families	Razia Butt, Director, Children and Families  Steve Howell, Head Teacher, City of Birmingham School	Duty on local authorities to progress recommendations linked to improving school attendance in Government White Paper by Sept 23 <a href="https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144226/working-together-to-improve-school-attendance.pdf">Working together to improve school attendance (publishing.service.gov.uk)</a>

Month	Item/Topic	Aims and Objectives	Scrutiny Method	Cabinet Member/ Lead Officer	Other Witnesses	Additional Information and Outcome*
		<p>have and have not returned following the pandemic.</p> <p>To consider information and data on the equalities implications of hidden children.</p> <p>The Committee to agree any comments / recommendations.</p>	<p>Paper/Presentation Deadline: 25 Aug 2023</p>		<p>Birmingham Education Partnership (BEP) – in person or written information.</p>	
September	Performance Update	<p>Report on Children’s Services Improvement Plan and data</p> <p>The Committee to agree any comments / recommendations.</p>	<p>Committee meeting - standing item at 10am</p> <p>Venue: Committee Rooms 3 and 4, Council House</p> <p>Paper/Presentation Deadline: 25 Aug 2023</p>	<p>Sue Harrison, Strategic Director, Children and Families</p>		
October	Update on the review of short breaks when it has been completed (TBC)	<p>To provide an update on the review of short breaks</p> <p>The Committee to agree any comments / recommendations</p>	<p>Committee meeting single item: 18 October 2023</p> <p>Presentation/Paper Deadline: 9 Oct 2023</p>	<p>Andy Couldrick, Chief Executive, Children’s Trust</p>		

Month	Item/Topic	Aims and Objectives	Scrutiny Method	Cabinet Member/ Lead Officer	Other Witnesses	Additional Information and Outcome*
			Venue: Council House, Committee Rooms 3 and 4 at 10am			
October	Birmingham Safeguarding Children's Partnership (BSCP) Annual Report (TBC)	To update the Committee on the children's safeguarding arrangements in the city.  The Committee to agree any comments / recommendations.	Committee meeting single item: 18 October 2023.  Presentation/Paper Deadline: 9 Oct 2023  Venue: Council House, Committee Rooms 3 and 4 at 10am	Penny Thompson, Independent Chair, BSCP	Simon Cross, Business Manager, BSCP	
October	Performance Update	Report on Children's Services Improvement Plan and data.  The Committee to agree any comments / recommendations.	Committee meeting standing item: 18 October 2023.  Presentation/Paper Deadline: 9 Oct 2023  Venue: Council House, Committee Rooms 3 and 4 at 10am			

\*Outcome: This will be populated once the item/topic has been completed. It will identify the added value and impact.

### Menu of Issues for Consideration

The following items had been identified as potential topics for future consideration. This approach enables the Overview and Scrutiny Committee to remain flexible and respond in a timely manner to emerging issues.

This is a live work programme. New items may be added, or items removed during the course of the year. Proposed aims and objectives as well as scrutiny methodology may also be subject to change.

Item/Topic	Proposed Aims and Objectives	Proposed Scrutiny Method	Additional Information
Early Years			Project to increase uptake of early years and profile of families and data on variation of uptake: <a href="#">BCC Early Years - NESTA project   Birmingham City Council</a>
Child Poverty			
Regular update on SEND			
TBC: Visit for Committee to a school to inform future work.			

### Scrutiny Method Options:

Committee meeting - single item, Committee meeting - single theme, Committee meeting – standing item, Task and Finish Group (outline number of meetings), On location, Other - (describe).