

BIRMINGHAM CITY COUNCIL

EDUCATION AND CHILDREN'S SOCIAL CARE O&S

COMMITTEE – RECONVENED PUBLIC MEETING

**1300 hours on Wednesday, 25 January 2023, Committee Rooms 3 & 4,
Council House, Victoria Square, B1 1BB**

Action Notes

Present:

Councillor Kerry Jenkins (Chair)

Councillors: Shabina Bano, Jilly Bermingham, Debbie Clancy, Des Hughes, Morriam Jan,
and Simon Morrall

Also Present:

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

Janie Berry, City Solicitor

John Coughlan CBE, Department for Education (DfE) Commissioner for SEND Services

Sue Harrison, Strategic Director, Children and Families

Rebecca Hellard, Strategic Director of Council Management

Christian Scade, Head of Scrutiny and Committee Services

Amanda Simcox, Scrutiny Officer

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) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2. APOLOGIES

Apologies were submitted on behalf of Cllr. Shehla Moledina, Justine Lomas, Roman Catholic Diocese, Osamugi Ogbe, Parent Governor, Rabia Shami, Parent Governor, 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.

Cllr. Des Hughes declared a non-pecuniary interest as he was employed by SENDIASS when the report was undertaken.

4. SPECIAL EDUCATIONAL NEEDS & DISABILITY INFORMATION ADVICE AND SUPPORT SERVICES (SENDIASS)

(See document No. 1)

The Chair introduced the item and set the context for the report and the reconvened meeting.

During the discussion that followed, and in response to queries raised by Members, a range of issues were considered, including:

The Report and Transparency

In response to the Committee's questions regarding the report, the need for transparency, and who should be in attendance, Janie Berry, City Solicitor confirmed the report had been commissioned by the City Council. It was constitutionally correct that the Commissioner's view had been sought regarding sharing the report with the Committee due to his role and the role of the SEND Improvement Board. The Director of Children Services (DCS) was authorised to respond to the report and was responsible, and the Chief Executive was satisfied that the appropriate officer was in attendance.

In response to the comment regarding SENDIASS not being able to provide their reply to the report at a meeting of the SEND Improvement Board. Cllr. Karen McCarthy, Cabinet Member, Children, Young People and Families highlighted that there were different views as to what occurred at the meeting.

Methodology of the Review

In response to concerns about the methodology used for the review, the Committee was informed that the National Children's Bureau (NCB) had an agreed established methodology which they used across all their reviews of SENDIASS regarding minimum

standards. The Committee was informed that the line manager of the author was content with the methodology that had been used.

Cllr. Karen McCarthy, Cabinet Member, Children, Young People and Families highlighted that a service can be a well-loved service but can also be non-compliant, and the lack of evidence for compliance means the service was non-compliant.

Sue Harrison, Strategic Director, Children and Families informed the Committee that the next phase would include consulting and co-production with parents.

Re-Training of Staff within SENDIASS

The Committee was informed that re-training staff within SENDIASS was referenced within the NCB report, and this was required so staff would be compliant with the core minimum standards.

Scope and Size of the Service

John Coughlan CBE, Department for Education (DfE) Commissioner for SEND Services highlighted that there was a need to reform SENDIASS and the SEND Service as a whole. The focus was on SENDIASS being smaller in scope and concentrating on its core role rather than the size of the service.

Sue Harrison, Strategic Director, Children and Families commented that this was not about reducing the right to appeal to the Special Educational Needs and Disability Tribunal (SENDIST) by reducing SENDIASS, it was about reducing appeals because there was not a need for parents and carers to appeal. This was about strengthening the system whereby parents and carers were supportive of mediation and the SEND service was legally compliant.

In response to questions regarding safeguarding and student social workers placements the Committee was informed that there needed to be clarity on roles and responsibilities regarding safeguarding. All officers have a safeguarding duty, but SENDIASS had strayed into safeguarding and had not focused on meeting minimum standards.

Roadmap to Compliance and Next Steps

John Coughlan CBE, Department for Education (DfE) Commissioner for SEND Services informed the Committee that he had requested the Council undertake an independent audit of SENDIASS which included the role of the SENDIASS Steering Group. Rebecca Hellard, Strategic Director of Council Management confirmed that the independent audit had been commissioned.

Sue Harrison, Strategic Director, Children and Families highlighted that there had been a lot of work undertaken since the NCB report. This had included talking to SENDIASS staff and exploring how many family support workers would need be transferred to the Children's Trust. Also, they would be engaging with parents on co-production.

The Committee was informed that student social work placements, and the 30 agency support workers that were put in SENDIASS as part of the Covid 19 legislation, were being looked at and parents were being consulted.

In response to questions, it was noted that there was now an Acting Head of Service and Acting Deputy Head of Service in place for SENDIASS, and next steps included recommendations being made to Cabinet in February to address the issues that had been highlighted by the review.

John Coughlan CBE, Department for Education (DfE) Commissioner for SEND Services highlighted that this was not a takeover but an intervention, with the Council being supported to improve SEND services. He took on board the issues regarding transparency, and as for the political comments made, this was about the blurring of lines and proportionality. Also, the SEND system had to be improved as a whole.

Sue Harrison, Strategic Director, Children and Families suggested the SENAR improvement plan be brought to a future committee meeting and the Committee agreed to this.

Cllr. Kerry Jenkins, Chair summarised the discussion and highlighted that the Committee thought the review failed to present a full and accurate picture and should be disregarded. This was because of the evidence and methodology used. However, there was no disagreement that things must be improved to have a compliant service. Also, there were several questions that Sue Harrison, Strategic Director, Children and Families was unable to answer and answers to these were requested by the meeting of Cabinet on 14 February 2023.

Cllr. Karen McCarthy, Cabinet Member, Children, Young People and Families was disappointed the Committee did not agree with the national methodology for this process.

RESOLVED:

The Committee noted the report from the National Children's Bureau and made the following recommendations:

1. That the DCS ensures that all planning, commissioning and reviewing of services in her Directorate complies with the Code of Practice by ensuring it seeks to engage and hear the voices of children and young people, and their parents
2. That the appropriate and adequate funding and resourcing was put in place for SENDIASS as a matter of urgency; that the service remains in-house; and that an agreement for joint commissioning work with the NHS was sought as a priority. This path offers the most effective future arrangement for a SENDIASS in Birmingham reflecting the national pattern of SENDIASS delivery across the country.
3. The Chair together with the Scrutiny Officer to confirm outstanding questions that would be submitted to the report author based on the discussion during

the meeting, with a request these were answered by the meeting of Cabinet on 14 February 2023.

The meeting ended at 14.55 hours.