

**BIRMINGHAM CITY COUNCIL**

**EDUCATION, CHILDREN AND YOUNG PEOPLE**

**OVERVIEW & SCRUTINY COMMITTEE – PUBLIC MEETING**

**1000 hours on Wednesday, 29 November 2023, Committee Rooms 3 & 4,**

**Council House**

**Minutes**

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**Present:**

Councillor Kerry Jenkins (Chair)

Councillors: Debbie Clancy, Adam Higgs, and Jane Jones

Other Representatives: Osamugi Ogbe - Parent Governor, Rabia Shami - Parent Governor, and Sarah Smith - Church of England Diocese

**Also Present:**

Councillor Karen McCarthy, Cabinet Member, Children, Young People and Families

David Camps, Headteacher, Nechells Primary School (online)

John Coughlan CBE, SEND Commissioner

David Fallows, Head of Digital, Evidence and Performance

Sarah Fradgley, Overview and Scrutiny Manager

Sue Harrison, Director, Children and Families

Amanda Simcox, Scrutiny Officer

Lisa Smith, School Improvement – Lead for Strategic Development

**1. NOTICE OF RECORDING/WEBCAST**

The Chair advised that the meeting would 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 Cllr Jilly Bermingham, Cllr Des Hughes, Cllr Morriam Jan, Cllr Shehla Moledina, and Justine Lomas – Roman Catholic 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. MINUTES**

(See document No 1)

### **RESOLVED:**

That the minutes of the meeting held on 18 October 2023 were confirmed as a correct record and signed by the Chair.

## **5. ACTION TRACKER**

(See document No 2)

The Chair advised the meeting the Children's and Young People's Travel Service workshop for all councillors was held on 16 November 2023. This was a generic session and as such a request will be made for a written update on the outstanding actions listed on the action tracker for this Service, and for the presentation slides used at the workshop to be forwarded to the Committee.

### **RESOLVED:**

That:

- The action tracker was noted.
- The presentation slides used at the Children and Young People's Travel Service Workshop held for all Councillors on 16 November 2023 to be provided by the Directorate.
- A written update on the outstanding actions for the Children and Young People's Travel Service to be provided by the Directorate via e-mail.

## **6. COMMISSIONER'S REVIEW AND COMMENTS ON THE AGENDA**

### **RESOLVED:**

The Committee noted that no comments had been received from the Commissioner on this agenda.

## **7. SCHOOL IMPROVEMENT – THE NEW RELATIONSHIP WITH SCHOOLS**

(See document No 3)

Sue Harrison, Director, Children and Families, Lisa Smith, School Improvement – Lead for Strategic Development, David Fallows, Head of Digital, Evidence and Performance, and David Camps, Headteacher, Nechells Primary School and a member of the steering group (online), were in attendance for this item.

The Chair welcomed the attendees to the meeting and thanked the Director, Children and Families, for presenting proposals to the Committee at an early stage giving it the opportunity to provide feedback.

The presentation was given which set out the overview of schools and pupil characteristics in Birmingham, the current position regarding the relationship with schools, the proposed new relationship with schools, shared purpose, concurrent work, and next steps.

During the debate, the following points were raised:

### **Quality Provision – Ofsted Rating**

The Committee was informed that 86% of Birmingham schools (382) were rated as good or outstanding by Ofsted. However, a large number of schools have not been recently assessed, so are due an inspection and the rating could change. The new Ofsted School Inspection Framework and timelines for inspections were discussed and it was agreed the new Ofsted School Inspection Framework would be circulated to the Committee for information.

### **Policy and Clear Accountability**

The Director, Children and Families explained the local authority was not currently equipped to hold schools to account and there were no arrangements for schools to hold the local authority to account. There was a system in place, but not clear accountability as formal arrangements were not in place. She suggested the reasons for these included decisions taken on capacity for this work by previous senior leadership and the statutory duties for education being overlooked.

It was clarified that there would be a policy for school improvement and schools causing concern to ensure that the council meets its statutory education duties. This policy will go to Cabinet for approval. The model will set out the structure for delivery of the policy.

The new ways of working included a new Education Improvement Board chaired by the Director of Children Services (DCS), with the Board being responsible for delivering improvement in education, and professionals holding to account and deploying resources appropriately. The three priorities will be attendance, achievement, and inclusion. It was confirmed the inclusion priority means SEND and inclusion and this will be how it will be described in future presentations.

### **BEP, Funding and Consultation**

It was confirmed the funding for delivering the new policy will come as a result of looking at BEP's contract for school improvement.

Officers were working on the future role of BEP within the new model with BEP and headteachers, and the model will be reviewed in the first year so it can be further refined.

Concern was expressed that schools could lose some benefit from BEP if funding to BEP was reduced, and it was questioned whether headteachers understood the implications, and whether they wanted things to work well rather than there being more changes. In response it was confirmed that meetings were taking place with headteachers to hear their views on the proposals. It was suggested that feedback from the consultation was provided to the Committee, and this was agreed.

### **The Attendance Strategy**

The attendance strategy was in the process of being co-produced with headteachers and the timeline for presentation at Cabinet will be provided for this.

### **School Governors**

Assurance was requested on the capacity of school governors and the Committee was informed there were c.25% vacancies, and a request was made for potential school governors to come forward with support being provided by School and Governor Support service.

### **Next Steps and Timescales**

Next steps included revising the schools causing concern strategy and policy, launching the data dashboard, establishing a temporary Transformation Board to oversee the pilots and share learning, and they were currently looking for a group of schools for the pilot, with the new relationship to be launched in September 2024. The Director, Children and Families agreed to provide the Committee with the timescales for the development of the new policy for school improvement and schools causing concern, which included the consultations, and presentation to Cabinet.

The Director, Children and Families informed the Committee that officers would provide a summary of the Committee's discussion and feedback to provide a sense check and used with discussions with headteachers.

### **RESOLVED:**

That:

- The Committee noted and commented on the school improvement and schools causing concern policy proposals.
- The following to be provided by the Directorate:
  - Timescales for the development of the new policy for school improvement and schools causing concern, which included the consultation, and presentation to Cabinet.
  - Details of the feedback from the consultation for the new policy.

- The timeline for the attendance strategy presentation to Cabinet.
- The new Ofsted School Inspection Framework (including timelines for inspections).

## **8. SEND COMMISSIONER**

(See document No. 4)

The Chair welcomed John Coughlan CBE, SEND Commissioner to the meeting, and set the context for the discussion.

The SEND Commissioner provided the background to his appointment as SEND Commissioner and referred to his findings and recommendations published in his two reports to the Secretary of State for Education, and the actions the Council was taking to respond to concerns and deliver improvements. He also referred to his more recent appointment as a Commissioner for the Best Value intervention in Birmingham. This made sense for the SEND work but would complicate his role. He noted the concerns outlined in his reports were also evidenced in the Best Value intervention.

He acknowledged the progress now being made after a slow start including the strengthened leadership in children services, stabilised management team, and the work of the Scrutiny Committee, which adapted its approach to challenging and recognising what needed to be done collectively.

The Chair referred to the criticism of the Committee in the past and highlighted the difficulties for Overview and Scrutiny Committees in prioritising their work programmes, and the Committee's focus since May has been across the Children and Families Directorate, with SEND being an item on nearly every agenda.

Communication was important and it was questioned whether there was more the Committee could do to add value to the SEND improvement journey, which could include helping to increase transparency. The SEND Commissioner responded he was happy to attend future committee meetings and converse directly with the Chair.

The SEND Commissioner highlighted the SEND Improvement Board has matured and there has been high level political engagement and stronger continuity, although there was more work to be done. There was stronger cohesion, and it was a joint endeavour with external agencies and the Parent Carer Forum (PCF).

Mr Coughlan confirmed he was seeing evidential progress especially at a strategic level but acknowledged that improvements may not be the lived experience of every parent of a child with complex needs. The strategic improvements were essential, but a key part of the improvement process was the relentless attempts to address the concerns of individuals.

The Special Educational Needs Assessment and Review (SENAR) service in Birmingham was the key service between parents and the local authority, and the quality assurance of the Education and Health Care Plans (EHCPs) was showing improvements, as was the timeliness of the EHCPs. However, the culture of quality assurance needed to embed, and recruitment was still a challenge.

The SEND inspection framework was moving towards the social care inspection framework in design which reinforces the need for good quality assurance of individual cases. Health engagement has improved although further work on reducing waiting times for Speech and Language Therapy (SLT) and other therapies was needed.

The SEND Commissioner felt one litmus test for improvement was the number of children with an EHCP in mainstream education. This has increased from 28% to 33% in Birmingham which was a significant step, but this was low in comparison with other local authorities, and was due to a number of factors, with some being national and some being Birmingham specific. He acknowledged this was controversial for parents who may not want their child in a mainstream school.

There was not a SEND system in the country where headteachers did not have concerns regarding supporting children with SEND. This was due to fundamental legislative and regulatory flaws. A better integrated and partnership approach, with better leadership and engagement with the local authority and schools was needed, and communication included clarity of roles and supporting schools with difficult situations.

It was acknowledged inclusion was difficult to sustain and relies on collective responsibility, the government needed to do more to incentivise schools, and local improvements.

There were improvements with school engagement and the relationship with schools in the city, and the complexities was acknowledged, with the need to improve communication throughout.

The Council has addressed the issues regarding the Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS) on a collective basis and SENDIASS was becoming legally compliant, and it was positive to see it move forward.

The SEND Commissioner will provide another report to the Secretary of State early in the new year. He was seeing vital strategic building blocks in place and improvements, which included the necessary resources. However, this may not be reflected by individual lived experiences. They were expecting a re-inspection of the SEND Service in Birmingham and with the current momentum there was now cause for some optimism about the outcome to that inspection but maintaining the momentum was key.

During the ensuing debate, the main points included:

### **The next SEND Inspection**

The next SEND inspection could be anytime in the next 6 – 18 months, if not later.

### **Special Education Needs (SEN) High Needs Funding**

The local authority does not have an overspend on the high needs block for SEN support and provision, which many local authorities were struggling with. Although, it was predicted there will be a deficit by 2026 if the current practice was not changed.

### **RESOLVED:**

The Committee considered the information presented at the meeting by the SEND Commissioner, John Coughlan CBE.

## **9. WORK PROGRAMME**

(See document No. 5)

The Chair updated the Committee on the work of the Budget Task and Finish Group; one meeting had taken place and a series of meetings were programmed. The Chair committed to reporting back on the detailed discussion and suggested a meeting on Teams in order for the Committee to provide input and make recommendations. This was likely to take place during December 2023 which the Committee agreed.

The following items were agreed:

### **17 January 2024 committee meeting:**

- Improving Services for Children and Families Programme Update.
- Draft SEND Sufficiency Strategy.
- Birmingham Safeguarding Childrens Partnership's Annual Report deferred to a future committee meeting.

### **28 February 2024 committee meeting:**

- Review of Short Breaks Update.
- Early Years Entitlement.
- School attainment to be confirmed for either the February or April committee meeting.

### **RESOLVED:**

That the work programme was agreed and subject to further input from the Chair and Deputy Chair, be submitted to Co-ordinating O&S Committee to enable work to be planned and co-ordinated throughout the year.

## **10. DATE AND TIME OF NEXT MEETING**

### **RESOLVED:**

The next meeting to be held on 17 January 2024 at 10am.

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

None.

## **12. OTHER URGENT BUSINESS**

None.

### **13. 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 11.57 hours.