

## BIRMINGHAM CITY COUNCIL

# EDUCATION, CHILDREN AND YOUNG PEOPLE OVERVIEW & SCRUTINY COMMITTEE MEETING

Minutes of the meeting held on Wednesday, 23<sup>rd</sup> October 2024 at 1000 hours  
in Committee Rooms 3&4, Council House, Victoria Square, Birmingham

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### Present:

Councillor Kerry Jenkins (Chair)

Councillors Debbie Clancy, Adam Higgs, Zafar Iqbal, Narinder Kaur Kooner, and Shehla Moledina

Other Representatives: Osamugi Ogbe - Parent Governor, and Sarah Smith - Church of England Diocese (until 1230 hours)

### Also Present:

Cllr Mick Brown, Cabinet Member, Children, Young People and Families

Dr Sue Harrison, Strategic Director, Children and Families (left at 1100 hours and returned at 1204 hours)

Steve Kay, Director, Schools and Employability

Tracy Shaw, Finance Business Partner Children and Families (online)

David Stringfellow, Director, Commissioning and Specialist Services, Birmingham Children's Trust (BCT)

James Thomas, Chief Executive, BCT (left at 1100 hours)

Dave Webb, Interim Head of Service for Youth Offending Service, BCT

Ade Weissenbruch, Director, Children's Commissioning and Performance

Spencer Wilson, Interim Head of Service for Employment and Skills

Lee Yale-Helms, Director, Finance & Resources, BCT,

Sarah Fradgley, Overview and Scrutiny Manager

Amanda Simcox, Scrutiny Officer

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### NOTICE OF RECORDING/WEBCAST

- 30 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.

### APOLOGIES

- 31 Apologies for non-attendance were received on behalf of Steve Bell – Roman Catholic Diocese and Rabia Shami - Parent Governor.

## **DECLARATIONS OF INTERESTS**

- 32 Members were reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting, and the Chair – Cllr Kerry Jenkins declared an interest as she was employed by Unite the Union in a national role supporting the community, youth and not for profit sector across the UK.

## **MINUTES**

### **33 RESOLVED:**

- i) That the minutes for the Education, Children and Young People Overview and Scrutiny Committee meetings held on the 17<sup>th</sup> July 2024 and 11<sup>th</sup> October 2024 be confirmed as a correct record and signed by the Chair.

## **ACTION TRACKER**

- 34 The Chair advised there were a number of outstanding actions that should be picked up during the meeting and indicated that the recommendations from the pre-decision scrutiny exercise were reported to Cabinet, that Cabinet had acknowledged the Committees' involvement in ongoing monitoring, and these actions have been added to the action tracker.

### **RESOLVED:**

- i) That the actions from previous Education, Children and Young People Overview and Scrutiny Committee meetings was reviewed and noted.

## **ORDER OF AGENDA**

- 35 The Chair proposed that the agenda items were reordered to accommodate the Strategic Director having to leave at 1100 hours. This was agreed and the savings item became item 6, the IRP Priority Programme Progress Report became item 7, the update on the Birmingham Strategic Youth Justice Plan became item 8, and the Children and Young People's Travel Service became item 9.

A Member highlighted the issues with re-ordering the agenda, the papers having to be republished to accommodate the late paper, and the volume of paperwork for the Birmingham Strategic Youth Justice Service Plan item. These were noted and the Chair requested Officers provided the Committee with a summary for lengthy and detailed reports.

### **RESOLVED:**

That:

- i) The agenda items were reordered.  
ii) Officers to provide the Committee with a summary for lengthy and detailed reports.

## **SAVINGS 2024/25 – PROGRESS REPORT**

- 36 Cllr Mick Brown, Cabinet Member, Children, Young People and Families, Dr Sue Harrison, Strategic Director, Children and Families, James Thomas, Chief Executive, BCT, Lee Yale-Helms, Director, Finance & Resources, BCT, Ade Weissenbruch, Director, Children’s Commissioning and Performance, Tracy Shaw, Finance Business Partner Children and Families (online), Steve Kay, Director, Schools and Employability, and Spencer Wilson, Interim Head of Service for Employment and Skills were in attendance.

The Chair set the context for the item, highlighted the Commissioner’s comments in paragraph 2.1 in the report, and that the actions from the Task & Finish (T&F) meeting in July in relation to the budget savings were contained in the action tracker.

The Cabinet Member commented there were 19 specific savings totalling £52.228m in 2024/25 that fall within the remit of the Committee and there were mitigations for the slippages in delivering these. The Strategic Director of Children and Families highlighted that the savings were being delivered within the context of the Children First principle.

During the debate, the following points were addressed:

### **Red Rated Savings:**

Saving 150 – Review of non-statutory transport Packages (post-16): The Director, Children’s Commissioning and Performance informed the meeting that due to the revised offer only coming into effect for the new academic year there was a more accurate savings target, and this target was on track. He assured the Committee that mitigations for the shortfall would be achieved through other savings, the review of travel arrangements - for example, sole occupancy and procurement, and across the wider Children and Families Directorate. However, he commented that there was a growth pressure due to a substantial spike in demand.

Saving 151 – Passenger Assistance Service Re-design: The Director, Children’s Commissioning and Performance explained that Passenger Assistants supported SEND pupils on transport and this was about increasing the Council’s workforce rather than outsourcing. Also, Officers needed to ensure Passenger Assistants were supported throughout the process, and they were working closely with colleagues in HR and legal services.

Clarification was sought on whether the budget took into account last year’s overspend and the Finance Business Partner confirmed this was the case.

### **Amber Rated Savings:**

Saving 89 - Services for young people (including Careers, NEET and Youth Services including work focussed on preventing knife crime): The Director, Schools and Employability stated that the model for the Careers and NEET Services had been developed, was out for consultation, and subject to minor changes. The Strategic Director highlighted that the voluntary redundancy trawl had been successful and agreed to provide a paper on what had been proposed and decided.

The Director, Schools and Employability explained that there was a separate business case for Youth Services, and this had been presented to the Trade Unions at the end of September.

It was confirmed that no decisions have been made as it was currently out for consultation and highlighted that the Cabinet Member and Officers would be going out as part of the consultation. They needed to get the right model that offered the best possible service for children, and it was highly likely the saving would be met.

A discussion ensued regarding the Young People's Service Review, and the Committee possibly wanting to undertake a focused piece of work – Task and Finish (T&F). This would fit with the Directorate's timetable but would start before the end of year. The Strategic Director and Director, Schools and Employability, welcomed the Committee's input as they would like to have a youth strategy across sectors and the Young People's Service Review would be provided.

Saving 219 – Children's Services efficiencies: The Strategic Director explained that this was across the whole system, had six workstreams, and was about transformation. There was a framework for the transformation partner to assist with efficiencies in 2025-26 and for a transformation partner to assist for the next couple of years.

In response to the question regarding the 0-19 Transformation/Efficiencies, the Committee was informed that the procurement process was through a framework, and the procurement was currently being finalised. It was confirmed that the successful transformation partner would work with everyone working with children, including the voluntary sector.

The Strategic Director informed the Committee that the Council had allocated a central budget of £10m over the next two years for transformation. The decision had been made at Corporate Leadership Team (CLT) and had been approved by the Director of Finance & Section 151 Officer and all Strategic Directors.

### **Other Savings/Costs**

The Chair informed the meeting that there was insufficient time to discuss a number of savings/cost issues, and requested an update/briefing was e-mailed to the Committee regarding the following:

- The work being undertaken to address Local Authority Schools deficits and the cost to the council if they become academies (contained within the action tracker for the 17<sup>th</sup> July 2024 T&F meeting).
- The issues of full cost recovery for asylum seeking children.

The Chair summed up the discussion and confirmed the Committee would explore undertaking a focused piece of work (T&F) regarding the future model and what young people would like to see in relation to youth services, after the requested information was shared with the Committee. The Strategic Director welcomed the offer of support and help, and the Cabinet Member endorsed this approach.

**RESOLVED:**

That:

- i) The Committee noted the contents of the appendix to the report and the progress to date with delivering the savings for 2024/25.
- ii) The Director, Schools and Employability provide a paper explaining to Members what was proposed and decided for the Careers and NEET Services.
- iii) The Strategic Director, Children and Families provide the Young People's Service Review to enable the Committee to explore before the new year undertaking a focussed piece of work (Task & Finish) regarding the future model and what young people would like to see in relation to youth services.

**IRP PRIORITY PROGRAMME PROGRESS REPORT – JULY DATA**

- 37 Cllr Mick Brown, Cabinet Member, Children, Young People and Families, Dr Sue Harrison, Strategic Director, Children and Families, Ade Weissenbruch, Director, Children's Commissioning and Performance were in attendance.

The Chair set the context for the item, highlighted the Commissioner's comments in relation to the IRP Programmes, and that the Improving Services for Children and Families programme was rated Green.

The Strategic Director assured the Committee that the Directorate had a rigorous process, worked at pace, mitigations were put in place for slippages, and reference was made to the external improvement board, chaired by an independent Chair.

The Director, Children's Commissioning and Performance indicated that it was important to be aware that some of the savings' targets and ambitions were unprecedented and substantial. The Directorate was doing things differently, were improving services where they could, and the importance of having wraparound support from the Council.

**RESOLVED:**

- i) The Committee noted the contents of the appendix to this report relevant to the Education, Children and Young People Overview and Scrutiny Committee's terms of reference and the progress to date for the IRP Priority Programme – Improving Services for Children and Families.

Dr Sue Harrison, Strategic Director, Children and Families and James Thomas, Chief Executive, BCT left the meeting at 1100 hours.

**UPDATE ON BIRMINGHAM STRATEGIC YOUTH JUSTICE PLAN 2023-2028**

- 38 Cllr Mick Brown, Cabinet Member, Children, Young People and Families, David Stringfellow, Director, Commissioning and Specialist Services, BCT, Dave Webb, Interim Head of Service for Youth Offending Service, BCT, and Steve Kay, Director, Schools and Employability were in attendance.

The Chair highlighted that the draft Strategic Youth Justice Plan had been discussed jointly by the Neighbourhoods Overview and Scrutiny Committee and this Committee in August 2023, before being debated at City Council. This plan was back under the Committee's remit.

The Chair commented that the update was extensive (appendix 2), and queried the possibility of a summary, and/or shorter updates throughout the year. In response, the Director, Commissioning and Specialist Services explained that as this was the first update they had done so they had stuck close to the Youth Justice Board's (YJB) requirements. He assured the Committee that the next iteration would be succinct.

The Committee was provided with more information on the service, including the new name – the Birmingham Youth Justice Service, the five year plan, and key headlines including, the number of children in custody had increased, there had been a reduction in first time entrants due to them having been successfully diverted, there was a programme of work to having new fit for purpose premises, and there was a need to mitigate funding pressures. He acknowledged there was more to do but good progress had been made.

During the debate, the following points were addressed:

#### **Full Council**

In response to the question as to whether the update needed to be debated at full council, the Committee was informed that there was no requirement for annual updates to be signed off by full council unless the update proposed significant changes to the plan, such as a change to the priorities or governance. The Cabinet Member offered to take a view as to whether the update report needed to go to full council.

#### **The Five Year Plan**

The Chair highlighted that at the meeting in August 2023, the committee requested that the five year plan was updated to clarify the figures for 2022/23 as it stated 'we worked with a total of 977 children' and it should also have stated that '332 of these children had not offended in 2022/23, but their involvement either continued into 2022/23, or they received an intervention through a preventative or Think Family Intervention, neither of which are offence driven'. Officers confirmed they would look into this and clarified that it was a co-incidence that the service had worked with the same number of children in 2023/24.

#### **HM Inspectorate of Probation**

In response to the question regarding the service being assessed as 'Requires Improvement' and what was needed to ensure the improvement journey succeeded, the Committee was informed that they reported their self-assessment quarterly to the YJB. The service was not ready to be rated as Good as there were risks and challenges that need to be addressed, such as, moving to the new case management system in February 2025, the new premises, the need for experienced staff, and managing improvement of practice and support.

#### **Funding**

In response to questions regarding the funding streams and funding pressures stated in the report, the Committee was informed that at the time of writing, the update

report the YJB grant was unclear. However, they have had confirmation that the grant and funding had increased.

It was highlighted that there were pressures with possible funding increases - such as the increased pay award for staff, and this would be mitigated through vacant posts savings. In addition, there was uncertainty around the YJB funding in 2025/26, and other pressures included BCT's funding and the Councils Section 114 notice.

### **First Time Entrants**

The Committee was informed that the first time entrant figures could increase due to the change of approach from West Midlands Police, especially in relation to youths carrying knives. It was highlighted that this goes against the Child First principle. The Chair commented that the findings from the Committee's Scrutiny Inquiry for Child Criminal Exploitation included the issue of adultification of young people.

### **Raising Awareness of Youth Services for Young People**

In response to questions regarding raising awareness of youth services available for young people, the Committee was informed that the remit of the Youth Justice Service was clearly defined and was a more targeted service rather than a universal one. Therefore, the Youth Justice Service got referrals where there were issues of offending.

It was explained that they were tentatively moving towards using social media, but they did not have huge capacity due to having a small team. However, it was confirmed that they worked collectively and collaboratively to market the total offer.

### **Prevention - Turnaround Programme and Youth Services**

The Interim Head of Service for Youth Offending Service highlighted and expanded that the grant for the Turnaround Programme would cease in March 2025 and there would be a pressure on the service if it wanted to continue with their preventative and earlier engagement work. Those staff currently on fixed term contracts would end, and those on a secondment would return to their substantive posts. Nationally, the valuation of the Turnaround Programme was showing they were effecting change. In addition, the budget cuts to Birmingham Youth Service and challenges faced by the voluntary youth sector could have an impact on providing preventative work.

The Committee was concerned about the risk of reducing preventive work and the impact of reducing the youth service budget, especially when you took into account what was happening in the youth justice system and other services. It was stressed that there was a need for everyone delivering this, including voluntary organisations, to be joined up.

The Director, Commissioning and Specialist Services, confirmed that they were "around the table" regarding the youth review and this was a partnership approach, including schools etc., as prevention was a collective responsibility and commented that partnership discussions took place.

The Director, Schools and Employability explained they worked closely and collaboratively with BCT, and the Youth Service was an important part, as was the voluntary sector, schools, youth hubs and the Careers Service. A broader youth offer

was needed that had a blended menu of provision and took into account what it looked like for young people.

The Chair summed up the discussion and requested an executive summary be provided for future reports, and quarterly briefing papers be provided, especially where there were no substantial changes and therefore no legal requirement for the report to go to Full Council. It was highlighted that these briefings needed to include information on the journey for the service to be rated Good, the risks identified and the impact they were having.

Raising the awareness of the service and the difference it made was important and the capacity and resources to do this was acknowledged. In addition, there needed to be a more joined up holistic approach with other organisations to make people aware of what was and was not available, and the impact it was having for young people.

The Chair suggested that the Committee seek assurances from the Cabinet Member that he would keep a watching brief alongside the Strategic Director regarding the improvement journey to being rated Good so the Committee could provide assistance and support for this.

**RESOLVED:**

That:

- i) The 2024-2025 update to the Strategic Youth Justice Plan 2023-2028 (Appendix 2) was noted.
- ii) The Committee provided feedback on the update and requested:
  - a. Future updates to be succinct or have a summary provided.
  - b. Officers to explore updating the five year plan and after 'we worked with a total of 977 children' add '332 of these children had not offended in 2022/23, but their involvement either continued into 2022/23, or they received an intervention through a preventative or Think Family Intervention, neither of which are offence driven'.
- iii) The Committee be provided with quarterly briefing notes to explain what was happening in relation to the improvement journey being rated Good, the risks identified and the impact they were having.
- iv) The Cabinet Member for Children, Young People and Families to take a view as to whether the update report went to Full Council.

**Children and Young Peoples' Travel Service - September Mobilisation Report for the Post-16 Service**

- 39 Ade Weissenbruch, Director, Children's Commissioning and Performance introduced the report and highlighted that the September mobilisation had been successful, the service continued to learn lessons, one of the more substantial changes was the move away from dynamic purchasing system for contracts through to the procurement framework which allowed a good level of consistency and avoided the need for late bidding, the use of SharePoint so tasks could be closely monitored, and the service continued to receive a substantial amount of late transport applications.

In addition, the substantial change to the post-16 transport policy this year had resulted in higher pressure on the application, eligibility and review element of the



service. The service had increased the number of children receiving independent travel training and there has been a substantial increase of service capacity to support this.

Dr Sue Harrison, Strategic Director, Children and Families returned to the committee meeting at 1205 hours.

During the debate, the following points were addressed:

### **Legality of Policy**

Assurance was given to the Committee on the legality of the policy and that the policy was similar to other policies nationally. It was explained that there were usually deadlines set within the legal challenges and these were prioritised so this could be responded to within their legal timelines. It was confirmed that they do take a child centred approach, legal advice was sought, and they exhausted all possible solutions to avoid cases going to judicial review.

The Committee was informed that the decisions have not necessarily been overturned but they have sought to find resolution and mediation, so the Council was not necessarily agreeing an entitlement, but could offer additional support, such as a spare seat, and they have robustly challenged any claim that this policy was not legal.

It was explained that applicants for post-16 transport had sought entitlement through the 'exceptional circumstances' element and as part of this discretion c40 students have been offered additional levels of support either through spare seats or where there was an additional level of support needed.

It was clarified that the offer of an empty seat was only given to those with exceptional circumstances. The Director, Children's Commissioning and Performance explained that this would be further explored, and he was undertaking co-production work with a special school to support the most vulnerable children.

In response to a question as to whether the Cabinet Member and Strategic Director were in discussions with Central Government on the legislation and ring-fencing funding for post-16 transport to ease pressure on the Council, the Director, Children's Commissioning and Performance responded that he was also a Member of Association of Transport Co-ordinating Officers (ATCO), and they met regular with the DfE in relation to the challenges and any potential changes to legislation needed to take into account barriers - the councils financial and resource ability to deliver it.

### **Appeals**

In response to the request for clarification on the figures in the report, the Committee was informed that the 960 that were not offered transport were a combination of students that did not reapply and students that were given Personal Transport Budgets (PTBs) or bus passes.

The Committee was informed that the total number of appeals for statutory and post-16 students had substantially increased since the publication of the update report and they were higher than the previous year. Temporary resources had been put in, and it was a challenge to meet the deadline. In addition, they supported parents who want to present in person, but this has increased the time it takes to process the appeals. The Committee requested officers to provide more up-to-date appeal figures.

It was confirmed there was guidance they followed on timescales for appeals, and this was published as part of the policy.

In response to the comment regarding the perception that officers involved in the appeals were not objective, the Committee was informed that the appeals structure was legally compliant, and the Special Educational Needs Assessment and Review (SENAR) was another team and participated in all the appeals, so it was not just the transport service involved. They have also been well supported by legal services in training officers to ensure consistency and there was constant communication with legal services to ensure they get it right.

The Strategic Director stated that it was helpful to reflect on this and was certain they could start to introduce colleagues and be clear on their roles in the appeals. She took the point that although officers were objective, it was about how they were perceived, and explained they were exploring how they could be more co-productive. Also, there was the usual escalation processes within the Council.

### **Impact and Support**

It was highlighted that they have done all they can to understand the impact on children and families' and restrictions to accessing education. It was explained that additional support under exceptional circumstances had been offered and difficult decisions have been made.

They have identified through schools where there needed to be additional support provided to support families, and it was explained that the Director of SEND and Inclusion and Director of Special Education Needs Assessment and Review (SENAR) have met regularly with Special Schools to understand the impact of the changes and assist families to ensure inclusion.

The Committee was informed that the potential impact of the change to post-16 transport policy was published via the Equality Impact Assessment (EIA) as part of the papers that went to Cabinet. They were continuing to review the EIA and once they had verified the attendance figures and impact on schools, they would be in a position to present a breakdown of who was not attending, feedback from schools as to the reasons why, and an understanding where students were.

The Chair highlighted the next steps in paragraphs 4.17 and 4.18 in the report and was pleased that they were working towards understanding the impact of the post-16 transport policy. The Committee had previously discussed being involved in impact identification, but there was concerned about parents getting a false sense of hope that the Committee could change policy decisions. It was confirmed that the Committee does want to do some work and there would be further discussions on how the Committee could support the Service with this.

The Strategic Director highlighted that the change to post-16 transport had come as a shock to some parents, but this would not come as a shock to parents of 13 and 14 year olds, as there would be the assumption there would be no transport on offer unless they had exceptional circumstances. Assurance was provided that they gave as much lead in time as possible, and they were working with Adult Services to assist with helping parent to plan.

## **Contracts**

Information on the routes that did not run on the first week of term was provided and assurance was given that they carefully managed the contracts. It was explained that there was an understanding of reasonability as there would be situations out of the Council's control, and the Council needed to demonstrate they were doing everything they could to mitigate these, such as offer to reimburse parents for costs.

## **SEND Sufficiency Strategy**

The Strategic Director recognised they did not have enough specialist provision in the right places, and this put a pressure on families and the Council. Assurance was given that the aim of the strategy was that every young person could go to their local school, and they recognised they were a long way off. It was confirmed that the strategy would be refreshed as needed.

The Chair summed up the discussion and highlighted that in terms of next steps, the Committee was keen to have more information on the plans for post-16 transport policy change and impact and there would be further discussions on this.

Requests were made for an update on: the attendance work, to include information on post-16s that have moved under the remit of Adult Social Care, as soon as it was available; the appeals figures; and utilising empty seats, when the work had taken place.

In addition, a request was made for an updated structure chart for the Directorate, which would then be updated and shared with the Committee when changes were made.

## **RESOLVED:**

That:

- i) The changes and impact of the Post-16 Transport Policy Review was noted.
- ii) The Committee provided feedback on the update.
- iii) The Director, Children's Commissioning and Performance to provide:
  - a. Information explaining the plans for post-16 transport policy change and impact to enable the Committee to have further discussions on this.
  - b. An update report on the attendance work, to include information on post-16s that have moved under the remit of Adult Social Care, as soon as it was available.
  - c. The up-to-date appeals figures.
  - d. An update report on utilising empty seats when the work had taken place.
- iv) The Strategic Director, Children and Families to provide an updated structure chart for the Children and Families Directorate, which would then be updated and shared with the Committee when changes were made.

## **WORK PROGRAMME**

40 **RESOLVED:**

That:

- i) The work programme, set out in Appendix A was noted and there were no amendments required.
- ii) Agreed, subject to further input from the Chair and Deputy Chair outside of the meeting, its proposed work programme will be submitted to Corporate and Finance O&S Committee to enable work to be planned and co-ordinated throughout the year.

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

41 None.

## **OTHER URGENT BUSINESS**

42 None.

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

43 **RESOLVED:**

- i) Noted the date of the next meeting was 4<sup>th</sup> December 2024 at 1000 hours in committee rooms 3 & 4.

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The meeting ended at 12.54 hrs

Chair's signature: