

BIRMINGHAM CITY COUNCIL

SCHOOLS, CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY (O&S) COMMITTEE – PUBLIC MEETING

16:45 hours on Monday 8 January 2018, Committee Room 6 – Actions

Present:

Councillor Barry Bowles [Acting Chair]

Councillors: Sue Anderson, Matt Bennett, Kate Booth, Debbie Clancy, Chauhdry Rashid, Julie Johnson, Mike Sharpe, Martin Straker Welds and Alex Yip.

Other Voting Representatives: Evette Clarke, Parent Governor and Sarah Smith, Church of England Diocese.

Also Present:

Cllr Ian Cruise

Cllr Carl Rice, Cabinet Member, Children, Families and Schools

Anne Ainsworth, Deputy Director

Dave Bridgman, Head of SENAR

Jill Crosbie, Acting Assistant Director, SEND

Andrew Wright, Head of Virtual School for LACES

Amanda Simcox, Research & Policy Officer, Scrutiny Office

Emma Williamson, Head of Scrutiny Services

1. NOTICE OF RECORDING/WEBCAST

The Chairman advised that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

2. APOLOGIES

Apologies were submitted on behalf of:

Councillor Susan Barnett and Samera Ali, Parent Governor Representative.

3. REQUEST FOR CALL IN – CONTRACT AWARD FOR EARLY YEARS HEALTH AND WELLBEING SERVICE (CO208)

(See document No 1)

Councillors Sue Anderson, Matt Bennett and Barry Bowles declared they had been on the Inclusion Commission.

Councillor Alex Yip declared a non-pecuniary interest as he is a governor at Wilson Stuart School.

Councillor Barry Bowles explained that he would be chairing the meeting as Councillor Susan Barnett was on leave.

Councillors Matt Bennett and Ian Cruise had requested the call in as they felt it met the following criteria:

4 - the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;

5 - the Executive appears to have overlooked some relevant consideration in arriving at its decision;

6 - the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;

8 - there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council;

9 - the decision appears to give rise to significant legal, financial or propriety issues.

Councillor Carl Rice, Cabinet Member, Children, Schools and Families; Jill Crosbie, Acting Assistant Director, SEND and Dave Bridgman, Head of SENAR advised why the decision had been made and provided the numbers of children with statements and Education, Health and Care Plans (EHCP). They also noted that:

- It is not the intention of the strategy to refuse children and young people EHCP's but to develop an inclusive mainstream and specialist sector offer for children and young people and their families.
- In keeping the strategy brief, it was acknowledged that social, emotional and mental health may not have been given priority in the strategy. However, a work stream has been dedicated to this and has already started.

The Cabinet Member stated that this was the start of the process. The strategy will guide the implementation plan. Fairness, consistency and reasonableness will be the key to implementation. He would welcome scrutiny's involvement.

RESOLVED:-

That the decision made by Cabinet on the 12th December 2017 was not 'called-in' (by a vote of 6 votes to 5, with one abstention). However, a letter would be sent to the Cabinet Member highlighting the following serious criticisms of the cabinet report and strategy:

- There was a lack of transparency, clarity, data, objective information and incorrect statements contained within the Cabinet report and strategy:
 - In the Cabinet report, paragraph 6.1 states 'have considered a range of options for delivery of our statutory duties effectively'. This is factually

incorrect as only one option was considered at the Inclusion Commission meetings.

- There are a number of examples of selective and misleading use of data in the Strategy. For example sub heading 1.2 states 'Birmingham, as the largest urban local authority, has the largest volume of children and young people with a Statement or EHCP of all the main cities in England – more than 2.5 times the next nearest which is Manchester (2,600).' This does not mention that Birmingham has 2.5 times more children and young people than Manchester, which means that we are more or less in line. Also, information provided to the Schools Forum states that Manchester has experienced a higher increase (38.6%) than Birmingham (18.9%) from January 2015 – January 2017) and this was not included in the strategy. The important point here is that where data is used it should be clear, consistent and accurate. That is not the case in this document.
- An equality impact assessment on the potential impact of the strategy, including the legal implications, was not completed. As serious concerns about the impact of the strategy have been raised both within the Inclusion Commission and the Scrutiny committee it seems odd that a full assessment was not deemed necessary, if only to understand how well founded these concerns might be and what can be done to mitigate risk. A full assessment should be completed and shared with the committee as soon as possible. This should include the Public Sector Equality Duty as contained in section 149 of the Equality Act 2010.
- More evidence on how the savings might be achieved should be provided.
- Other councils have experienced a spike in tribunal appeals following the introduction of this approach. This should be examined and efforts to mitigate this taken as appropriate.
- The clear feedback from consultation was that parents lack trust and confidence in the Council's intentions and ability to make improvements in this area. In order for this to change it is vital that there is more openness and transparency in the implementation of this strategy than there has been in its design.
- The development of the delivery plan and implementation of the strategy will be included in the committee's work programme.

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

None other than the call in discussed today.

5. OTHER URGENT BUSINESS

None.

6. AUTHORITY TO CHAIRMAN AND OFFICERS

RESOLVED:-

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

The meeting ended at 18.30 hours.