

BIRMINGHAM CITY COUNCIL

EDUCATION AND CHILDREN'S SOCIAL CARE O&S

COMMITTEE – PUBLIC MEETING

**1000 hours on Wednesday, 20 July 2022, Charles Dickens Theatre, BMI, 9
Margaret Street and re-located to Committee Room C, Council House
Extension, Margaret Street**

Action Notes

Present:

Councillor Kerry Jenkins (Chair)

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

Other Voting Representatives: Sarah Smith, Church of England Diocese

Also Present:

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

Sabiha Aziz, Chair, Parent Carer Forum

Fiona Bottrill, Senior Overview and Scrutiny Manager

John Elsegood, Service Communication Lead, Home to School Transport / Children and Young People Travel Service

Mike Fagan, AD, Home to School Transport / Children and Young People Travel Service

Sue Harrison, Director, Children and Families

Dionne McAndrew, AD, Vulnerable Young People, Children's Trust

Victor Roman, SEND Improvement Programme Manager (on-line)

Satinder Sahota, Interim City Solicitor & Monitoring Officer (on-line)

Janine Saleh, Head of Service, Youth Offending Service

Amanda Simcox, Scrutiny Officer

1. NOTICE OF RECORDING/WEBCAST

The Chair advised that this meeting will 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 for non-attendance were received on behalf of Justine Lomas, Roman Catholic Diocese, and Rabia Shami, Parent Governor. Apologies for lateness were received from Cllr Morriam Jan and Cllr Shabina Bano.

3. APPOINTMENT OF COMMITTEE, CHAIR AND DEPUTY CHAIR

RESOLVED:

- Noted the resolution of the City Council appointing the Committee and Chair to serve on the Committee for the period ending with the Annual Meeting of the City Council in 2023, and Cllr Morriam Jan replaced Cllr Penny Wagg as per the resolution of the City Council on 12th July 2022.
- Elected Cllr Des Hughes as the Deputy Chair, for the purposes of substitution for the Chair if absent, for the period ending with the Annual Meeting of the City Council in 2023.

4. DECLARATIONS OF INTERESTS

Councillor Des Hughes declared that he had been employed by Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS) until April 2022.

Sarah Smith declared that she is the Chair of All Saints Multi Academy Trust (MAT), and BTMAT, and is a member of Fioretti Trust, which all have Birmingham schools.

5. TERMS OF REFERENCE

RESOLVED:

Noted the Terms of Reference.

6. ACTION NOTES

(See document No. 1)

RESOLVED:

The action notes of the formal meeting held on the 30th March 2022 were agreed.

7. SEND

(See documents No. 2 and No. 3)

Sue Harrison, Director, Children and Families, Victor Roman, SEND Improvement Programme Manager (on-line), and Sabiha Aziz, Chair, Parent Carer Forum were in attendance.

Sue Harrison introduced the item and set out the vision, principles and context. This included the need to agree the definition of inclusion for Birmingham, and they had the six months DfE progress stocktake for the Accelerated Progress Plan (APP) in June 2022.

Victor Roman gave the presentation, and the Chair apologised for the technical difficulties at the BMI, which resulted in the committee meeting being suspended at 10.30am and re-located to Committee Room C, Council House Extension, Margaret Street.

The meeting recommenced at 10.40am.

Sue Harrison summed up the presentation and highlighted that the Accelerated Progress Plan (APP) had been delayed due to it having to be approved by the DfE and had now been published (it is included in the papers for the meeting). Their performance will be challenged by the SEND Improvement Board, and they are expecting to give regular updates to the Committee on how they have met the APP progress milestones.

During the discussion and in response to queries raised by Members, the main points included:

- There is a measure for the % of pupils with EHCP educated in a mainstream environment. However, this is not a target they need to meet as they recognise there is a legal duty for pupils to be educated in appropriate provision. Although, it was noted that in law there is a presumption of mainstream, with the national average being around 50%, and the strategic vision in the green paper is that most children with an EHCP will be educated in mainstream where appropriate.
- It is about increasing capacity and specialisation so mainstream schools can cater for children and young people with SEND. They have had discussions with Head Teachers about how they can support Special Educational Needs Co-ordinators (SENCOs), and they are near completion of the SEND sufficiency strategy, which will come to the Committee when completed.
- The data regarding the number of EHCPs annual reviews completed was discussed. The methodology for collecting this data, and the full data, will be forwarded to the Committee.
- ID No: WTW6 – they have not set a target for the number of appeals lodged at SENDIST because they want to reduce the number of tribunals to zero and

appreciate this is a very difficult target to achieve. They will do this by making the right decision in the first place, and having appropriate mediation with the parents, and not for the relationships with parents to have broken down. The figures on page 26 (page 56 of the agenda pack) does not have a target but is showing the actual numbers which have lodged an appeal, and this is the official data from the Appeals Team.

- Rating the quality of EHCPs: each of the agencies have their own quality assurance regarding information they provide, and multi-agency audits will take place in the Autumn, where they will be using a tool co constructed with parents to do this, and will be able to give a comparator with other local authorities who use this tool.
- They had to work to the timelines provided by the DfE for the development of the APP.
- Reassurance was given regarding SEND improvement and what will be different this time. Previously they had not had the governance in place, or a DfE Commissioner who has powers to intervene. The highest level of accountability and scrutiny is now in place. The other aspect is openness about partners requirements to support children and young people with SEND and holding them to account through the Birmingham Children's Partnership and the SEND Improvement Board.
- They have worked really closely with PCF, and they will not over promise and under deliver, rather they will set reasonable targets, and earn back trust. Also, they will be putting in a robust quality assurance framework, which includes surveys.
- As of May 2022, there were 293 children and young people awaiting a special school placement.
- The DfE was pleased with the six months stocktake and the evidence presented. They are happy with the plan and things not in the plan, like SEND sufficiency will be dealt with.
- They are focusing on early help and intervention and this includes looking at their contract with the Children's Trust and trialling some locality work that will go through the SEND Improvement Board.
- Schools need to inform officers in a timely manner when they put children on a part time timetable, and a new post has been created so there can be oversight and they will be mapping children school by school.
- The PCF are looking at culture issues and they requested help in raising awareness of the PCF. They are independent and create a bridge, but there are only seven of them, and they can only represent the views of people who are aware of the PCF. Cllr Shabina Bano will discuss raising awareness with Sabiha Aziz outside the meeting.

The Chair thanked officers for their commitment to drive improvement, and the Committee agreed for a further update on SEND at the 7th September 2022 committee meeting, which will pick up the contributions and points made today.

RESOLVED:

- The update was noted, and the SEND update programmed for the 7th September 2022 committee meeting will include the contributions and points raised today.
- The SEND Sufficiency Report to be presented to the Committee when completed.
- The methodology and full data on EHCP Annual Reviews to be forwarded to the Committee.
- Cllr Shabina Bano will discuss awareness raising with Sabiha Aziz outside the meeting.

8. HOME TO SCHOOL TRANSPORT

(See document No. 4)

Mike Fagan, AD, Home to School Transport / Children and Young People Travel Service, John Elsegood, Head of Communications, Home to School Transport / Children and Young People Travel Service, Satinder Sahota, Interim City Solicitor & Monitoring Officer (on-line), and Sabiha Aziz, Chair, Parent Carer Forum were in attendance.

Mike Fagan gave the presentation and highlighted:

- They are developing KPIs for the service.
- The planning for September 2022 is well advanced.
- Assurance was given that children are now at the heart of the service.
- Travel mentors are unique to Birmingham.
- Preparation for September 2022: getting information from schools is one of the weak points. However, plans are in place to improve this.
- Communication is a critical risk and the post of a critical incident officer will be created.
- The HATS routes contract was awarded on a one year basis, and this will now be a four year contract, with a quarter of the routes being procured per year.

During the discussion and in response to queries raised by Members, the main points included:

- The core issues the PCF are hearing from families are communication and transparency. For example, a lot of parents are awaiting information about arrangements for September 2022, and contractors are not answering their phones. Also, there is poor transparency around sanctions to contractors, with this being a good news story, so families know that there are sanctions placed when contractors do not fulfil their obligations. Also, the non eligibility of

children under statutory school ages i.e. children under 5 years old and not all parents being informed they needed to re-apply on-line when children transition.

- Four year olds in school: The Council's policy written in 2019¹ says that free travel could be provided for children from five years old upward, and the legislation says that transport should be provided for children of compulsory school age. The Council's policy had been called in by the Committee (2 May 2019) and referred back to Cabinet. Mike Fagan's interpretation is that the spirit of the legislation demands that we provide transport to children who are attending school. Until officers can re-write the policy, the short term compromise is that where they have identified four year olds about to attend school who require transport, and transport can be provided through an existing route, then the Council will put them on the route, at no cost to the parent.
- The policy for 16 years old – 18 years old is in development.
- Communication to parents is key and this is recognised by officers, with John Elsegood, Service Communication Lead, being supported by two other members of staff. Every parent should be told within the next two weeks of the travel arrangements, and they will be building on the networks to get the message out, including the PCF and Members.
- KPIs and performance will be discussed when the data is of a good enough quality.
- DBS checks: officers are currently badging all drivers and guides themselves, above the national standard (as the national requirement is that either of them should be DBS). They are currently completing an options appraisal that has three possibilities: we continue to do it ourselves, the HR department do it, or we outsource. However, Mike Fagan promised and committed that there will not be an un-DBS driver or guide travelling with a child.
- Officers do not have the number of how many decisions are appealed.
- On receipt of the EHCP the application for transport has reduced to less than two weeks.
- They are trying to have a set of minimum standards for guides and drivers, for example, they must be able to communicate clearly in English, ideally with them being able to communicate in the first language of the child. All guides are trained specifically to the child, and they are also looking at mental health, and recognising what it is like for the child, so appropriate support can be provided.
- The Council's transport policy adheres to legislation but does not adhere to the spirit of the legislation. Officers will lead a comprehensive review before

¹ https://www.birmingham.gov.uk/downloads/download/840/travel_assist_policy_documents

updating the policy. A revised policy will go to Cabinet that clearly sets out entitlement and is not open to interpretation.

RESOLVED:

The update was noted and:

- Members agreed that a further update on the service will be provided at the 19th October 2022 committee meeting. The update will include the review of the policy, points made around communication, and the reality of how the service performed in September 2022.
- Sue Harrison will provide Members with the timescale for the review of the policy by e-mail.
- Members to contact the AD, Home to School Transport / Children and Young People Travel Service if they have specific questions regarding the transformation programme.

9. YOUTH JUSTICE PLAN

(See document No. 5)

Dionne McAndrew, AD, Vulnerable Young People, Children's Trust, and Janine Saleh, Head of Service, Youth Offending Service were in attendance for this item.

The Chair introduced the item and informed Members that the draft Strategic Youth Justice Plan 2022/2023 was included in the papers for discussion at today's meeting.

Dionne McAndrew highlighted that the last inspection was disappointing and concerning, in relation to the breadth of issues and they had been unaware of the weaknesses identified. The plan last year focused on the improvements from the inspection. This year's plan is broader.

Other issues highlighted by Officers included:

- They have appointed an independent chair to the Board, who brings appropriate challenge and support.
- There are real challenges around crime and disorder.
- There are high levels of criminal exploitation against our vulnerable young people.
- This is an ambitious plan that has been driven by research and is centralising relationship practice in everything they do with our children. This includes care, and takes a strength based approach, aligning with the vision for children in the city.
- They will be launching the Youth Offending Service (YOS) Prevention Team and improving the early help offer.
- They are strengthening how they respond when children are at risk to others or risk to themselves, and they will be launching a modernised risk reduction policy.

- They have plans to re-invigorate and tackle issues in relation to over-represented children, which includes children in care.
- They will be strengthening their statutory duty to offer support to victims, so they get the right services if they want them.
- There is more work to be done in relation to the health needs of the children, as they have suffered from disproportionate trauma and adversity, and they want the health offer to be the best it can be, and they have established a health taskforce.
- School exclusion is an issue and they have established their own YOS virtual school.
- How they embed genuine participation in YOS is being explored and they are focusing on the basics.
- They have invested heavily in workforce development and modernising the training and they are planning to draw in their magistrate colleagues.
- There is lots to do and they have a committed leadership and wider management team, with a robust improvement plan and they are continually monitoring this.

During the discussion and in response to queries raised by Members, the main points included:

- Reassurance around funding for the additional posts to sustain the improvements was requested. They have attracted some additional short-term funding from the Police and Crime Commissioner. However, much of the additional resources were resources they already had that have been re-aligned.
- The Prevention Team will decide which is the best agency to contact so the offer is joined up to support the child and family. They are focusing on relationships, as these are very important, and they have a fantastic offer around education and improving employment opportunities. More information on this will be forwarded.
- Relationship are continuing to be developed with the West Midlands Combined Authority (WMCA).
- The YOS is predominantly set up for children who have been convicted of any offence and are 10 – 17 years old (up to 18th birthday), and this is dependent on the point they become known to the Police. It was agreed this will be further discussed outside the Committee meeting.
- They have a holistic approach with multi agencies being involved, and they have a strong relationship with EmpowerU, which is the child exploitation hub etc.
- They have done a substantial amount of work around Adverse Childhood Experiences (ACE) training and there is more to do.
- The service is contributing to the Serious Violence Strategy and this is multi-agency with the Community Safety Partnership being involved.

The Chair thanked Members for the questions and feedback and is pleased to hear about the passion and focus from officers of the service. Also, officers can send information that the Committee would find useful during the course of what they are doing.

Fiona Bottrill commented that Amelia Murray, Overview and Scrutiny Manager, will be in touch with Officers in relation to the Child Criminal Exploitation and County Lines Scrutiny Inquiry.

RESOLVED:

- Members were consulted on the draft Strategic Youth Justice Plan 2022/2023.
- Further information on education and improving employment opportunities will be forwarded.
- Cllr Morriam Jan will discuss the case she referred to with officers outside the Committee meeting.
- Officers to send useful information to the Committee during the course of what they are doing.

10. WORK PROGRAMME

(See document No. 6)

The Chair commented that Members had agreed earlier in the committee meeting that a further update on SEND improvement would be an item at the 7th September 2022 committee meeting. In addition, the Cabinet Member for Children, Young People and Families will be attending.

The DfE Commissioner for SEND has confirmed he will be attending the 19th October 2022 committee meeting. Members had agreed earlier in the meeting that there would also be an update from the Home to School Transport / Children and Young People Travel Service at that meeting.

The Co-ordinating O&S Committee agreed that this Committee will lead on the Child Criminal Exploitation and County Lines Scrutiny Inquiry, and the Committee will also be involved in the Children and Young People's Mental Health Scrutiny inquiry, with the Health and Social Care O&S Committee leading on this. The Chair asked for expressions of interest to be on the Task and Finish Group by Friday, 22nd July 2022, and Members who had to leave due to the meeting overrunning will be e-mailed.

Cllr Simon Morrall expressed concerns regarding the SEND Improvement Board and the review into the Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS). A request was made for a report to come as a matter of urgency to the Overview and Scrutiny Committee on the review of SENDIASS. The Chair replied that she will discuss this outside the committee meeting with officers and requested Cllr Morrall forwards the e-mail he referred to.

The Chair advised that Members have received an e-mail regarding the Cabinet Member for Transport attending the Sustainability and Transport O&S Committee's meeting on 27th July 2022, where the motion at City Council will be discussed.

RESOLVED:

- The work programme to be updated accordingly.
- Cllr Simon Morrall to forward the e-mail he referred to regarding SENDIASS and the Chair will have discussions with officers outside the committee meeting.

11. DATE OF MEETINGS 2022/23

RESOLVED:

- Noted the meetings to be held at 1000 hours on the following Wednesdays:
7 September 2022, 19 October 2022, 30 November 2022, 4 January 2023, 22 February 2023, 5 April 2023, and 17 May 2023.
- Approved Wednesdays at 1000 hours as suitable day and time each week for any additional meetings required to consider 'request for call in' which may be lodged in respect of Executive decisions.

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

None.

13. OTHER URGENT BUSINESS

None.

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.

The meeting ended at 13.10 hours.