

BIRMINGHAM CITY COUNCIL

EDUCATION, CHILDREN AND YOUNG PEOPLE

OVERVIEW & SCRUTINY COMMITTEE – PUBLIC MEETING

1000 hours on Wednesday, 19 July 2023, Committee Rooms 3 & 4,

Council House

Minutes

Present:

Councillor Kerry Jenkins (Chair)

Councillors: Debbie Clancy, Adam Higgs, Des Hughes, Morriam Jan, and Jane Jones

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

Also Present:

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

Fiona Bottrill, Senior Overview and Scrutiny Manager

Helen Ellis, Director, SEND and Inclusion

Sue Harrison, Strategic Director, Children and Young People

Kate Harvey, Head of SEND Resolution, Special Educational Needs Assessments & Reviews Service

Stephen Hughes, Interim Deputy Operations Manager

Zain Khan, Independent Travel Training User

Ashya Khan, Zain Khan's Mother

Marie Nicely, Travel Assist Supervisor

Amanda Simcox, Scrutiny Officer

Fayth Skeete, Head of Strategic Governance & Planning

Linda Sutton-Howard, IT Project Manager

Adrian Weissenbruch, AD, Children and Young People's Travel Service
John Wood, Change Manager

1. NOTICE OF RECORDING/WEBCAST

The Chair advised that this meeting will 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. APPOINTMENT OF COMMITTEE

RESOLVED:

Noted the resolution of the City Council meeting on 11 July 2023 appointing Cllr. Morriam Jan in place of Cllr. Deborah Harries to serve on the Committee to the period ending with the Annual General Meeting (AGM) of City Council 2024.

3. APOLOGIES

Apologies were received on behalf of Cllr. Jilly Bermingham, Justine Lomas, Roman Catholic Diocese and Rabia Shami, Parent Governor Representative.

4. 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.

5. MINUTES

(See document No 1)

RESOLVED:

That the minutes of the committee meeting held on 14 June 2023 were agreed.

6. ACTION TRACKER

(See document No 2)

RESOLVED:

That the action tracker was noted.

7. CHILDREN AND YOUNG PEOPLE'S TRAVEL SERVICE

(See document No 3)

Adrian Weissenbruch, AD, Children and Young People's Travel Service, Stephen Hughes, Interim Deputy Operations Manager, Marie Nicely, Travel Assist Supervisor, John Wood, Change Manager, and Linda Sutton-Howard, IT Project Manager, were in attendance for this item.

The presentation was given, and this included an overview of the service, September 2023 mobilisation, key performance indicators, finance, the overspend and changes that will be taking place to assist with addressing this, policy development, pre-school and post-16 entitlement, and independent travel training.

Zain Khan and his mother, Ashya Khan, provided the Committee with information as to how the independent travel training has worked for them, the opportunities it has provided, and the need for it to be promoted so others could benefit. The Committee thanked Zain, his mother, and the other people that were part of the Independent Travel Training video.

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

- The Committee thanked the officers for the improvements made to the service, and it was acknowledged that home to school transport was a massive logistical exercise.
- The 99% service delivery rate was to be congratulated. However, the impact on the 1% was not to be underestimated. The Committee were informed that there were a myriad of factors that could be influencing this, and there is commitment from a dedicated team to address these.
- The notification to parents and carers whether their transport has been approved is ongoing. There have been issues regarding contact via e-mail so they will be written to.

Finance

- Page 21 provides financial information, and the accuracy of the figures was questioned due to issues with Oracle. Officers assured the Committee that they

hold a lot of the contract data themselves and were not as reliant on Oracle as other services. There has been a lot of work underway to get a grip of costs.

- The introduction of the eligibility panels was the first step in making the service sustainable and ensuring they are adhering to the policy.

DfE revised Statutory Guidance ‘Travel to School for Children of Compulsory School Age’

- The DfE published revised Statutory Guidance ‘Travel to school for children of compulsory school age’ on 29th June 2023. The new Statutory Guidance has a strong focus on sustainability and use of public transport. Officers are expecting there to be a lot of appeals due to a large cohort of parents and carers being expected to escort their child on public transport, rather than the Council providing a taxi.
- It was questioned whether a briefing note around the new statutory guidance and cultural change was needed so Members can get a better understanding should they receive complaints from residents. The Committee agreed for a workshop to be arranged for them.
- The new Application and Eligibility Review Panel will be included within the guidance notes available to parents, and the appeals information on the Local Offer website is correct as the process remains the same. More information on the Panel will be provided.
- The Council is compliant with the legislation, but it has not been effectively adhered to. A breakdown of discretionary and statutory spend will be provided to the Committee.
- The families’ circumstances are considered when the decision is being made. However, this is not in line with the statutory guidance, and the use of discretionary powers needs to be more consistent.

Independent Travel Training

- The Cabinet Member confirmed she has sent the video to adult education, and the availability of wheelchair spaces on buses was raised. The Cabinet Member has undertaken to take this matter up on their behalf.
- Students can phone and get further support if needed, and the travel trainers are always in the schools.
- Each trainer has approximately 35 individuals to train each year and the average time taken is seven weeks.

Personal Transport Budgets

- Concerns have been raised regarding personal transport budgets being awarded, in particular for post 19 year olds. More information will be provided on this.

RESOLVED:

That:

- The presentation was noted.
- A workshop for cultural change and the statutory guidance for the Children's and Young People's Travel Service to be arranged.
- A breakdown of discretionary and statutory spend to be provided.
- More information on Personal Transport Budgets to be provided.
- More information on the new Application and Eligibility Review Panel to be provided.

8. SEND TRIBUNALS

(See document No. 4)

Helen Ellis, Director, SEND and Inclusion, and Kate Harvey, Head of SEND Resolution, Special Educational Needs Assessments & Reviews Service, were in attendance for this item.

Kate Harvey gave a high level overview, and this included the work they have done with the mediation team.

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

- The terminology and process was discussed.
- There were a range of reasons for withdrawing an appeal, and some may be because the parent and Local Authority have reached an agreement.

The Mediation Team

- The Special Education Needs Assessment and Review (SENAR) service established the Mediation Team in June 2022 to collaborate with parents and assist with resolving disputes.
- The team are experienced and from a range of backgrounds. Their focus is on resolution. They use three mediation providers and feedback has been positive.
- The DfE are interested in the work of the Mediation Team and the Council has been asked to join their group. Mediation could become a statutory requirement.

Mainstream and Special Schools

- A lot of parents have a lack of confidence in mainstream schools, which may come from their child's own experience in mainstream.

- Mainstream schools need to be as inclusive as possible.
- Paragraph 3.4 refers to a draft strategy that has been developed to ensure there are sufficient specialist places for the needs of our children, in the right locations in the city. This is still in draft and will be added to the Committee's work programme.

Support for Families

- Overall, Tribunals are designed for young people and parents to represent themselves. On the whole, parents feel they have the confidence and ability to do this, and Tribunals are used to having parents representing themselves and will provide support.
- It was acknowledged that Tribunals can be stressful and daunting for families, and the Council wants to be as supportive as possible. This includes working with parents to reach a resolution, and signposting to Special Educational Needs and Disabilities Information Advice and Support Service (SENDIASS), or other free agencies.
- It was questioned whether feedback was obtained from families going through the Tribunal process to understand the family experience and how learning from Tribunals is shared to improve services. Sue Harrison agreed to discuss this with the Parent Carer Forum (PCF) and SENDIASS. This could be reported back and could include looking at the wider impact, the resilience of families, and the support structures parents use, including SENDIASS.

Programme of Training/Briefings for all Members

- A briefing note to outline how high quality decisions are made when developing Education and Health Care Plans (EHCPs), including how learning is shared and different ways of working, was requested. Alternatively, a workshop could be organised for the Committee.
- The Cabinet Member highlighted that they were working on a programme of training/briefings regarding SEND for all Members. She suggested this was launched first and then the Committee may want more in-depth information.

RESOLVED:

That:

- The update was noted.
- The draft SEND Sufficiency Strategy to be added to the Committee's Work Programme.
- Information on the programme of training/briefings being developed regarding SEND for all Members to be provided. If the following is not covered within this, then a workshop to be organised for the Committee:

- A regular update from families going through the Tribunal process to understand the family experience and highlight any issues that may inform service improvement.
- A briefing note outlining how high quality decisions are made when developing Education and Health Care Plans (EHCPs), including how learning from Tribunals is shared to improve services.

9. PERFORMANCE UPDATE – IMPROVING SERVICES FOR CHILDREN AND FAMILIES’ IMPROVEMENT PROGRAMME

(See document No. 5)

Sue Harrison, Strategic Director, Children and Families, and Fayth Skeete, Head of Strategic Governance & Planning, were in attendance for this item.

Sue Harrison presented the report and highlighted: recruitment regarding key positions and there being some churn because of the request that officers are visible and in the city three days a week; the listed actions and KPIs, early years is starting to improve; they were making slow progress on some of these – school attainment and attendance were the biggest risks - they were talking to different communities about barriers to school attendance, and they need to have attendance and attainment strategies for the city.

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

School Attendance and Attendance Strategy

- Whether the absence targets for primary and secondary schools needed to be reviewed was queried (page 47). Officers continue to talk to schools about the target and this is a national issue. There was a need for an attendance strategy for the city, with each school being responsible, and this is about coming together as a city.
- It was suggested that the draft attendance strategy could be brought to the committee meeting in September when discussing the Hidden Children item. Tim Boyes, Chief Executive, Birmingham Education Partnership (BEP) and the Lead officer could be in attendance and go through the process.

Early Years

- Early Years has been included in the work programme as part of the ‘Menu of Issues for Consideration’ and is currently to be scheduled.

SEND Sufficiency Strategy

- There were 327 children and young people with an EHCP waiting more than 12 weeks and the maximum length of time waiting was queried (page 47). Helen Ellis stated the figures will be incorporated as part of the draft SEND sufficiency strategy.
- They were having conversations with head teachers regarding schemes to deliver additional places. This included working with mainstream schools regarding resource bases and satellite provision.
- They have more special schools places but not enough for this year and there will be two difficult years.
- There was a lot of capital work going on during the summer.
- Further information, including whether the new special schools were in the right place was requested. Officers will be able to share the process and timescales for the new special schools.

Follow up Workshop

- The Committee agreed for a workshop to be arranged regarding using data to inform scrutiny.

RESOLVED:

That:

- The update was noted.
- The draft attendance strategy to be brought to the committee meeting in September when discussing the Hidden Children item and the relevant officers to be in attendance for this.
- The Committee agreed for a workshop to be arranged regarding using data to inform scrutiny.

10. WORK PROGRAMME

(See document No. 6)

The Chair informed the Committee that:

- The Chair of the Neighbourhoods Overview and Scrutiny Committee had invited the Committee to their briefing session for the youth justice plan on the 9 August 2023 at 2pm. This previously came under the remit of this committee but is now under the remit of the Neighbourhoods Overview and Scrutiny Committee.
- The Child Criminal Exploitation Inquiry: the dates for the evidence gathering sessions have been circulated to the T&F Group. Cllr. Debbie Clancy stated she

will be replacing Cllr. Simon Morrall on the T&F Group, and the dates of the evidence gathering sessions will be forwarded to her.

- The Children and Young People's Mental Health Inquiry: Cllr. Jilly Bermingham will feedback on how the inquiry is developing.
- Early Years is included in the work programme under 'Menu of Issues for Consideration' and Members agreed to e-mail details of items they wish to be added.
- Hidden Children is a big agenda item for the September committee meeting which could open up probable future work to be scheduled for November.

Fiona Bottrill highlighted that there were potentially three workshops to be arranged: Children's and Young People's Travel Service, SEND tribunals, and a data workshop. Also, being discussed at the Co-ordinating O&S Committee next Friday is that all scrutiny committees have a standing item regarding financial challenges and how those challenges are being considered.

RESOLVED:

That:

- Cllr. Debbie Clancy replaced Cllr. Simon Morrall on the CCE inquiry, and the dates of the evidence gathering sessions to be forwarded.
- Noted the information set out in Appendix 1 and identified if any further items need to be added to the menu of topics for the Committee to explore over the coming year.
 - Members agreed to e-mail details of items they wish to be added to the menu of topics/issues.
 - There were potentially three workshops to be arranged: Children and Young People's Travel Service, SEND tribunals, and the data workshop.
- Agreed, subject to further input from the Chair and Deputy Chair, the issues that the Committee will consider during September – October 2023, the proposed aims and objectives and the preferred method of scrutiny.
 - September 2023: Hidden Children, Performance Update, and Financial Challenges items.
 - October 2023 items:
 - Performance Update.
 - Financial Challenges.
 - The review of short breaks, and the Birmingham Safeguarding Children's Partnership items are to be confirmed.

- Noted, subject to further input from the Chair and Deputy Chair outside of the meeting, the proposed work programme will be submitted to Co-ordinating O&S to enable work to be planned and co-ordinated throughout the year.

11. DATE AND TIME OF NEXT MEETING

RESOLVED:

Noted the date of the next meeting is 6 September 2023 at 10am in Committee Rooms 3 & 4.

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 12.11 hours.