



Scrutiny Committee

Minutes of the Meeting Held on 26 January 2023
at 10 am at County Hall Norwich

Present:

Cllr Steve Morpew (Chair)

Cllr Carl Annison

Cllr Lesley Bambridge

Cllr Phillip Duigan

Cllr Barry Duffin

Cllr Mark Kiddle-Morris

Cllr Keith Kiddie

Cllr Ed Maxfield

Cllr Jamie Osborn

Cllr Robert Savage (sub for Cllr Richard Price)

Cllr Brian Watkins

Cllr Fran Whymark (sub for Cllr Brian Long)

Also, present (who took a part in the meeting):

Cllr Maxine Webb

Cllr John Fisher

Nicki Rider

Sara Tough

James Wilson

Cllr Andrew Jamieson

Cllr Shelagh Gurney

County Councillor, participating at item 7

Cabinet Member for Children's Services

Assistant Director for High Needs SEND

Executive Director, Children's Services

Director of Quality and Transformation

Cabinet Member for Finance

Deputy Cabinet Member for Adult Social Care, Public Health & Prevention

Cllr Daniel Elmer

Kat Hulatt

Peter Randall

Tim Shaw

Deputy Cabinet Member for Children's Services

Head of Legal Services

Democratic Support and Scrutiny Manager

Committee Officer

1 Apologies for Absence

- 1.1 Apologies were received from Cllr Lana Hemsall, Cllr Richard Price, Cllr Brian Long, Ms Helen Bates (Church Representative), Giles Hankinson (Parent Governor) and Mr Paul Dunning (Church Representative).

2 Minutes

- 2.1 The minutes of the previous meetings held on 14 December 2022 were confirmed as an accurate record and signed by the Chair.

3. Declarations of Interest

3.1 There were no declarations of interest.

4. Public Question Time

4.1 There were no public questions.

5. Local Member Issues/Questions

5.1 There were no local member issues/questions. It was however noted that Cllr Maxine Webb had raised issues with the Chair before the meeting about item 7 and that the Chair had agreed that she could comment as part of the debate on this item.

6 Call In

6.1 The Committee noted that there were no call-in items.

7 Education Health & Care Plans: Performance & Quality

7.1 The annexed report (7) was received.

7.2 The Scrutiny Committee received a report that explained current performance and quality of Education Health & Care Plans (EHCPs) assessments and reviews in the context of the Children's Services improvement plan over the past 2 years and how this would be set alongside the official judgement of Ofsted/CQC.

7.3 During discussion of the report with Cllr John Fisher (Cabinet Member for Children's Services), Sara Tough (Executive Director, Children's Services), James Wilson (Director of Quality and Transformation, who joined the meeting remotely via Microsoft Teams) and Nicki Rider (Assistant Director for High Needs SEND) the following key points were noted:

- Members of the Committee placed on record congratulations to Children's Services on the "good" Ofsted inspection report which showed significant improvements in services for children and their families living in Norfolk.
- In reply, Officers from Children's Services said that they were also confident that across the range of SEND Strategic Improvement they were on an upward trajectory, where EHPC performance improvement continued to take place when compared with the position during the 2020 Area SEND Ofsted/CQC inspection. This improvement was made clear to the inspectors during the Ofsted/CQC Area SEND re-visit that took place in November 2022 and an update on this aspect of Children's Services work would be made available to all Councillors as soon as the report was in the public domain.
- In response to questions, officers pointed out that the operational structure for the delivery of EHPCs had been greatly strengthened during the last two years. Previously, practitioners delivered all aspects of the EHCP process which was no longer the case. There was now a dedicated team responsible for the 20-week initial assessment process. This was a key driver in terms of performance improvement that had resulted in SEND management having the ability to scrutinize this aspect of the process in some detail rather than having to manage a set of competing priorities across the totality of the

delivery process. This new approach was linked to additional resources and investment coming into Children's Services (the details of which could be found in Cabinet reports) that enabled the workforce to be focused on the additional availability of the educational psychology service. The advice provided by the educational psychology service was the corner stone of the assessment process, although there were national shortages of the professional staff that provided this important role. Children's Services had started to maximise where it could make better use of its own internal resources and make better use of the private sector. For example, there was now a local training scheme at the UEA that was being used to grow the size of the educational psychology service.

- Officers also pointed out that renewed emphasis had been placed on the continuing professional development of the wide professional network which supported the production and review of EHCPs. A comprehensive programme of transformational change had been put in place to support the overall strength of the sector, this included making use of new resources, and taking steps to reduce the volume of EHCPs. At the centre of this improved approach was the use of additional resources for supporting clusters of mainstream schools, ensuring that local mainstream inclusive education options were increased for families across early years, schools and colleges, thereby reducing the requirement for EHCPs.
- A six-year cultural change plan had been put together that made use of new early year preventative resources, allowed for the development of specialist provision in the county, and led to a gradual reduction in reliance on specialist settings and on EHCPs. The effects were expected to be particularly noticeable for years 5 and 6 of the six-year plan.
- A report would be taken to the next meeting of Cabinet that set out some of the funding implications of the new strategy, including the outcome of funding discussions with the DFE.
- The Government was currently carrying out a review into SEND provision; the outcome of a green paper was awaited that could lead to a new legislative framework that was expected to be in line with the proposals in the Children's Services 6-year plan.
- A programme of engagement with relevant stakeholders (that included briefings and sessions with schools and parents) was due to begin next week.
- It was pointed out that the time from making a request for an EHC assessment to receiving the completed plan should take no longer than 20 weeks. Children's Services would be undergoing a "sprint phase" in the first half of 2023 to reduce the backlog of outstanding cases which would appear to show a reduction in performance during that period when in fact things would be improving.
- The rate of referrals in Norfolk was higher than the national average. This was partly attributed to Children's Services being more responsive to requests for EHCPs than was the position elsewhere in the country.

- In instances where Children's Services had declined to make an assessment, an appeal could be lodged with the Special Educational Needs and Disability Tribunal (SENDIST or the "Tribunal").
- Officers said that Norfolk had a good record of resolving appeals before they went to the SEND Tribunal for a final hearing.
- Cllr Webb noted that 89% of appeals did not go before the SEND Tribunal, having usually been decided 2 weeks before the date of the hearing. The pressures on families that had lodged an appeal was very stressful, families had often applied for a placement several times without success. She asked if it was possible to have officers tasked specifically with supporting those cases that were heading to appeal.
- It was pointed out that an EHCP gave the child the support they needed to meet their needs, going beyond what the school could offer and providing additional resources to improve the quality of their learning experience. The Plan was intended to unlock a special school placement.
- Officers said that alternative options were often available in other school settings following detailed discussions with school headteachers.
- The Chair remarked that parents appeared to think they had little alternative than to embark on what was seen by many parents to be an intimidating and highly stressful legal appeal process. For many parents an EHCP was viewed as if it was as a qualification that parents needed to obtain to help their child in later life. Those parents who did not appeal were often the ones in most need of support.
- Another Member drew attention to the gender gap in referrals, with girls finding it more difficult to get referrals and that there remained a long way to go before the 20-week assessment time was met.

7.4 The Committee **RESOLVED**

1. To welcome the good progress that was being made in EHCP performance and quality (in the context of the Written Statement of Action improvement plan over a two-year period) while at the same time recognising the large amount of work that remained to be done to reduce the rate of referrals and the backlog of EHCPs.
2. To note ongoing support and challenge of EHCP performance in the context of the LA's revised SEND strategic improvement plan, Local 1st Inclusion, and within the context of the Government's response to the SEND Green Paper consultation and next steps plan.
3. To note that issues requiring further monitoring included:
 - the number of SEND places that were available for those with special needs,
 - the capacity of the educational psychology service to assist in the process,

- the need for a new first inclusion strategy,
 - the development of a co-production of services with service providers, parents and other stakeholders,
 - further work on how Childrens Services managed improvements in the appeal process.
4. To note that many of the issues mentioned above were for the People and Communities Select Committee to address rather than for the Scrutiny Committee. The best way of addressing these issues would be for the Chair of People and Communities Select Committee and the Chair of the Scrutiny Committee to decide a way forward between themselves in consultation with the appropriate officers as part of both Committees forward work programmes.
 5. That the Cabinet Member be asked to review the adequacy of the support for families that were currently going through the appeal process with the aim of reducing the incidence of appeals.

8 **Quarterly update on Children's and Adult Social Care Performance Review Panels.**

- 8.1 The annexed report (8) which was issued with a supplementary agenda was received.
- 8.2 The Scrutiny Committee received a report that outlined progress to date with regards to the ongoing activity of the two Performance Review Panels (PRPs), one for Adult Social Care and one for Children's Services. Members received updates on recent work undertaken, key actions, updates on actions from scrutiny, and an overview of the forward programmes of work for the panels.
- 8.3 The Committee discussed with Cllr Shelagh Gurney (Chair of the Adult Social Care Performance Review Panel) the report so far is related to the work of the Adult Social Care Performance Review Panel, and with Cllr Daniel Elmer (Chair of the Children's Services Performance Review Panel) the report so far is related to the work of the Children's Services Performance Review Panel, received answers to questions and considered the following:
 - Cllr Gurney said that the minutes of the Adult Social Care Performance Review Panel were available to Members on request. They were not publicly available because they contained the results of case studies and potentially sensitive information.
 - The Adult Social Care Performance Review Panel had considered Adult Social Care priorities and the Covid pandemic recovery plan.
 - Cllr Gurney outlined the progress that had been made with regards to the supported living programme and gave an overview of progress to date to deliver sustainable housing for residents with most complex needs. In reply to questions she noted that contracts for procurement were in place to build more of this type of accommodation and cited examples of some of the schemes which had been completed and were near to completion. Some of

this information was sensitive, however, Cllr Gurney said she would be happy to provide details about outside of the meeting on request. Details of new schemes would be provided publicly as soon as possible.

- Cllr Elmer referred to the key stage 2 educational outcomes which were not consistent with those for key stage 4. A report about key stage 2 was expected to come back to a future meeting of the panel.
- An officer working group had been set up to look at what could be done to improve matters for small schools.
- Cllr Elmer provided Members with a detailed summary of the numbers and types of children who were regarded as being vulnerable to exploitation and the numbers children who were home educated.
- The monitoring of home education, and whether there should be a compulsory national register of children who were home educated, were issues that the panel intended to examine in some detail at future meetings. Cllr Whymark added that national legislation on home education did not protect all children and a change in national guidance would be welcomed.
- The committee discussed the recent success of Children's Services in securing a 'good' Ofsted result and asked whether a session was planned to review results and areas for improvement. Cllr Elmer confirmed that this was on the agenda for the March meeting of the committee.

8.4 **RESOLVED**

That the Committee

- 1. Note progress and activity from the two performance review panels.**
- 2. Note the panel forward work programmes that provided feedback to the panel leadership around potential items for further investigation.**

9 **Scrutiny Committee Forward Work Programme**

9.1 The annexed report (9) was received.

9.2 Member's attention was drawn to an additional meeting of the Committee that would be held on 16 March 2023 to discuss the integrated fire risk management report. This was part of the policy framework and therefore had to come before the Committee. It was also pointed out that a work programming session open all Members of the Committee was being planned for early April 2023 prior to the work plan being reviewed by the Committee in May 2023.

9.3 **RESOLVED**

That the Committee:

Note the current forward work programme as set out in the appendix to the report.

The meeting concluded at 1.15 pm

Chair