



**People and Communities Select Committee
Minutes of the Meeting Held on 12 July 2022 at 10am in
the Council Chamber, County Hall, Norwich**

Present:

Cllr Fabian Eagle (Chair)

Cllr Ed Connolly	Cllr Paul Neale
Cllr Lana Hemsall	Cllr Mike Smith-Clare
Cllr Mark Kiddle-Morris	Cllr Alison Thomas
Cllr Julian Kirk	

Substitute Members Present:

Cllr Lucy Shires for Cllr Tim Adams,
Cllr Maxine Webb for Cllr Brenda Jones
Cllr Tony White for Cllr Fran Whymark

Also Present

Susanne Baldwin	Assistant Director Workforce, Markets and Brokerage; Adult Social Services
Michael Bateman	Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services
Debbie Bartlett	Director of Strategy and Transformation, Adult Social Services
Julia Phillips	Market Development Manager, Adult Social Services
Tim Weller	Head of Integrated Quality Service, Adult Social Services

1. Apologies for Absence

1.1 Apologies were received from Tim Adams (Cllr Lucy Shires substituting), Cllr Claire Bowes, Cllr Michael Dalby, Cllr Brenda Jones (Cllr Maxine Webb substituting) and Cllr Fran Whymark (Cllr Tony White substituting).

1b Election of Vice Chair for the meeting:

1b.1 In the absence of the Vice-Chair, the Chair nominated Cllr Alison Thomas, seconded by Cllr Mark Kiddle-Morris to be Vice-Chair for the meeting. Cllr Alison Thomas was duly elected as Vice-Chair for the meeting.

2. Minutes of last meeting

2.1 The minutes of the meeting held on 27 May 2022 were agreed as an accurate record and signed by the Chair.

3. Declarations of Interest

3.1 The Chair declared a non-pecuniary interest as his children were in years 9 and 10.

- 3.2 Cllr Mike Smith-Clare declared a non-pecuniary interest as a governor of Novaturient school.

4. Items received as urgent business

- 4.1 The Chair notified the Select Committee that report 7, "Education White Paper", and report 8, "Post 16 Transport Policy" had been withdrawn from the agenda due to officer illness within Children's Services meaning they could not be reported to the Select Committee and would be delayed to a later meeting.
- 4.2 Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services, was happy for any urgent points related to these topics to be directed to him from Select Committee Members in the meantime.

5. Public Questions

- 5.1 No public questions were received.

6. Member Questions and Issues

- 6.1 No Member questions were received.

7. Education White Paper

- 7.1 This item was withdrawn from the agenda and would be delayed to a later meeting. See paragraph 4.1 of the minutes.

8 Post 16 Transport Policy

- 8.1 This item was withdrawn from the agenda and would be delayed to a later meeting. See paragraph 4.1 of the minutes.

9 Special Educational Needs (SEND): Performance Framework & DfE SEND Review Green Paper

- 9.1.1 The Select Committee received the regular report providing a range of performance data regarding services and provision for Special Educational Needs & Disability (SEND). Children's Services were reporting to the Committee over a 2 year period (which began in November 2020) following recommendations by the Local Government & Social Care Ombudsman (LGSCO) in 2020 following their published investigation report. The report also included updates on tribunals, cost savings from the first two new special schools and further information on the SEND Green paper as requested during the 27 May 2022 committee discussion.
- 9.1.2 The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services, introduced the report to the Select Committee:
- The Committee meeting in September 2022 would mark two years since the first report of this series. Therefore the report started concluding and

comparing data to the start point two years previously.

- At bullet point 4 on page 56 of the report it was noted that “in the May Committee that this indicator (as determined by the LGSCO)” (Average time taken to produce (final EHCP and) EHC plan review compared with statutory timescales) “was not helpful in the way that it combines initial assessment and review performance in one indicator”. For consistency it had been decided to continue presenting data in this way.
- A slight reduction in performance from 54% to 53% had been seen. This was the first reduction since first reporting. It was believed this had plateaued due to high referral rates for Education Health and Care Plans. Employing additional staff had helped but this was an issue also seen nationally.
- A breakdown of annual reviews was included, showing an approximate 60:40 split of those completed on time and those completed with delays.
- There was a high-level summary of tribunal information provided in the report showing that figures continued to increase. The most common cause of families seeking a tribunal was related to placements, for example parents requesting a different type of placement to that recommended or timings of placements being in dispute. Specificity in plans and refusal to assess could also be an issue.
- Two new special schools had opened, as reported in the plan

9.2 The following points were discussed and noted:

- A Committee Member discussed new housing developments in rural areas of Norfolk putting pressure on primary schools and SEND provision. He asked how this was taken into account. The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children’s Services, replied that officers took account of upcoming housing developments and worked with partners to help them plan school expansions. This linked with the SEND strategy as the Council and Government expected all schools, early years settings and colleges to meet children’s special educational needs.
- A Select Committee Member felt that reduction in performance being reported as due to high referral rates was not reflective of the current situation, as these were currently the standard rates of referral. The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children’s Services, **agreed** to reflect on this for future reports and the written statement of action.
- The slight dip in performance to 53% and increase in average number of days taken to complete an assessment was noted. The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children’s Services, pointed out that despite this, late completion of assessments had significantly reduced. Senior leadership were aware of the data trends and if the number of days taken to complete assessments continued to increase, capacity to meet need would be reassessed.
- The target for 2022 for assessments completed on time was set at 90%. In the report brought to Committee in January 2022 it was signalled that this would be unlikely to be met. The Council’s link DfE advisor had acknowledged that a target of 90% would not be attainable, and Norfolk were one of the highest improving authorities.
- The shortfall of Education Health and Care Plan coordinators was queried. The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children’s Services, **agreed** to provide a written answer on this as additional funding had been received. The “grow your own scheme” for Education Health and Care Plan staff had been in place for some time and was not brought in due to staffing difficulties.

- The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services, clarified that Education Health and Care Plan coordinators and review officers had a staffing increase 12 months previously triggered by the Ofsted review, and staffing levels were regularly reviewed. Educational Psychologists were in high demand nationally and were hard to recruit.
- A Committee Member asked if contractual arrangements could be put in place to ensure staff trained by Norfolk County Council remained with the Council for a certain amount of time; the Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services, **agreed** to provide detail on this in his written answer about staffing capacity, above.
- Officers were asked how many teachers needed a qualification update to support SEND. The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services, **agreed** to find out this information and provide a written response. He also **agreed** to ask the Post 16 Learning Group, chaired by City College, to put an action on their work plan related to upskilling teachers in this area.
- A Committee Member asked what was done to ensure all schools had an SEND governor. The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services, replied that all schools were required to publish an SEND information report; the Council monitored how many schools were compliant with this.
- A Select Committee Member noted that post 16 qualifications below level 2 would be reviewed and asked what would be done to ensure they were fit for purpose to help young people progress to independence. The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services, **agreed** that a written response would be provided.
- The Vice-Chair noted that 83% of tribunals did not proceed to a full hearing due to the mediation process and queried whether they could have been mediated before going to tribunal. The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services, replied that staff aimed to address families' concerns as early in the process as possible but acknowledged that more could be done in this area. However, parents had the right to progress to tribunal.
- A Select Committee Member raised concerns about provision in Education Health and Care plans sometimes not being what it should, as commented on in the SEND survey results. The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services, replied that specificity in EHCPs was a live debate in the context of the Green Paper.
- The Chair asked if there was a higher rate of appeals when children moved on to post 16 education. The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services, replied that there were higher rates at the transitions at the end of key stage 2, junior and when moving to high school. Less issues were seen when children moved to college as education could often be better tailored to support children's special educational needs.

9.3 Cllr Lucy Shires arrived at 10:15

9.4 The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services, gave a brief presentation on the Government's SEND Green Paper, set out at pages 68-80 of the agenda:

- The consultation deadline had been extended to 22 July 2022 and children's

services would submit their response within the following week. Children's services had contributed to the Local Government Association's response and were one of the main local authorities who responded to the regional response.

- Norfolk County Council had been encouraging professionals and partners to respond to the consultation.
- The 8 elements of the Green Paper were set out in the presentation. These indicated that there should be less local interpretation and a move towards national interpretation to support children moving around the country and give more clarity around the responsibilities of education settings, the local authority and health.
- Local inclusion plans would have better links to commissioning.
- Not all children who required alternative provision had a diagnosed special educational need, so provision for SEND and alternative provision were being combined.

9.5 The following points were discussed and noted:

- The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services, clarified that alternative provision included educational provision for children without an SEND diagnosis but with recognised needs. This may be provided within their school or elsewhere such as a pupil referral unit or short stay school.
- The Norfolk Area SEND Multi Agency Steering Group was co-chaired by the chair of the Parent Carer Forum. Family Voice Norfolk had submitted a response to Government on the consultation.
- The consultation on the Green Paper had been extended because accessible versions had been released. The Youth Forum had been encouraged to submit a response.
- A Committee Member asked if Norfolk County Council's response to the consultation would be made public. The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services, **agreed** to provide a written response.
- A Select Committee Member felt it would be helpful for information on where alternative provision was located to be provided to Members. The Assistant Director, SEND Strategic Improvement and Early Effectiveness, Children's Services, **replied** that provision mapping was being carried out and this could be provided.

9.6 The Select Committee **agreed**:

1. To **note** the ongoing content of a new SEND performance framework and agree ongoing reporting at all subsequent meetings for a period of two years in total; complying with the outcome of the LGSCO report.
2. To **agree** that the range of performance measures will directly assist with decision making regarding any policy changes needed over time as part of the range of SEND improvement programmes.

10 Delivering a social care quality framework

- 10.1.1 The Select Committee received the report setting out the context for the work to review care quality and develop the care quality framework. The report gave an update on the actions that had been undertaken to date and the proposed direction and governance to build a system approach for social care quality improvement across Norfolk.

10.1.2 The Assistant Director Workforce, Markets and Brokerage; Adult Social Services, introduced the report to Select Committee:

- Care quality in Norfolk was just above 70% which did not compare well nationally and regionally. A task and finish group held with Members looked at this in more detail and developed an action plan, detailed in the report.
- The factors influencing care quality were a wide issue and it was therefore important to work in collaboration with partners to address them.
- A provider lead improvement agenda would be developed to enable them to look at issues and barriers around improvement.
- It would be important to gain feedback on what people using services, their families and carers, felt about care. A piece of work would be lead through Healthwatch Norfolk to look at ways of gaining the user voice.
- Care quality would be built into the forefront of commissioning policy and practice and a quality culture would be developed across partners.
- More health functions had been undertaken by care providers during the pandemic, impacting on the service they could provide. A higher acuity of need seen in the care sector impacted on the workforce skills required.
- A joint committee would be set up with representation from Norfolk County Council, the integrated care board and providers to take forward the agenda to drive change and achieve the target of 85% good and outstanding rated care provision by April 2024.

10.2 The following points were discussed and noted:

- It was noted as important to change the culture within care provision as well as commissioning including encouraging open and honest conversations about where things were going well, having a good whistleblowing policy in place and making use of information which may already be in the system. Officers agreed that intelligence could be gained from many different sources, leading to the aim to make processes more systematic. An “experts plan” had been launched to engage service users when conducting audits.
- Healthwatch Norfolk had been tasked with collecting evidence of quality of services commissioned by Norfolk County Council. They also engaged with services the Council didn't work with directly therefore a widget had been introduced on their website for service users and their relatives to provide feedback on services. It was acknowledged that not all service users would be able to use this method however so far it had provided useful feedback.
- It was noted that staff working in care provision were a good source of information; officers were working on a project to gain staff feedback from services such as public health and social work. Training was being provided on an integrated IT programme which could transfer information between teams so they could share concerns with the Council and vice-versa.
- A Committee Member asked whether the target of improving 40 residential care homes to Good in 18 months was realistic. The Assistant Director of Workforce, Markets and Brokerage; Adult Social Services, agreed this would be a challenging target with a focus on improvement in quality as well as ending work with inadequate providers. This may mean some providers would no longer be able to remain in the market.
- The Assistant Director, Workforce, Markets and Brokerage; Adult Social Services, explained that when placing people in care, safeguards were in place. People may be placed with a provider rated as Requires Improvement but only with an understanding of the reasons for this rating and whether this was an appropriate placement for the individual.

- The Head of Integrated Quality Service, Adult Social Services, confirmed that there were 72 care providers with restrictions on them; this included providers rated as inadequate by the Care Quality Commission (CQC), providers rated requires improvement by the CQC and some rated good where the Council had identified concerns. Restrictions could be partial, complete or on a “consult to place basis”. There were some providers rated inadequate where Council quality assurance audits had identified that quality had improved to a satisfactory level. The CQC recognised the audits carried out by the Council and if they were satisfied by the improvements made were less likely to re-inspect, which could leave a care provider with a non-compliant rating. Officers were liaising with the CQC to address this issue.
- A Committee Member asked whether Newton Europe could provide focussed data to provide services more effectively. The Director of Strategy and Transformation, Adult Social Services, confirmed that at this stage Connecting Communities (Newton Europe) was focussed on early prevention which would not feed directly into this area of work.
- A Committee Member felt that higher funding would help improve quality of care. The Director of Strategy and Transformation, Adult Social Services, noted that quality issues were impacted by a range of causes including funding but also recruitment and the profile of care. She encouraged Councillors to continue to lobby for better funding for public services. It was noted as important to continue to work to raise the profile of the care system and its workers.
- Workforce issues in the care sector were a national issue. The Association of Adult Social Services had called for a higher pay rate and parity for care workers with healthcare assistants. A piece of work had been carried out over the past year evaluating jobs in the care sector allowing them to be compared in the Agenda for Change Framework. A piece of work on Fair Cost of Care was ongoing and would be reported to Government in February 2023 to identify what represented a sustainable cost of care.
- The voice of care workers had been gained through work with NorCA (Norfolk Care Association) but it was recognised that this may give views through a provider lens. There was an aim to develop ways to gain the voice of the workforce.
- Officers recognised that sustaining quality improvement would be challenging
- It was pointed out that the Harwood Charter was not referenced in the report. Officers felt the Charter needed reviewing as the system picture was different to when it was set up and to have more providers to sign up to it.
- It was suggested that unions could be a useful way to let staff have a voice; officers confirmed they met regularly with Unison to talk about workforce issues however the care sector was not very unionised.
- The Vice-Chair shared that the Health and Wellbeing Board Partnership she chaired had set up opportunities for organisations to bid for Covid Recovery Grant funding through the integrated care system. One area awarded funding was the Norfolk and Suffolk Care Association for their care academy, developed to train care sector staff.
- The aging population was noted as a key factor to consider when shaping the market and the changing ways in which people wished to live their older life. The Chair pointed out the census results which showed that Breckland, as an example, had seen a population increase in over 65s of 28.5%, but an increase in 15–64-year-olds of only 3.6%.
- Officers confirmed that a governance structure was being developed for the Care Quality Programme Board joint committee which would be lead and owned

by partners across the care system. There would be new pieces of work developed around the work of the health service, individuals' access to services and work with providers.

- The Chair asked how many of the 72 care providers with restrictions in place had issues related to staffing. The Assistant Director, Workforce, Markets and Brokerage; Adult Social Services, confirmed that where the CQC had picked up issues regarding "safe" and "ability to lead" this could be improved by providers having good leaders. Work with "My Home Life" had been carried out to develop training programmes for registered and aspiring managers. Issues could also be seen in some providers related to staffing ratios.

10.3 The Select Committee

- a) Discussed and noted the actions that have been taken to develop the care quality approach to extend engagement and actions across the integrated care system
- b) identified further areas of focus that should be considered as part of the continuing development and implementation of the strategic framework to support care quality improvement in Norfolk:
 - staffing, including ensuring care staff receive adequate recognition for their role

10.4 The Joint Committee took a break from 12:05 to 12:18

11. Market Position Statement

11.1.1 The Select Committee received the report setting out the Council's Market Position Statement, which is an essential document detailing what a Council must do to ensure that there is a vibrant and sustainable care market. A Market Position Statement is required to ensure local authorities meet their market shaping duties under the Care Act 2014.

11.1.2 The Assistant Director Workforce, Markets and Brokerage; Adult Social Services, and the Market Development Manager, Adult Social Services, introduced the report to the Select Committee:

- The Market Position Statement was updated annually but officers also reviewed it more frequently to help care providers to be clear on the council's intentions and the needs across the County.
- The key purpose of the Statement was to set out what the sector needed to deliver based on current and predicted needs and allow care providers to plan.
- Covid had impacted on the care sector by changing referral patterns and more people wanting to remain living at home, which had led to the Home First approach. The Council had invested capital to support the Housing with Care and Supported Living Schemes in response to this. The impact of the changes was that people going into care homes had higher physical and dementia related needs.
- The Market Position Statement linked to the Council's strategies and national strategies and identified gaps in the market.
- Validated data available to use for the Market Position Statement was from 2021. It would be important to think about how changes identified through the census could be fed into market shaping.
- Providers wanted data to be provided at place-based level; providing data in this way was currently at an early stage.
- The Statement was set around 6 key aims as set out in the report. One of the

key themes was the target of achieving 85% of care providers rated good and outstanding by 2024.

- Officers wanted to work with providers and stakeholder to have a sustainable market with quality and choice, which was more efficient, for example through use of technology, and low carbon.
- Key messages to providers were set out on page 3 of the Market Position Statement, so they could be clear what was expected of them. Pages 16-38 of the Market Position Statement gave a detailed market analysis. Pages 45-52 showed the wider support available to providers and how the skills and knowledge of workers on the front line could be used.
- There was lots of support in place to develop the digital agenda and a digital hub group was being developed with NorCA.
- Officers were looking into provision of an interactive, online version of the Market Position Statement which would allow embedded information to be provided such as links to live data dashboards. Officers would also continue to work with commissioners to provide more local data.

11.2 The following points were discussed and noted:

- The Market Development Manager, Adult Social Services, confirmed that before the Market Position Statement could be available online, more work was required with the sector to see what information would be useful. There was an aim for this online version to be available from April 2023.
- A Committee Member noted the domestic abuse status on page 122 of the report and asked for the Committee to have further information on how the targets set in this area would be met, pointing out some of the difficulties in place within NCC systems for families escaping domestic violence. The Market Development Manager, Adult Social Services, **agreed** to speak to the commissioner for this area to circulate information on the action plans in place to Select Committee Members. The Assistant Director Workforce, Markets and Brokerage; Adult Social Services, **suggested** that a further update could be provided to the Select Committee. The Vice-Chair spoke about changes made in her district in housing priorities to support parents to find new homes.
- Officers were asked what engagement took place with service users to understand whether they felt that the Market Position Statement was fit for purpose. The Assistant Director Workforce, Markets and Brokerage; Adult Social Services, replied that providers should receive feedback from people using their services however it was acknowledged that this was an area for improvement with an aim to improve service user engagement.
- A Committee Member discussed the Government's announcement of £234m to improve support for survivors of domestic abuse; she had been unable to find out how the Council were tapping into this resource and asked how this was happening. The Director of Strategy and Transformation **agreed** to circulate information on this to Select Committee Members as part of the written response set out at bullet point 2 above.
- The report noted that "poor quality health assessments lead to poor quality discharges". Officers confirmed that the initial assessment process was critical, and processes had been driven by emergency measures during the Covid-19 pandemic. A shift back to usual processes would now take place to allow assessments to take place in a health lead environment, ensure placements were right and user choice was taken into account.
- The Chair noted that some elderly people living in rural areas would like to move into sheltered or independent living accommodation, often meaning they had to move to an urban area and asked if anything could be done to

allow people to stay close to home. Officers replied that 20 units of supported housing were required which could be provided in more rural areas; investment had been made in independent and supported living however these were more targeted towards market towns to provide greater accessibility. It was important for people to maintain community connections however and assistive technology could support people to live with more confidence in their own home for longer.

11.3 The select committee:

- a) Identified further actions or areas of focus that should be considered as part of the continuing development and implementation of the Market Position Statement to support market shaping in Norfolk:
 - Ensure domestic abuse provision is focussed on.
- b) Considered and approved the Adult Social Care Market Position Statement update (Appendix 1 of the report) for publication

12. Forward Work Plan

12.1 The Select Committee received the forward plan for consideration.

12.2 The Chair noted that report 7, "Education White Paper", and report 8, "Post 16 Transport Policy" on today's agenda which had been withdrawn due to staff illness would be rescheduled.

12.3 The Select Committee **agreed** the forward plan.

The Meeting Closed at 12:58

**Cllr Fabian Eagle, Chair,
People and Communities Select Committee**



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