

# CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE

**MINUTES of the meeting of the Children and Families Overview and Scrutiny Committee held on Thursday 5 March 2020 commencing at 10.00 am at the Cabinet Suite - Shire Hall, Gloucester.**

## **PRESENT MEMBERSHIP:**

Cllr Chris Coleman	Cllr Loraine Patrick
Cllr Bernard Fisher	Cllr Brian Robinson
Cllr Colin Hay	Cllr Lesley Williams MBE (Vice-Chair)
Cllr Dr Andrew Miller (Chairman)	

**Substitutes:** Cllr Stephen Hirst (In place of Cllr Stephen Davies)

**Others in attendance**

Cllr Richard Boyles – Cabinet Member Early Years and Safeguarding  
Chris Spencer – Director of Children’s Services  
Steve Mawson – Director of Corporate Resources  
Tim Browne – Director of Education  
Kate Langley – Head of Service Youth Justice and Community Teams  
Charlotte Jones – Head of Service for Children with Additional Needs  
Suzanne Hall – Finance Business Partner

**Apologies:** Charlotte Blanch, Dr Richard Castle, Ambassador for Vulnerable Children and Young People and Cllr Alan Preest

## **1. DECLARATIONS OF INTEREST**

No declarations of interest were received.

## **2. MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on Thursday 16 January 2020 were agreed as a correct record and signed by the Chairman.

## **3. HMIP INSPECTION REPORT YOUTH OFFENDING SERVICE: ACTION PLAN**

3.1 The Head of Service, Youth Justice and Community Teams, presented the report. They informed the committee that the rating was disappointing, not only because the council had been only one point away from a good rating, but because the report demonstrated that good and outstanding work had been identified during the inspection.

3.2 It was noted that the reason for the overall rating related to category 3 of the inspection: Out of Court Disposals. The Head of Service stated that the main factor here was the dissonance between the inspection framework and the Children First initiative; this was disappointing given the low recidivism rate in Gloucestershire (5.7%). In response to a question it was explained that the current framework did not distinguish between the traditional approach to out of court disposals and initiatives such as Children First. The Director of Children’s Services (DCS) informed members that if they had to say was the judgement right they would have to say ‘yes’, but only within the context that the judgement was made using a framework that was out of date.

- 3.3 The DCS informed the committee that they had contacted the Chair of the Youth Justice Board (YJB) to discuss the council's concerns and challenge the inspection outcomes. His concerns were supported by the Leader and Chief Executive of the council who had also written to the Chair of the YJB to present their concerns. They had also shared their concerns with the Association of Directors of Children's Services (ACDS). The DCS also informed the committee that they felt that there had been a tension between the YJB and the regulator (this was a longstanding issue), but there was now an ongoing debate between the HMIP and the YJB to resolve the issues relating to the out of court disposals inspection category. The committee was reminded that the Children First initiative had received a commendation in the Howard League for Penal Reform Community Awards Restorative Approaches category (November 2019).
- 3.4 The committee was informed that a number of other youth offending services had also 'pushed back' on their inspection outcome.
- 3.5 In response to questions the Head of Service was clear that it was not a case of 'having our head in the sand'. Children First was making a real difference to the lives of young people, successfully diverting them away from the youth justice system. The Head of Service acknowledged that the service had not got it right in one of the cases looked at during the inspection. The Improvement Plan acknowledged the recommendations made by the Inspectors and the committee agreed that it would follow up on progress against the Improvement Plan in 6 months.
- 3.6 It was also explained that Children First has the ACEs checklist embedded in the system, and that everyone involved has received ACEs training. Whilst a trauma informed approach was an integral part of practice the service was always looking at how this could be improved/developed.
- 3.7 Whilst acknowledging the positive aspects of the Children First initiative, there was a concern as to the impact on the local community; were we leaving the community vulnerable, did we ask the local community for their view, did this approach work for the community as well as the offenders? Members acknowledged that the low reoffending rate indicated that the impact on the local community was being managed. The Head of Service assured members that victims were at the heart of Children First and that that it worked closely with Victim Support and Restorative Gloucestershire (<http://www.restorativegloucestershire.co.uk/>). Officers also worked with the community safety partnerships in the county, and regularly engaged with communities to ensure that their voice was heard.
- 3.8 There was a concern from some members as to the potential impact of a change (perceived hardening) in the governments approach to offending behaviour. It was suggested that working to a more target based system did not chime with best practice with regard to positive outcomes for young people. If the process was not about putting children first then we should be pushing back.
- 3.9 The committee suggested that the DCS contact the LGA with regard to its concerns regarding the inspection framework. However the DCS informed the committee that he was confident with the measures already taken and that this matter was now being discussed/addressed by HMIP and the Youth Justice Board (YJB). They were of the view that the LGA would only be able to refer the matter to the YJB which the council, at the highest level, has already done. Cllr Lesley Williams informed the committee that she was a member of the LGA Children and Young People Board and would ask questions on this matter at that body.

- 3.10 A committee member, who worked in the youth justice system as a lawyer, expressed the view that this was a difficult position for the scrutiny committee. On the one hand this was a report critical of the council, but on the other we know that this report did not reflect what actually happening. They, and other committee members, were concerned as to the impact of this outcome on the morale of staff members. It was important that Children First was set against what had been in place previously, and the difference that it made to the lives of young people. They emphasised that this was brave and imaginative work that supported good outcomes for young people. They expressed the view that it would be important not to allow this report to set this work off course.
- 3.11 The committee agreed that thanks should be sent everyone involved in the work of Children First and that it be clear that committee members supported this work. The Head of Service thanked the committee for its appreciation and support of this work. They informed members that this would mean a lot to staff; this has been a difficult time for them.
- 3.12 In response to a question related to sick leave the DCS informed members that work was underway to bring teams together in larger settings to improve resilience. If critical posts were affected then they would be back filled with agency workers.

#### **4. JOINT ADDITIONAL NEEDS STRATEGY**

- 4.1 The Director of Education and the Head of Service for Children with Additional Needs gave a detailed presentation of what was planned/in place to support and improve outcomes for vulnerable children. (The presentation slides were uploaded to the council's website and included in the minute book.)
- 4.2 The presentation was clear that against a backdrop of increasing independence, schools autonomy and reduction of council control of schools the three key roles for the council in education were: -
- That high quality places were available in the right places that met the aspirations of families and which reflect the continuum of need,
  - To improve outcomes for vulnerable children and those with additional needs,
  - To champion the needs of children and young people so that there was an inclusive learning system for all.
- 4.3 The presentation detailed the council's approach and the required outcomes. It was also explained how the Additional Needs Strategy connected into the core strategies (school improvement, SEND commissioning, high needs, post 16 and place planning). The approaches included a 'team around the school', embedding ACEs/trauma informed approached into systems, and establishing a Future Me Ambassador group.
- 4.4 The committee was informed that the cost pressures were significant. A £10m overspend for 2019/2020 was forecast; the in-year position was already at £6m. The reasons for this were discussed and included that we now seeing an earlier identification of needs, and the high number of children with an EHCP (Education, Health and Care Plan) coming into the system - an increase of circa 350 per year; 224 of these cases being in specialist placements. Expansion of special school placements was underway and a new special school would be in place in 2021; the new school would also help to reduce the number of out of county placements. Additional funding challenges related to the fact that young people with SEND would now be supported until the age of 25.
- 4.5 It was explained that although the number of exclusions overall were starting to reduce, it was important to note that a greater proportion of those excluded have SEND, and that in

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the primary sector 100% of exclusions were children with SEND. More children with SEND were also being taken out of school and educated at home; parents did not have to report to the local authority that they are home educating, or why.

- 4.6 In response to questions the position relating to the Communication and Interaction Centres was explained. It was also agreed that committee members would visit these settings in order to gain a greater understanding of the work undertaken.
- 4.7 The committee was informed that the Inclusion Charter would support and inform a consistent approach across all settings. However it was important to note that there were challenges around inclusion; it was hoped that the shift in the Ofsted Inspection Framework to look at the outcomes for vulnerable pupils would make a difference in this regard. The Director of Children's Services (DCS) informed the committee that an additional challenge related to the fact that the local authority (LA) could not direct an Academy to take a child with EHCP. The LA could name a school but had no power to enforce; the LA would have to approach the Secretary of State for Education who could enforce. In essence the LA was held accountable for places but did not have sufficient powers to enforce them.
- 4.8 There was concern with regard to the significant budget challenges. The Director of Corporate Resources agreed that this was a worrying position to be in, and was of the view that the government would have to do something big to help local authorities.
- 4.9 The Director of Education informed the committee that we could be proud of what has been achieved with regard to accountability. The Strategy has identified targets to be achieved and the committee would be able to monitor these; the business plans were also available to members. This work also linked into the Transitions Strategy which the committee had already agreed to follow up on later this year with the Adult Social Care and Communities Scrutiny Committee.
- 4.10 Committee members welcomed the aspirations of the strategy but were aware that some parents struggled with the process, and felt that for some parents whatever we did would never be enough. The Head of Service acknowledged that we did receive negative feedback from parents and that this was why we had further developed the Parent Carer Forum; parental satisfaction surveys were also used, and a quality assurance framework was also in place.
- 4.11 The Head of Service informed the committee that we had not been good at co-production with young people in this area and this was why the Future Me Ambassadors group was being established.
- 4.12 In response to questions the DCS explained that it was difficult to present competitive data as some local authorities used differing funding mechanisms, and most of the data collected locally did not have national comparators. They stated that it was important to focus on outcomes.
- 4.13 The DCS also agreed that it could be that some parents could find it difficult to complain as they would be concerned that there could be a negative impact on their child. However we did consider the anonymous complaints received and included the information in a thematic review of complaints. They informed members that restorative practice facilitators could also support parents through the complaints process.
- 4.14 It was questioned as to what was done to educate our mainstream cohort on these issues. The Head of Service explained that it was all about quality teaching and creating an

inclusive environment; primary schools were particularly good at this. However, secondary schools were not doing as well; they saw the behaviour not the possible underlying problem (it was possible that a child had not been diagnosed). Conferences were scheduled for later this month with schools and education and health professionals; these issues would be discussed/debated.

## **5. REVENUE MONITORING**

- 5.1 The Finance Business Partner presented the report drawing attention to, and explaining the reasons for, the significant overspend. As in previous reports external placements were identified as a significant pressure; so far in this financial year there have been 340 external placements provided.
- 5.2 The committee was informed that the over-spend against external placements would result in the Meeting the Challenge (MTC) savings not being achieved and also the home to school transport saving of £0.15 million. It was expected that home to school transport costs would continue to increase. This related to the need to retender some routes (where the provider has terminated the agreement) and there have also been changes to entitlements.
- 5.3 In response to a question the Director of Corporate Resources explained that the cost of external placements was more to do with the complexity of the cases rather than challenges in the market. They also explained that we were not a massive outlier with regard to the numbers of children in our care. It was also stated that it would be oversimplifying the situation to say that there was a failure in the market; this was also a national issue. It was about holding your nerve, getting improvements in practice and better strategies in place; knowing what we needed to do. The Director also detailed the process for how the budget was set.
- 5.4 The Director of Children's Services (DCS) stated that the situation with regard to external placements was in part a failure by the council to manage the market. The Sufficiency Strategy and the development of Trevone House would support improvements in this area and most importantly look to improve the quality of support to our children in care.
- 5.5 In response to questions the DCS explained that the high needs and unregulated placement panels reviewed cases on a monthly basis to identify whether placements were delivering value for money and met the needs of the individual. In response to concerns committee members were assured that the child's best interests were the primary consideration.
- 5.6 The committee agreed that it was important to ensure the right balance between being responsible with tax payers money and ensuring that our children in care were properly supported. The DCS explained that there was still some work to be done with social workers to instil better financial awareness, and discussed a recent case to illustrate this point.

## **6. COMMITTEE WORKPLAN**

The committee noted the workplan.

## **CHAIRPERSON**

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Meeting concluded at 12.58 pm