

CHILDREN AND YOUNG PEOPLE'S LEARNING SCRUTINY PANEL

A meeting of the Children and Young People's Learning Scrutiny Panel was held on Monday 21 March 2022.

PRESENT: Councillors D McCabe (Chair), M Saunders (Vice-Chair), A Hellaoui, M Nugent, P Storey and G Wilson

ALSO IN ATTENDANCE: Councillor M Smiles (Deputy Mayor and Executive Member for Children's Services)

OFFICERS: R Brown, S Butcher, E Cowley, T Dunn, J Libby, J McNally, G Moore, K Scraton and K Smith

APOLOGIES FOR ABSENCE: Councillors D Jones and T Mawston

21/49 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor A Hellaoui	Non-Pecuniary	Item 4, member of two governing bodies

21/50 **MINUTES - CHILDREN AND YOUNG PEOPLE'S LEARNING SCRUTINY PANEL - 21 FEBRUARY 2022**

The minutes of the meeting of the Children and Young People's Learning Scrutiny Panel held on 21 February 2022 were submitted and approved as a correct record.

21/51 **SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) - FURTHER EVIDENCE**

The Council's Head of Inclusion, Assessment and Review; the Head of Resources for the Inclusion and Specialist Support Service (ISSS) and the Head of Service for Children with Disabilities were in attendance to provide evidence in respect of the increasing demands across the Local Area.

Information was presented to the scrutiny panel that detailed:

- the pressures across education, health and social care with regards to children and young people with SEND and those at risk of exclusion;
- the mitigation measures and strategies that had been introduced/implemented;
- the wider system impacts; and
- future pressures.

The Head of Inclusion, Assessment and Review advised that work was regularly undertaken with schools. It was commented that, given the increasing demand in the local area, schools and settings were under pressure to meet the needs of children and young people with SEND and those who were at risk of exclusion. Schools were experiencing high levels of Covid-19 infection rates, which was causing a high level of staff absence and impacting on the key training and development of staff members. It was added that schools were experiencing children across all year groups who were struggling due to the impact of the pandemic.

Schools had experienced pressures due to the lack of families accessing universal health services during lockdowns, such the School Nursing Service and Health Visiting Service. As a result, some children's needs had not been identified and addressed prior to them starting school.

There had been an increase in demand for the Local Authority's Inclusion and Outreach Model. In addition, sufficiency issues had been encountered for children with SEND and for those who had been excluded. There was an unpredictable demand for school places for

children with SEND and schools were struggling to manage and meet the needs of those children within the school setting.

In order to manage the increasing demand, the following mitigation measures were outlined:

- The Local Authority was challenging and supporting schools to reduce the number of exclusions, which was currently a key area of focus for the organisation.
- A specialist project had been set up with two secondary schools, in partnership with key agencies, such as Cleveland Police and colleagues across Children's Services. The project planned to focus on those children who were known to multiple services, with an aim to understand how services were coordinated and delivered to support the child or young person and their family. The work planned to ensure that the needs of the child or young person were met and seamless support was being provided.
- The Local Authority had been working to develop a training offer for schools, to upskill staff members and enable them to meet the needs of children. The training package included the Education, Health and Care Assessment (EHCA) process and information on accessing additional resources and funding.
- The Local Authority was working in partnership with health services to resolve the issues regarding access to universal services and some specialist services.
- The enhanced Inclusion and Outreach Model was introduced in January 2022. The enhanced model provided access to a specialist teaching resource and outreach practitioner support. Those staff members were working directly with children and young people in schools to provide support.
- The Local Authority had been focussing on its communication and support channels. Work was being undertaken to hold briefing sessions with schools and provide regular correspondence to ensure there was no delays in communication.

There were three teams located within the SEND, EHCP and Inclusion Service:

- The Statutory Assessment Team was responsible for new EHCA to assess the needs of children and young people and determine whether an EHCP was required. The team had experienced:
 - a 63% increase in referrals for statutory assessment (300 individual referrals for assessment, previously that figure was 184). It was also highlighted that EHCA was a multi-disciplinary team assessment, therefore, there were pressures on all services for statutory advice for every referral, including social care, health services, educational psychologists and schools.
- The Annual Review Team was responsible for maintaining EHCPs and undertaking annual and interim EHCP reviews. Planned reviews took place every 12 months, however, schools were able to request interim/emergency reviews if it was felt that a child's needs were escalating or were not being met. The team had experienced:
 - a 55% increase in interim reviews (100 interim reviews);
 - the increase in new EHCPs equated to a 20% increase in EHCPs to be maintained via annual review by Summer 2022, an increase from 1300 to 1600 plans in total.
- The Exclusion and Inclusion Team had experienced an increase in the rate of exclusions, there had been 43 permanent exclusions since September 21, which was already higher than the previous academic year. It was also commented that more children with an EHCP, and those looked after, were at risk of exclusion. In addition, of the children that had been permanently excluded, 34% had SEND.

The 20 week EHCP statutory process included the following steps:

- a child was identified as having SEND;
- a referral for EHCA was made;
- a multi-agency assessment was undertaken;
- a person-centred meeting was held with the family;
- a plan was drafted and finalised;
- a placement was identified;
- the plan went into the annual review cycle; and
- an interim or emergency review could be called.

In terms of key pressures in respect of the 20 week statutory process, the following information was outlined:

- At the identification stage, the pressures across health services and schools were impacting on referral numbers. There had been an exacerbation of need due to Covid-19 and delayed therapies and late identification had caused escalated needs.
- At the multi-agency assessment stage, the increase in statutory assessments coupled with staff absences had impacted on assessment timescales and issuing of plans. The increase placed additional pressure on key services. It was clarified that the SEND Team and the Resources Team had encountered 268 days lost to sickness, since March 21 (50 of those days were due to Covid-19). In 2020, 99% of statutory assessments had been completed within the 20 week timescale. In 2021, 96% had been completed in that timeframe. There was a risk to the Local Authority that if the demand continued to rise, that completion rate would decrease further.
- At the placement stage, there had been an increase in children requiring a change of placement at the end of the statutory assessment process. There had been an increase in in-year demand for placements, which was impacting on sufficiency plans.
- Staff were dealing with an increase in case management. On average, full-time staff members were managing 25-30 cases, which had increased from 18 previously.

In terms of mitigation measures, the following information was outlined:

- In respect of the Statutory Assessment Team, one temporary FTE post had been appointed to in January 22, one temporary FTE had received approval to be advertised, agency support was being received for plan writing to ensure the 20 week timescale was adhered to and additional education psychologists had been appointed to assist with the multi-agency assessment work.
- In respect of the Annual Review Team, additional roles had been incorporated into the team during a restructure and there was now two EHC Coordinator posts within the team. It was also commented that approval had recently been granted for agency support for case work, to cover staff sickness/absence/increases in workload.
- In respect of exclusions, the Local Authority was working with Alternative Provision (AP) providers to enable them to become registered providers, which planned to manage demand in the longer-term. It was advised that agency support was being provided to assist in ensuring that 6th day education expectations could be met, which was a statutory duty of the Local Authority. In addition, a new commissioning model was being developed to improve effectiveness.

The Inclusion and Outreach Model was assisting schools in meeting the needs of children and young people and was actively preventing more exclusions. The model was a crucial part in managing demand in the longer-term.

In terms of pressures in respect of sufficiency, the Head of Resources provided the following information:

- In respect of mainstream provision, due to the increased complexity of children requiring support, additional resources were being required in schools e.g. additional members of staff to support those with complex needs. It was also commented that there had been an increased number of children being identified for support through the High Needs Matrix.
- In respect of resource provision, Members heard there had been an increase in need for children to move from mainstream provision to a resource base. In addition, there was a lack of specialist provision available to support those with Social, Emotional and Mental Health (SEMH) needs.
- In respect of Specialist and Alternative Provision, there had been an increase in the number of children requiring a place at Y7 (an increase 33% when compared to last year). Members were advised there had been an increase in provision changes, which had been required following an EHCP review (an increase of 83%). It had been identified that approximately 59% of children and young people with a new EHCP would require a specialist provision. In addition, there had been an increase in the number of Alternative Provision (AP) places required.
- In respect of independent provision, there was a lack of places locally and regionally in the maintained and academy sector, which was driving demand. Due to the

demand for independent provision, the costs of such placements were increasing.

In terms of mitigation measures, the following information was provided:

- In respect of mainstream provision, the Local Authority was reviewing the funding model to streamline processes and ensure that schools were accessing funding in a timely manner. The Inclusion and Outreach Model was also preventing additional children and young people from being excluded.
- In respect of resource provision, the Local Authority was reviewing designations to increase expertise specialisms and work was being undertaken to expand provision to deliver support to those with SEMH needs.
- In respect of Specialist and Alternative Provision, the Local Authority planned to increase local places due to the increased demand. A review of the AP model was also being undertaken to increase registered provision. In addition, the Local Authority was planning to introduce an SEMH assessment centre at secondary level.
- In respect of independent provision, the Local Authority was working with local academies and other local authorities in the region to determine whether a local residential education model would be an appropriate response to support the complex needs of children and young people. Work was also being undertaken in partnership with rest of Tees Valley, with academies and maintained specialist provision to increase capacity in the region.

Key pressures for health services were reported to the scrutiny panel:

- There had been an increase in referrals to therapy services (particularly Speech and Language Therapy and Physiotherapy) and waiting times had increased.
- Difficulties had been encountered accessing occupational therapy services, particularly for those with sensory integration needs.
- Due to the increased number of referrals, there had been an increase in waiting times to see a consultant.
- There had been staffing challenges across 0-19 services, which had negatively impacted on the delivery of universal and targeted work i.e. the School Nursing Service and the Health Visiting Service.
- There had been an increase in inappropriate referrals to Child and Adolescent Mental Health Services (CAMHS) and Learning Disability (LD) CAMHS causing high caseloads and increased demand.
- There had been a reduction of the uptake in Annual Health Checks for children and young people with learning disabilities.
- There was no escalation process for children with learning disabilities who were most at risk in the community, meaning that health services did not know about them soon enough to prevent hospital admission.
- There had been an increase in the number of referrals for the Neurodevelopmental Pathway for children and young people with Autism (ASD) and/or Attention Deficit Hyperactive Disorder (ADHD).

In terms of mitigation measures, the following was discussed:

- In respect of South Tees NHS Foundation Trust, additional clinics for therapy services had been arranged to reduce waiting times, the Occupational Therapy and Physiotherapy pathway had been redesigned to increase accessibility for children, additional clinic sessions had been arranged with consultant paediatricians, advance nurse practitioners were being recruited to assist with managing demand in respect of paediatric referrals and community nurse structures were being reviewed to ensure the role of the advanced nurse practitioners was embedded.
- In respect of mental health services, strategic leadership had been restructured to ensure a clear pathway into services, the neurodevelopmental pathway was now underway to provide a bubble of support and workforce development opportunities had been increased for the GP and primary care network to increase uptake of Annual Health Checks for children and young people with learning disabilities.
- In respect of community services, a SEND nurse had now been appointed for 0-19 services, capacity of 0-19 services was increasing to assist with the delivery of universal and targeted work at an earlier point. In addition, a Dynamic Support Register and Community Education and Treatment Review (CETR) pathways were

being developed to identify those at risk, at an earlier point, to prevent escalation to a hospital admission.

The Head of Service for Children with Disabilities provided information on the key pressures for social care:

- The increase in EHCA's and new EHCPs had impacted on social care due to the level of input and expertise required from professionals.
- New Arrivals to Middlesbrough were causing a key pressure in social care, particularly those who had not previously been involved with professionals and who had unidentified needs, which had not been assessed.
- Due to staff absences, children and young people had not been able to access services, e.g. Covid-19 had significantly affected children with disabilities, with additional health needs, and had increased the anxiety levels of parents and carers.
- Services had not been in place because of staff shortages, e.g. problems had been encountered with recruiting staff and there had been staff absences due to Covid-19, meaning that children with disabilities had not been able to access short breaks or services that had been identified to meet their needs.

In terms of mitigation, the following measures had been introduced:

- a new Designated Social Care Officer role had been created to provide good quality social care advice in respect of every EHCP and interviews to appoint to the role were scheduled to take place shortly;
- the number of social workers and senior practitioners had been increased;
- community activities would be re-commissioned by June 2022;
- the eligibility criteria for Children with Disabilities Service had been revised; and
- Lead Practice Champions would be appointed to upskill and support staff members in undertaking social work.

In terms of the wider system impact, the Head of Inclusion, Assessment and Review outlined the following:

- there had been an increase in requests for transport, which was adding to pressures within the transport service;
- there had been financial implications across services and there was a significant pressure on the High Needs Budget;
- there was pressure on schools and settings to identify SEN and meet the needs of children and young people with SEN;
- there had been difficulties and challenges with recruiting across key areas; and
- undoubtedly, there had been an impact on families, children and young people.

In terms of future pressures, the following information was referenced:

- the future and long-term impact on Covid-19 was unknown;
- a SEND review was being undertaken and the publication of new national guidance was expected by 30 March 2022;
- the budget pressures and demand for High Needs Funding continued to increase;
- the demand for adult services and adult social care would increase as young people transition from children's services to adult services; and
- a new Local Area Inspection Framework was expected in respect of SEND.

A Member queried whether the Local Authority had the power to hold schools to account for their exclusion rates. In response, the Head of Inclusion, Assessment and Review advised that the Local Authority worked closely with schools and did challenge schools when children and young people were permanently excluded. It was also commented that there was a guidance document that schools were required to follow when permanently excluding a pupil, which offered protection for pupils that had certain characteristics, particularly those children with SEND and those in the care of the Local Authority. The document contained explicit guidance on when schools should and should not be excluding pupils and the reasons for that. The Local Authority undertook preventative work with schools by offering support and challenge at the earliest of stages. It was added that once a school had made a decision to permanently exclude a pupil, a staff member from the Exclusion and Inclusion Team would

undertake work with the family to understand the reasons for the exclusion and provide support to enable the family to appeal the school's decision.

The Executive Director of Children's Services explained the Local Authority did have limited powers in respect of the oversight and management of academies. Members heard that, generally, fixed-term and permanent exclusions had increased and the Local Authority was closely monitoring levels. Following an analysis of data, it had been identified that many local authorities had experienced an increase in exclusion rates. The Local Authority was able to influence and challenge academies, however, it was unable control or reverse decisions.

A Member commented on the need for the Ofsted framework to hold schools to account for their exclusion rates. The Head of Achievement explained that whilst the Local Authority did have limited powers in respect of academies, it was in regular contact with the Regional Schools Commissioner (RSC) at the DfE, who had overall responsibility for academies. It was added that the Local Authority provided oversight of academies on behalf of the RSC. Whilst the Local Authority was limited in respect of the operation of academies, it was able to feedback information to the RSC. In terms of Ofsted, the current inspection framework challenged attendance and rates of inclusion. If through Ofsted's lines of enquiry, a school had high levels of exclusion, those would be considered and scrutinised as part of the inspection framework. Although there was a national trend, the Local Authority and schools were working in partnership to identify the reasons for the increasing rates of exclusion.

The Executive Director for Children's Services raised concerns that one particular school would not share its exclusion data with the Local Authority, despite considerable efforts to encourage them to do so.

In response to a Member's request for exclusion data, the Head of Inclusion, Assessment and Review explained that a comprehensive report on exclusions was scheduled to be submitted to the scrutiny panel's next meeting. It was planned that the report would contain data on the levels of exclusions and the reasons for exclusions.

A Member queried how many additional specialist placements were required, given the rising demand. The Head of Resources advised that there was no waiting list for placements. If a child was identified as requiring a specialist placement and there were no places available, as an interim measure the Local Authority would work with the child's current setting to ensure that additional resources were introduced to meet the needs of the child. Members heard that locally, additional provision had recently been developed to provide 45 places to support children and young people with autism, those places were now full. In addition, a new secondary provision was being developed to support those with severe learning disabilities, the provision would become available from September and all places were already accounted for. To address sufficiency challenges, the importance of the Local Authority working with schools to ensure they had the resources and expertise to enable them to provide an inclusive environment, which supported those children with more complex needs, was highlighted.

A Member queried whether best practice from other local authorities, in tackling high exclusions rates, had been considered. The Head of Inclusion, Assessment and Review explained that there was an Inclusion Partnership in place. The partnership consisted of representatives from all Middlesbrough's secondary schools, cluster representation from the primary schools and stakeholder representation from key services. One of the Local Authority's key actions had been to strengthen that partnership. In light of the increasing numbers of exclusions, membership now included representation from the police and other teams in Children's Services to enable the development of a targeted and collective response to the increasing number of exclusions. It was also commented that the Local Authority was always seeking to develop creative and innovative ways of working, for example - the project the Local Authority was undertaking with two schools had been based on best practice developed in West Yorkshire, which had been seen to significantly impact on the rate of exclusions.

A Member queried whether the increase in exclusions could be due to staff absences/shortages. In response, the Director of Education and Partnerships advised that knowing a child and their behaviours lessened the risk of exclusion. Employment of temporary staff members, and shortages of staff members providing behavioural support, could be a contributory factor in the increasing number of exclusions. It was added that the pandemic had caused a significant amount of disruption for schools. It was confirmed that there were

continued absences in schools, in respect of both staff members and pupils, due to Covid-19.

A Member raised a query in respect of the financial impact of employing agency staff and enquired whether the employment of agency staff provided value for money. In response, the Head of Inclusion, Assessment and Review advised that the Local Authority was utilising agency staff in writing EHCPs, which was a specific/clear piece of work that was time limited, managed and financially assessed to ensure value for money. The employment of agency staff was enabling the Local Authority to continue to meet the statutory 20 week ECHP process. In terms of the agency case officer work, the Local Authority was still in the process of recruiting to those posts, however, the employment of agency staff was a short-term solution until more permanent members of staff could be recruited. The Director of Education and Partnerships advised that in respect of the cost implications for the employment of agency staff, funding from the High Needs Budget was accessed, which was provided by the DfE.

A Member expressed concern in respect of one school's lack of engagement and reluctance to share exclusion data. Detailed information was requested for submission to the scrutiny panel's next meeting in respect of the numbers of pupils excluded from each school, the reasons for each exclusion and what measures schools were implementing to mitigate the risks of future exclusions. In addition, comparative data in respect of other local authorities was requested.

The Executive Director for Children's Services confirmed that no children/young people looked after by the Local Authority had been permanently excluded.

Members commended the work that was being undertaken to manage the increasing demand across the local area.

AGREED

That the information presented at the meeting be considered in the context of the scrutiny panel's investigation.

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OVERVIEW AND SCRUTINY BOARD - AN UPDATE

The Chair advised that on 22 February 2022, the Overview and Scrutiny Board had considered:

- the Executive Forward Work Programme;
- an update from the Executive Member for Culture and Communities;
- an update from the Chief Executive;
- updates from the Scrutiny Chairs;
- the Revenue and Capital Budget - Projected Outturn position as at Quarter Three 2021/22; and
- the Corporate Performance Update at Quarter Three 2021/22.

NOTED