

CHILDREN AND YOUNG PEOPLE'S SOCIAL CARE AND SERVICES SCRUTINY PANEL

A meeting of the Children and Young People's Social Care and Services Scrutiny Panel was held on 21 March 2022.

PRESENT: Councillor Davison (Chair); Councillors: Hellaoui, Higgins, Nugent, Uddin, and Wilson.

OFFICERS: C Breheny, S Butcher and J Dixon.

ALSO IN ATTENDANCE: C O'Neill, Children's Improvement Advisor (North East Region), LGA.

PRESENT BY INVITATION: Councillor C Hobson – Chair of Corporate Parenting Board.
Councillor D McCabe – Chair of Children & Young People's Learning Scrutiny Panel.
Councillor M Smiles – Deputy Mayor & Executive Member for Children's Services.

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors Mawston and J Walker.

**** DECLARATIONS OF MEMBERS' INTERESTS**

There were no Declarations of Interest made by Members at this point in the meeting.

MINUTES – 21 FEBRUARY 2022

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

DEVELOPING A COUNCIL-WIDE APPROACH TO CHILDREN'S SERVICES

C O'Neill, Children's Improvement Advisor for the North East Region with the LGA, had been invited to attend the meeting to present the Panel with an overview of developing a Council-wide approach to Children's Services.

It was acknowledged that the Panel would be familiar with a large number of acronyms used within Children's Services and some of the key acronyms that would be used within the Council-wide approach were provided:-

- CHC – Continuing Health Care – a package of care for adults aged over 18, funded solely by the NHS, assessed by CCG as having 'primary health need'.
- CC – Continuing Care – package for child under 18 with needs arising from disability, accident or illness that cannot be met by existing universal or specialist services alone.
- Section 177 – free aftercare from NHS and social care for anyone who has been in hospital under the Mental Health Act 1983.
- PfA – Preparation for Adulthood – process of moving from childhood into adult life, supported by education, health and care (transition).
- CAMHS – Child and Adolescent Mental Health Services – specialist NHS service offers assessment, diagnosis, treatment and support for children experiencing problems with emotions, behaviour or mental health.

The Panel was advised that some of the key partners that Councillors and Officers, particularly in Children's Services, would engage with on a regular basis would be:-

- CCG (Clinical Commissioning Group – soon to change to an ICS – Integrated Care System) – statutory partners crucial to helping the Council fulfil its safeguarding duties.
- Police – as above.

- schools/education – universal service for all children and young people – vital partners to developing children's services.
- GPs – key to meeting the needs of children.
- community and voluntary sector – as above.
- hospital trust – as above.
- mental health trust – as above.
- Housing – important to ensure sufficient placements for young people to live, whether supported or independently, as they transitioned to adulthood.

The need to give very careful consideration to preparation for adulthood was highlighted. It was recognised that some children had additional vulnerabilities due to family needs or SEND and preparation was key. Several short videos were shown, demonstrating how young people were preparing for adulthood through:-

- Employment – How does the Council seek to secure employment for those young people with learning difficulties or disabilities? If it was possible to secure employment for those young people, then it may be easier to secure employment for young people without additional needs. Can the Council offer work experience, apprenticeships or employment to young people? Where it was unable to, how does it engage with other employers who may be able to help?
- Friends, Relationships and Community – How does the Council support young people to engage and take an active part within their community? How might partners be able to support the Council to provide a range of activities to meet the needs of all children transitioning into adult services and how well does the Council engage with those partners (and vice versa)?
- Independent Living – There needs to be a careful programme for children looked after transitioning to adulthood and moving into supported accommodation, independent living or staying put with a foster carer. How does the Council continue to meet the needs of young people preparing for adulthood and to support parents to be 'brave' to plan for young people to become independent.
- Good Health/Travel – A significant amount of money was spent on transporting children and young people with additional needs from home to their place of learning. This money could be redirected into education, therefore, the more young people that could be trained to travel independently the better. Being able to travel independently also had a positive impact on a young person's ability to be independent socially in order to meet with friends, etc. It was acknowledged that not all young people would be able to travel independently but was extremely beneficial for those that could.

In addition, the Panel listened to interviews with three young people with special needs living in different independent settings talking about their experiences of living independently – some supported with teams of carers, some supported by an individual carer. This demonstrated the vital importance of the Council engaging with health colleagues and housing to ensure that young people's needs were met and that there was good quality housing available.

The Panel was asked to think about:-

- How Middlesbrough seeks to secure employment for young people with disabilities and special needs.
- How well the Council, and Elected Members, engages with people in the community and how well the Council engages with partners.
- In terms of independent living, how the Council engages with partners, particularly housing partners, to deliver a carefully planned programme of support for children looked after and those with SEND, in moving into supported or independent living arrangements and how the needs of these young people would be monitored.

- In terms of transitioning to adulthood, how the Council supports parents to be brave in supporting their child on their journey into independent living.
- How Middlesbrough provides travel training to support those children and young people who are able to, to become more independent in travelling to school or other education settings. A large proportion of money is spent each year on transporting children from home to school or other education settings, therefore, the more young people that could be supported to travel independently, with confidence, the better.

Finally, the Panel was asked to consider four key questions which it may wish to find the answers to and to regularly monitor:-

1. How can you be reassured about the effectiveness of transition between Children's Services and Adult Services?
2. What percentage of adults with learning disabilities, with care experience, live independently and/or are in employment? How does Middlesbrough compare with the national average? (and trends over time)?
3. How effective are relationships with local CCG, schools, Police and other key partners and how assured are you that joint working is leading to better outcomes for children?
4. How good are links between children and adult services and housing to ensure the needs of young people transitioning are met?

A discussion followed and the following issues were raised:-

- A Panel Member expressed the opinion that Middlesbrough Council was committed to supporting children with disabilities and provided a first-hand example of how a family member – a young adult with a hearing impairment – had been supported to undertake travel training in conjunction with Middlesbrough College, to participate in voluntary work in the community and was supported to obtain a part-time job.
- Another Member referred to her own personal experience of previously working within special needs schools and agreed that all of the issues covered within the presentation were key to providing young people with the opportunity to have the confidence and skills to travel independently, to obtain employment and to live independently.
- A Member of the Panel suggested that answers to the four questions posed at the end of the presentation be discussed at a future Panel meeting and that this information be regularly monitored by the Panel.

SEND Review Update

The Panel was provided with an update in relation to the current position regarding the national SEND review.

In 2014, as part of the Children and Families Act 2014, reforms to the SEND system had brought many positive changes including an increased expectation of greater joint working between education, health and care, and a focus on a child's journey from birth to 25, together with increased involvement of children, young people and their families. Whilst there was strong feeling that they were the right reforms, focusing on families having to tell their story only once without the need to repeat to all of the services involved with them, there was a question as to whether the timing had been right.

There were also questions as to whether the reforms had been adequately funded as all Councils had experienced a year on year increase in demand for Education, Health and Care Plans (EHCPs)

and whether health partners were contributing effectively, for example, were all partners contributing equally to continuing care funding?

Decreasing levels of inclusion for SEND pupils in mainstream schools had resulted in increased use of special and independent settings which resulted in additional costs. Whilst it was recognised that there would be a proportion of children and young people whose needs could only be met within specialist or independent settings, for many young people this was not always in their best interests and perhaps mainstream education with appropriate support in place would be more appropriate.

As previously mentioned, a significant proportion of finances within the special needs sector was spent on home to school transport and also on tribunals. The ultimate question was who benefited from the tribunals and could that money be better spent on meeting the needs of the children.

The Panel was informed that the demand for EHCPs had increased from around 200,000 in 2014 to more than 450,000 in 2021.

In terms of funding, SEND was a major challenge for all Councils, with many being in significant deficit due to the High Needs Block (HNB). The HNB of the Direct Schools Grant was the money allocated to children with SEND. There was a total deficit across the country of approximately £970 million.

The DfE had committed to investing £2.5 billion between 2021/22 – 2022/23 into the High Needs Block and this was for funding special needs school places, although the finer detail was not yet available.

A 'Safety Valve' project was in place to support the Councils with the biggest Direct Schools Grant (DSG) deficits as a percentage of their entire DSG. The Safety Value would help Councils with their funding and would not appear on the Council's financial balance sheet as it was a statutory override, however, this was due to end in March 2023.

The Government recognised that despite the reforms, children and young people with SEND, and those educated in alternative provision, often felt unsupported, and their outcomes fell behind those of their peers. Many parents faced difficulties and delays in accessing support for their child.

Subsequently, in 2019, the Government commissioned the SEND Review to understand these challenges better and determine what would be required to establish a system that consistently delivers for children and young people with SEND.

It was proposed to establish a single national SEND and alternative provision system, setting out clear standards for provision that children and young people should expect to receive, the processes that should be in place to access it, irrespective of their need or where they lived.

The main aims of the review were to:-

- End the 'postcode lottery' facing children and young people with SEND.
- Increase mainstream inclusion.
- Align incentives and accountabilities.
- Clarify why demand for EHCPs continued to rise.
- Best use of resource and high quality outcomes.

The Review had been delayed due to Covid but the Green Paper was expected imminently. It was anticipated that the likely themes would include greater inclusion of children with SEND in mainstream provision that would be properly resourced, for example, teaching in smaller groups, in low-stimulus settings.

The Panel was informed that the LGA's lobbying priorities were as follows:-

- Clear local accountabilities – with Councils as system leaders.

- Joint decision making on use of resources – Council/schools/health.
- Reduction in the use of tribunals (consider value for money where they are used).
- Major reforms will take time – interim arrangements needed.
- Short and long term sufficiency of funding.
- Would a national approach raise expectations again?
- Links with Care Review and Education White Paper.

A discussion ensued and the following issues were raised:-

- Reference was made to the LGA lobbying Government in relation to funding and the deficits regarding the DSG and it was queried how Councillors could support best this.
- A Panel Member also made reference to the importance of examining mainstream provision, where appropriate, for children with SEND and expressed the opinion that more should be done to hold academies to account in this regard and would like to see Ofsted put more pressure on academies to focus on SEND provision. It was queried whether academies were spending an appropriate proportion of funding on SEND pupils and how the Council could ensure that academies were doing their fair share.
- In response, the Panel was informed that there were conversations taking place with the Regional Schools Commissioner who was responsible for those academies locally but that individual partnerships were vital in playing a part. The majority of multi-academy trusts would agree that they wanted to do a good job for children with SEND. In terms of continuing to lobby for adequate funding, Ofsted, as the regulator, had a role to play. ADSO and Regional Local Authority finance directors were also pushing hard for this to be recognised. Through Directors of Finance and potentially through local MPs continual lobbying will be helpful. It was on the radar of the Regional Schools Commissioners and the DfE that there was a need for this to be addressed.
- The Executive Director of Children's Services provided a brief response in a Middlesbrough context in relation to demand for EHCPs. It was stated that demand was extremely high and continued to grow which was putting extra pressure on the service. Additional staff had been brought in to cope with demand. The Executive Director advised that she chaired the Strategic Board, which had oversight of ongoing pressures. Middlesbrough did not currently qualify for the 'Safety Valve' project, however, was part of the 'Delivering Best Value' programme which sat underneath the Safety Valve project. Middlesbrough had a budget deficit in terms of spending on SEND and was to be offered a financial advisor to advise on SEND spending. Finally, the number of tribunals in Middlesbrough was low and there had not been any within the last two-and-a-half years.
- A Member commented that as many SEND children as possible needed to be integrated into mainstream school, where appropriate, as it also helped mainstream children to understand the various needs of others and to help support them.

The Chair thanked the LGA Children's Improvement Advisor for her attendance and the information provided.

AGREED that the information provided be noted.

UPDATE – CHILDREN'S SERVICES IMPROVEMENT PLAN

The Executive Director of Children's Services provided the Panel with update on progress on the Children's Services Improvement Plan in the context of the most recent Ofsted monitoring visit to Children's Services in December 2021.

The second Ofsted Monitoring Visit since the full inspection in 2019, took place on 14 and 15 December 2021 and was undertaken by two inspectors following two weeks of preparation and liaison.

The focus of the visit was: Children in Need; Children in Need of Protection and Public Law Outline.

The Ofsted letter was published on 31 January 2022 and was circulated with the agenda prior to the meeting.

A summary of strengths was provided as follows:-

- No child was found to be at risk of immediate harm or in need of urgent action. (Significant progress from the 2019 inspection when more than 10 children were found to be at immediate risk).
- Senior Managers know their services well and had a realistic understanding of progress. (Again, significant progress as the 2019 inspection found a lack of awareness around being inadequate).
- There had been successful focus on improving the capacity of staff, decreasing caseloads and employing more permanent, qualified and experienced staff. (Recruitment and retention of staff (particularly recruitment) continued to be an issue. There was currently a £5,000 'welcome' payment to attract experienced, qualified Social Workers, however, it was having limited impact. Despite being valued, Middlesbrough continued to have a higher number of agency staff than it would like).
- Auditing was a particular strength – a wide in-depth coverage of the quality of the service with a robust moderation process.
- Successful focus on compliance.
- Appropriate focus on improving the quality of practice through increased training and learning opportunities.
- 'Some' examples of good practice. (Where planning (Smart plans) for children was good).
- Stronger practice where there were immediate safeguarding concerns and children on the edge of care.
- Social Workers:-
 - Knew their children and had enthusiasm and passion for improving their lives.
 - Felt supported during lockdowns.
 - Reported how Children's Services had improved and that they were better supported to do their work.

In terms of areas for development:-

- There was still a stubborn 20% of inadequate practice where concerns were not addressed and work was not progressing appropriately. However, in Early Help, all work was 'required improvement' or better. (Since the letter was published, this figure had reduced to around 10% in some areas of practice, but further work was required to reduce further).
- Plans and planning were not focused and lacked timescales relevant to the child. This led to delays in progressing plans so some children remained in situations where their needs were not met or risks sufficiently managed.
- Insufficient focus on the lived experience of the child. (Need to think more about what life is like for the child on a daily basis, such as are they going to school hungry? Is the home warm?).

- Social work tools not sufficiently used to focus on patterns of behaviour and cumulative risk. (Sometimes issues were looked at in isolation and consideration not always given to issues that had occurred in the past/patterns of behaviour).
- In the main, supervision was not sufficiently driving improvements, management recording of decision making was too limited. (One to ones with Social Workers were happening but not yet driving improvements in practice).
- Positive steps had been taken to improve pre-proceedings work but management oversight did not always identify what needed to change. (Need to be more explicit in telling families what specific changes were needed).
- Evidence of a risk averse culture.
 - Some families found themselves subject to statutory Child Protection planning when not needed, eg families who needed support but worked well with Social Workers and other agencies. (The Panel heard that this was based on evidence from only two cases).
 - Small number of Safety Plans were still in place when cases closed when other support packages would be more appropriate. (This had been worked on over the last few months).

In terms of the next steps, the Children's Services Improvement Plan would be revised to reflect Ofsted's findings.

The Panel was advised that Middlesbrough had been fortunate to secure grant funding of £330,000, from the DfE which had been used to bring in experienced Practice Leaders to support quality of practice.

The next Ofsted Monitoring visit would take place on 29/30th March 2022 and would focus on:-

- Court Work
- Children and young people who had been looked after for a year or more
- Permanence – moving children to their forever homes.

An Annual Engagement Meeting with Ofsted would take place in April. (Common to all authorities).

Work was continuing to ensure a more 'joined up' approach with partners and work was being undertaken to prepare for a Joint Targeted Area Inspection (JTAI).

There would be a further Monitoring Visit in June 2022 and it was possible that the full inspection would take place towards the end of the year.

During discussion, the following issues were raised:-

- Reference was made to the £5,000 welcome incentive for qualified Social Workers and it was queried whether there were conditions attached which might be acting as a deterrent to take up. The Executive Director stated that the incentive had not been in place for long, however, she had hoped for a quicker response, but felt it was generally attributable to a lack of experienced Social Workers which was a regional and national issue. The incentive was not open to newly qualified social workers as they were unable to take on complex work initially. It was highlighted that the only condition was that a proportion of the welcome payment must be repaid if they left within the first year. It was highlighted that a three-year retention allowance programme had been introduced which had been more successful.
- A Member acknowledged that £5,000 was a good incentive to attract Social Workers but queried how Middlesbrough compared with other Tees Valley authorities in terms of salary. The Executive Director responded that whilst Middlesbrough's was not the lowest salary in the

region, it was also not the highest which was one of the reasons that the recruitment and retention incentives had been introduced. It was also important to put Middlesbrough on the map and to continue improving practice to show people that Middlesbrough was a good place to live and work and it was possible that people were deterred by the fact that Middlesbrough was currently rated as an 'inadequate' authority as they could not see the improvements being made.

- Reference was made to the 20% inadequate practice and it was queried which areas were of most concern and what was being done to address it. The Executive Director responded that there was a variation across the directorates but the key to addressing inadequate practice was to carry out audits and improve through learning. Some audits were themed, for example, looking at visits by Social Workers and by trends. Training and development could be provided where appropriate or even support provided from the Practice Leaders. It was vital to use learning to improve practice – learning through audits, complaints, comments, scrutiny, corporate parenting, etc, and it had improved greatly in some areas. Transparency was also key to improving by understanding the current position.

The Chair thanked the Executive Director for her presentation.

AGREED that the information provided be noted.

OVERVIEW AND SCRUTINY BOARD UPDATE

The Chair provided the Panel with a verbal update in relation to the business conducted by the Overview and Scrutiny Board on 22 February 2022, namely:-

- Executive forward work programme.
- Executive Member Update – Councillor Hill, Executive Member for Culture and Communities (and previously Executive Member for Education).
- Chief Executive's Update.
- Scrutiny Panels' Chair's Updates.
- Revenue and Capital Budget – Projected Outturn as at Quarter 3 2021/22.
- Corporate Performance Update – Quarter 3 2021/22.
- Next OSB meeting – Wed, 23 March 2022 at 10.00am

DATE AND TIME OF NEXT MEETING

The next meeting of the Children and Young People's Social Care and Services Scrutiny Panel was scheduled for Tuesday, 26 April 2022 at 4.00pm.