

CHILDREN'S SCRUTINY PANEL

A meeting of the Children's Scrutiny Panel was held on Monday 15 September 2025.

PRESENT: Councillors E Clynch (Chair), D Jackson, S Platt, S Tranter, Z Uddin and G Wilson

OFFICERS: P Allen, C Cannon, E Cowley, T Frankland and C Lunn

APOLOGIES FOR ABSENCE: Councillor

25/1 **WELCOME AND FIRE EVACUATION PROCEDURE**

In the event the fire alarm sounds attendees will be advised to evacuate the building via the nearest fire exit and assemble at the Bottle of Notes opposite MIMA.

25/2 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item / Nature of Business
Cllr E Clynch	Non-Pecuniary	Employed within education setting.
Cllr D Jackson	Non-Pecuniary	School Governor.
Cllr S Tranter	Non-Pecuniary	Employed within education setting.

25/3 **MINUTES - CHILDREN'S SCRUTINY PANEL - 15 JULY 2025**

It was raised that Cllr Uddin was incorrectly listed as Vice-Chair of the Children's Scrutiny Panel in the minutes. Cllr Jackson had been appointed as Vice-Chair of the Children's Scrutiny Panel at the Full Council meeting that took place on 9 July 2025. It was agreed that this would be amended and the minutes of the Children's Scrutiny Panel meeting held on 15 July 2025 were submitted and approved as a correct record.

25/4 **INTRODUCTION TO NEW SCRUTINY TOPIC - OUT OF AREA SPECIALIST PROVISION**

The Head of Inclusion, Assessment and Review provided a presentation on Out of Area Specialist Placements.

Out of Area Specialist Placement by definition was a residential or education placement that was located outside of a child's home local authority boundary and provided education provision for children that required a more tailored service, for example young people with complex or special educational needs and disabilities.

There were two types of out of area specialist provision that Middlesbrough children could access. The first was Other Local Authority Special schools which were schools maintained by the local authority where they were based or were part of the state school system. The second type was Independent Provision which were organisations run privately and not maintained by the local authority or part of the state school system. It was confirmed that some independent specialist provision offered day placements and others also provided residential options.

There were several reasons why a child would be placed in an out of area specialist provision, these included:

- Gaps in local provision
- Individual needs of a child
- Provider specialism
- The child was in the care of the local authority, lived outside of the Middlesbrough area and was in education placement close to where they live.
- The child had moved into Middlesbrough from a neighbouring local authority and for consistency it was appropriate to continue to commission the placement.

- Parental preference (for children with an EHCP, the local authority must consider parent's first choice even if out of area)

The majority of children in out of area specialist provision had an Education, Health and Care Plan and it was highlighted to Members that local placements for children were always considered first before a placement out of area was agreed.

The type of special educational needs of children in out of area specialist provision varied, with Autism Spectrum Condition and Social, Emotional and Mental Health Needs being the most common.

The majority of children in out of area specialist provision were secondary school age (71%), with 22% primary age and 6% aged over 16. In terms of geographical location of placements, 55% were within the Tees Valley; 21% were in the North East, 8% were in North Yorkshire and 15% were National.

The average cost of an out of area local authority specialist provision placement was broadly comparable to the cost of a placement in a Middlesbrough special school at around £16,000 and was funded through the High Needs Budget of the Dedicated Schools Grant. There were currently 53 children who received their education in another local authority special school outside of the Middlesbrough boundary and the total budget outturn for the 24/25 financial year for other local authority specialist provision was £1.176m. Many of these children were eligible for transport assistance and transport costs were often inflated; Middlesbrough Council worked with neighbouring local authorities to ensure good value and economies of scale and avoid creating an unreasonable cost to the transport team. The average per pupil cost of transport to other local authority schools was £4,000 per annum.

Independent provision was more costly than maintained or academy school provision and this was funded through the High Needs Budget of the Dedicated Schools Grant. There were currently 60 children in these types of placements and an average placement cost, based on current spend for Middlesbrough, was £65,000 - significantly more expensive than the cost of a placement in a special school at £16,000.

Work had been done to reduce the numbers of children accessing independent provision but uplifted fees and costs from independent providers meant that the financial impact of reducing reliance was not always fully realised. A total of £4.786m was spent on independent specialist provision in the 24/25 financial year and as with children in out of area local authority placements, many children in independent provision were also eligible for transport assistance and the average per pupil costs of transport to independent provision was around £30,000 per annum. There were 15 children who were transported to and from independent day placements by the local authority each day and the Council would never be able to eradicate the use of this type of placement completely as they as they provided a specialist service for children in Middlesbrough with the most complex needs.

Middlesbrough had 84 out of 500 looked after children living in private residential children's homes outside the local authority that provided a holistic package combining specialist care and education as one service. Many of these children would be in foster care or children's homes in Middlesbrough if there was availability. These children were receiving education either on the premises or at schools local to their children's home; these could be high-cost specialist placements for some of the children with most complex needs, many of whom also have an EHCP.

In these circumstances, staff from across children's services (including looked after children's social workers, the virtual school and the special educational needs team) worked together, supported by finance and commissioning, to secure placements and make placement decisions collectively. On occasion, residential education provision could be commissioned for children who were not looked after but this was rare in Middlesbrough.

In 2022, Middlesbrough Council took part in the Department for Education's 'Delivering Better Value in SEND Programme' and the use of independent specialist provision was identified as an area for improvement and potential cost reduction with the deployment of a different strategy. Since 2023, the Council had been successful in reducing the use of independent specialist provision in Middlesbrough had reduced. There were 60 children who accessed their education provision in independent schools and Middlesbrough had the lowest use of

Independent Special Schools in the Tees Valley at 2.97% and performed well against regional and benchmarks and continued to drive numbers down.

In addition, there was reducing reliance on the use of these placements for children with a new EHCP. In Middlesbrough 1.7% of new EHCPs were placed in independent specialist provision which was below National (2.4%) and Regional (1.8%) averages. This was due to developments in local specialist provision to increase capacity in the town, along with strong partnerships with specialist and other education providers who were committed to developing specialist expertise within Middlesbrough to meet the majority of children's needs locally.

There were a number of quality assurance checks and processes in place for using out of area schools, and in particular independent specialist providers. The Secretary of State for Education published a S41 approved list of independent special schools and specialist post 16 institutions. This list was published with assurances that providers on the list must meet certain standards.

There were also processes in place for commissioning independent specialist provisions with contracts in place and individual placement agreements for each child and schools were subject to regulatory oversight from Ofsted and the CQC. Staff from the local authority visited children in their settings regularly but there was also quality assurance processes in place for key members of LA staff to carry out quality visits at the provisions. In 2023 during the SEND Local Area Inspection, the process of out of area placements and assurance was found to be effective.

A Member acknowledged that Middlesbrough relied less on Out of Area Specialist Provision compared to its national and regional counterparts but queried how Middlesbrough compared in terms of the quality of SEND provision available in area. They also queried what the 'perfect' service would look like.

It was confirmed that Middlesbrough Council and other local authorities met with the Department for Education to share best practice and most local authorities who had increased SEND capacity had taken the same approach as Middlesbrough. The 'perfect' service would provide assurance that the needs of every child were met effectively and for the majority of children to be educated within Middlesbrough, keeping out of area provision to a minimum but most importantly a positive experience for the child and their family.

There was an opportunity to continue reducing reliance on out of area placements. This would not only have a positive financial impact, including on the high needs budget and transport budgets, but it would also mean that the majority of children will remain in their local community. It would never be possible to reduce reliance completely, but the intention would be to reach a minimal level and build local capacity and specialism to avoid reliance on out of area placements. The work required to ensure this continues, will also be included in the new SEND & Inclusion Strategy which is due to be published in January 2026.

A Member queried why out of area provision was the more attractive choice to some parents and expressed concern about the cost of independent provision.

It was advised that although a Workforce Development Strategy had been put in place to upskill staff and increase capacity in the Borough, there was sometimes still a shortage of staff that were specially qualified to cater to a variety of specific complex needs. The independent sector could provide tailored environments and often more resources and support per child which was why continuous improvement to local authority SEND provision was so important.

The Interim Director of Education and Partnerships highlighted that in 2023 Middlesbrough received positive ratings in the Ofsted conducted Area SEND (Special Educational Needs and Disabilities) inspection but that the service area continued to work with other providers to provide the best possible service.

A Member queried what the service looked like before 2023 and what needs had been addressed locally.

The service area had worked in collaboration with specialist partners to build special school capacity within Middlesbrough, particularly for those with learning disabilities and children with complex needs, which had reduced reliance on out of area provision gradually over time.

SEND provision in mainstream schools had also been improved through higher levels of adaptations to meet the needs of pupils.

A Member queried whether academies had the same responsibilities to support SEND pupils as local authority-run schools.

It was confirmed that academies had the same responsibilities as local authority-maintained schools but local authorities still provided essential SEND assistance to academies, to ensure staff felt supported to meet the needs of all pupils and manage funding to ensure it was used to meet the needs of children with SEND. The framework behind this was part of Middlesbrough Council's SEND workforce strategy.

Members thanked colleagues in the service area for their hard work and the improvements that had been made so far.

It was suggested that the Panel would agree the Terms of Reference at the next meeting which would focus on several topics discussed in the meeting:

- What had worked well in the past – good practice
- Upcoming government SEND reforms and the impacts of these
- Middlesbrough's SEND Workforce Strategy and the impact of this

AGREED that the information provided was received and noted.

25/5 **OVERVIEW AND SCRUTINY BOARD UPDATE**

The Chair provided an update on items discussed at the recent Overview and Scrutiny Board meetings held on 30 July and 17 September 2025 which included:

- Executive Member Update – The Mayor
- Delivery against the Continuous Improvement Plan - Progress update
- Overview and Scrutiny Board - Work Programme 2025/26
- Scrutiny - Work Planning 2025/26
- Pre-Decision Scrutiny Protocol
- Executive Member Update - Education and Culture
- Executive Forward Work Programme
- Forward Plan Actions Progress
- Draft Terms of Reference - Poverty, its impact, and efforts to tackle it.
- Scrutiny Chairs Update

25/6 **DATE AND TIME OF NEXT MEETING - MONDAY, 27 OCTOBER 2025 AT 4:30 PM**

The next meeting of the Children's Scrutiny Panel had been scheduled for Monday, 27 October 2025 at 4:30 pm in the Mandela Room, Town Hall.

25/7 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

None.