

CHILDREN, EDUCATION AND FAMILIES PDS COMMITTEE

Minutes of the meeting held at 7.00 pm on 8 October 2019

Present:

Councillor Nicky Dykes (Chairman)
Councillor Judi Ellis (Vice-Chairman)
Councillors Marina Ahmad, Yvonne Bear, Kevin Brooks,
Kira Gabbert, Hannah Gray, Christine Harris and
Will Rowlands

Reverend Roger Bristow
Emmanuel Arbenser and David Hullah
Angela Leeves and Ben McGowan

Also Present:

Councillor Peter Fortune, Portfolio Holder for Children, Education &
Families
Councillor Chris Pierce

19 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Neil Reddin and Councillor Kira Gabbert attended as his substitute. Apologies were also received from Mrs Michelle Fribbens.

20 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

21 MINUTES OF THE EDUCATION, CHILDREN & FAMILIES PDS COMMITTEE MEETING HELD ON 9 JULY 2019

The Committee noted that Revd. Roger Bristow had sent his apologies for the meeting.

The minutes of the meeting held on 9th July 2019 were agreed, and signed as a correct record subject to the amendment outlined above.

22 QUESTIONS TO THE COMMITTEE CHAIRMAN FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

23 MATTERS OUTSTANDING AND WORK PROGRAMME
Report CSD19141

The Committee considered a report setting out matters outstanding from previous meetings and the proposed work plan for 2019/20.

The Chairman highlighted that two policy issues – Youth Engagement and Youth Employment – had been added to the Committee’s work programme. Members also noted that two of the items (Fostering Annual Report and Virtual School Annual Report) that had been due for consideration at this meeting had been deferred to the January meeting.

A Member raised some concerns around sports provision for children with special educational needs and disabilities (SEND). In responding to the points that had been raised, the Director of Education explained that provision was signposted through the Local Offer and work was being done to strengthen the provision that was available. Specific information on sports provision in the Borough would be sent to the Committee following the meeting. Another Member noted that all schools received Sports Premium funding and this ensured that all children had the same opportunities. It was noted that there was a statutory requirement for all schools to publish on their websites details of how Sports Premium funding was spent in their schools. The Chairman requested that the Committee received a short briefing about the issue of sports provision for children with SEND.

RESOLVED: That:

- 1. Progress on matters outstanding from previous meetings be noted;**
- 2. That a briefing on sports provision for children with SEND be provided to the Committee; and**
- 3. The 2019/20 work programme be approved.**

24 QUESTIONS TO THE PORTFOLIO HOLDER FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

25 PORTFOLIO HOLDER UPDATE

The Portfolio Holder for Children, Education and Families, Cllr Peter Fortune, attended the meeting to respond to questions from the Committee. The Portfolio Holder gave a brief introduction highlighting the following issues:-

- Since the start of the new school year the Portfolio Holder had undertaken a number of school visits.
- Results for KS4 and KS5 were still being collated and would be reported to the Committee when available.
- The new Corporate Parenting Board was now up and running and was hearing the voices young people.

- Another very successful Corporate Parenting Fun Day had been held and a number of young people and their families had attended the event.
- The Living in Care Council (LinCC) were keen to ensure that they had projects that they were driving and managing themselves. One such project was the 'Bromley Pledge' which was on display outside the Member's Room. As part of this project the LinCC were selling Bromley Pledge pin badges to raise funds to support young people leaving care.
- The SEND Champions Network had recently been launched and SEND Champions had the role of promoting the importance of special educational needs and disabilities within their professional networks.
- In early September the Council had been the subject of an Ofsted and CQC Local Area SEND Inspection. The outcome of the Inspection was expected in early November and would be shared with the Committee when available.

Cllr Fortune then responded to questions making the following comments:-

- More could be done to encourage care leavers to keep in touch with the Council and their Corporate Parents. It was important to ensure that as a Corporate Parent the Council listened to the young people and provided the ongoing support that they wanted. Efforts were being made to build connections with those young people who had left care and wanted to remain in touch with the Council. There was always support available to young people leaving care, both official and unofficial and a specific event was being held during Care Leavers Week. Whilst there was a statutory obligation to provide support up until the age of 25, in practice this support continued beyond that age if required.
- The funds raised from the LinCC Bromley Pledge Badges were used to purchased items for care leavers such as collapsible furniture and cleaning products – items that would support care leavers in building their homes in the future and could travel with care leavers if they were required to move for any reason.

The Committee thanked the Portfolio Holder for the update.

26 PRE DECISION SCRUTINY OF DECISIONS FOR THE CHILDREN, EDUCATION & FAMILIES PORTFOLIO HOLDER

The Committee considered the following report where the Children, Education and Families Portfolio Holder was recommended to take a decision:

A CAPITAL PROGRAMME MONITORING Q1 2019/20 Report FSD19088

On 10th July 2019, the Executive received a report summarising the current position on capital expenditure and receipts following the 1st quarter of

2019/20 and agreed a revised Capital Programme for the four year period 2019/20 to 2022/23. The Committee considered a report highlighting changes agreed by the Executive in respect of the Capital Programme for the Children, Education and Families Portfolio.

Questioning whether departments were budgeting effectively, a Member expressed concern that 16% of the budget was being re-phased. The Head of Children and Families Finance explained that project managers were asked to provide updates on a quarterly basis and re-phasing had improved but there were some big projects which required effective planning. The Head of Children and Families Finance confirmed that the goal would be for there to be no re-phasing but realistically there was slippage with big projects. The Director of Education also highlighted that Officers were not always in full control of projects as there was often involvement of other partners such as the DfE, contractors and interaction with planning processes. Projects were always brought forward at the earliest possible stage and were closely monitored. A Member suggested that it may be helpful to increase the frequency of meetings with project managers in order to minimise slippage and reduce re-phasing.

RESOLVED: That the Portfolio Holder be recommended to note and confirm the changes agreed by the Executive on 10th July 2019.

27 LOCAL AUTHORITY DESIGNATED OFFICER REPORT 2018/19 Report CEF19008

The Committee considered a report updating Members on the activity and performance of the Local Authority Designated Role (LADO) for 2018/19. The report provided evidence of the effectiveness of LADO services provided to and on behalf of Bromley's children in care between April 2018 and March 2019.

In response to a question concerning expectations around the timeframe for staff, specifically those staff working in Children's Social Care, to report to their employer when events in their personal life could have an impact on their professional role, the former Head of Quality Improvement Service confirmed that registered Social Workers were obligated to report within 24 hours. However, there were also staff working within the Service who were not regulated in this way and it was important to ensure that clear policies, procedures and expectations were in place for these staff.

Following discussion it was agreed that guidance on the role of the LADO – what it did, how it linked with other services such as the MASH (Multi Agency Safeguarding Hub), and the child's journey through services – would be provided to the Committee following the meeting.

Noting that the report highlighted that there were ongoing issues with engagement with the Police, the Chairman questioned whether any work to deliver improvement was planned. The Head of Quality Improvement Service explained that the Police struggled to make referrals about themselves and

this was not simply an issue with the Metropolitan Police: it was a national issue. The London LADO Regional Group had invited the Metropolitan Police to a meeting to discuss this issue. Whilst work was ongoing to address this, it remained a challenge.

RESOLVED: That the report be noted.

28 INDEPENDENT REVIEWING OFFICERS ANNUAL REPORT 2018/19
Report CEF19011

The Committee considered a report providing an account of the activity of the Independent Reviewing Service between 1 April 2018 and the 31 March 2019. The report analysed and evaluated practice, plans and arrangements for looked after children and the effectiveness of the Independent Reviewing Officer service in ensuring the Local Authority, as a corporate parent, discharged its statutory responsibilities towards looked after children. Independent Reviewing Officers (IROs) were nationally introduced to represent the interests of looked after children. Their role was strengthened through the introduction of statutory guidance in April 2011. The Independent Review Officers (IRO) service was set within the framework of the updated Departmental IRO Handbook (2010) and linked to revised Care Planning Regulations and Guidance introduced in April 2011. The report before the Committee identified good practice as well as highlighting areas for development in relation to the IRO function. The IRO had a key and statutory role in relation to the improvement of care planning for looked after children. The responsibility of the IRO was to have an overview of the child's care planning arrangements in respect of the child's wellbeing in placement, and plans for the future, as well as oversight of the child's health and education. The IRO would offer constructive and targeted scrutiny and challenge regarding case management through regular monitoring and follow up between children's reviews as appropriate.

The Committee congratulated the IRO Service on the improvements that had been made in recent years.

Whilst recognising that the quality of reviews had improved a Member expressed disappointment that it appeared that not all IROs were consistent. In response, the former Head of Quality Improvement Service explained that going forward IROs would need to be creative in encouraging children to attend their reviews. It was notable that 77% of children did participate in their reviews. However, there were various reasons why children did not engage in reviews, such as the children felt they were "boring", communication difficulties, whilst some just did not want to attend because the reviews emphasised that they were in care. However, it was important that the voice of the child was heard and that there was a positive outcome from their voice.

RESOLVED: That the report be noted.

29 ANNUAL ECHS COMPLIMENTS AND COMPLAINTS REPORT
Report CEF19009

The Committee considered the Annual Complaints Report setting out statistics on the complaints received by the Council. The report also provided oversight of the annual Local Government & Social Care Ombudsman (LG&SCO) letter which summarised LG&SCO complaints/enquiries received and the decisions made about the London Borough of Bromley for the year ending 31 March 2019.

The Committee noted that there had been a negligible increase in complaints concerning children's social care. The Head of Customer Engagement and Complaints reported that there had been an increase in the financial consequences however, in the main this was down to one or two specific Ombudsman cases.

Members noted that there had been an improvement in terms of engagement with the Ombudsman coupled with a significant reduction in the number of referrals to the Ombudsman.

In response to a question from the Chairman concerning lessons learnt, the Head of Customer Engagement and Complaints explained that to a large extent the outcome of complaints was tracked and as a result of the upgraded complaints database, processes would be further improved. In the case of complaints to the Ombudsman, a formal decision letter would be issued and a quarterly complaints report was provided to relevant Directors and Heads of Service which would capture key areas of learning.

A Member suggested that it would be helpful for the Committee to be provided with details around lost Ombudsman cases (in Part 2 if necessary) to enable Members to understand the reasons for complaints being upheld. The Chairman also suggested that a recommendation should be made to the General Purposes and Licensing Committee that a review be undertaken of key areas of complaints in each Department focusing on the reasons for complaints and what was being done to address concerns.

In response to a question, the Head of Customer Engagement and Complaints confirmed that, in the main, complaints in respect of SEN Transport centred on the application process and issues that arose when eligibility criteria were not met rather than specific complaints against contractors. The Director of Education confirmed that was his experience as well.

The Committee requested that future reports include a paragraph outlining lessons learnt.

Action Point 1: That future Complaints and Compliments reports include a paragraph outlining lessons learnt.

RESOLVED: That

1. The report be noted,
2. **General Purposes and Licensing request a review of key areas of complaints in each Department focusing on the reasons for complaints and the action being taken to address concerns, and**
3. **Future report include a paragraph outlining lessons learnt.**

30 CONTRACTS REGISTER AND CONTRACTS DATABASE Report CEF19003

The Committee considered an extract from the October 2019 Contracts Register and Database for detailed scrutiny. Members noted the Part 2 contracts Register contained a detailed commentary on each contract.

A Member noted that there were a number of suppliers for the SEN Transport contract. The Director of Education explained that the proposed method of procurement was through a number of suppliers via a “call off framework”. The contract had been specifically set up in this way to enable maximum flexibility and value for money.

RESOLVED: That the report be noted.

31 YOUTH ENGAGEMENT DISCUSSION

The Committee discussed ways to enable young people to have a role in shaping the services provided by the Council and the ways in which young people could be engaged in a meaningful way.

It was proposed and agreed that a small task and finish group would be established to look at how engagement with young people could be improved.

The Bromley Youth Council representative suggested that young people could have greater involvement in the annual budget setting process. The Committee were reminded that one of the biggest areas for youth engagement in recent years was around the issue of climate change and events many events enabling youth engagement had taken place outside of the Council’s formal structures. It was suggested that it would be helpful for local ward councillors to engage in these areas and canvass wider opinion on issues considered by the Council.

The Portfolio Holder reported that there were a number of opportunities for youth engagement outside of the formal committee structures – work shadowing, work experience, the work of the Bromley Youth Council. There needed to be a mechanism for feeding the voice of the young people into the work of the Committee.

It was agreed that a small task and finish group would be establish to undertake a detailed review into youth engagement. The following Members volunteered to sit on the working group:

Cllr Nicky Dykes
Cllr Judi Ellis
Cllr Hannah Gray
Cllr Marina Ahmad

Any other Members wishing to be involved in the Task and Finish Group were advised to contact the Chairman following the meeting.

RESOLVED: That a Task and Finish Group be established to undertake a detailed review into youth engagement.

32 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000

RESOLVED that the press and public be excluded during consideration of the items of business listed below as it was likely in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present, there would be disclosure to them of exempt information.

33 EXEMPT MINUTES OF THE EDUCATION, CHILDREN & FAMILIES PDS COMMITTEE MEETING HELD ON 9 JULY 2019

The exempt (Part 2) minutes from the meeting held on 9th July 2019 were agreed, and signed as a correct record.

34 PRE DECISION SCRUTINY OF PART 2 DECISIONS FOR THE CHILDREN, EDUCATION & FAMILIES PORTFOLIO HOLDER

The Committee considered the following Part 2 report where the Children, Education and Families Portfolio Holder was recommended to take a decision:

**A DOMESTIC VIOLENCE AND ABUSE & VAWG SERVICES
AWARD REPORT
Report CEF19007**

The Committee considered the report and supported the recommendations.

The Head of Early Intervention and Family Support invited all Councillors to attend the Multi Agency training provided by the Early Intervention Service. The training focused on Safeguarding and navigated participants through the child's journey through early intervention services.

35 PRE DECISION SCRUTINY OF PART 2 (EXEMPT) EXECUTIVE REPORTS

The Committee considered the following report on the Part 2 agenda for the meeting of the Executive held on 16th October 2019:

A GATEWAY 0/1: EDUCATION MANAGEMENT INFORMATION SYSTEM
Report CEF19010

The Committee considered the report and supported the recommendations.

36 PART 2 LOCAL AUTHORITY DESIGNATED OFFICER REPORT 2018/19

The Committee considered the Part 2 (exempt from publication) information contained within the report.

37 PERFORMANCE MANAGEMENT 2019/20
Report CEF19004

The Committee considered the regular update on the performance of services for children.

A Member expressed concern that the entire report had been exempt from publication noting that there were large sections of the report that did not warrant such exemption. The Chairman confirmed that she had requested that future reports be accompanied by a Part 1 summary detailing as much information as possible. Officers responded that the report had been exempt from publication to enable transparency and open discussion at the meeting. The Portfolio Holder also confirmed that he would prefer to see more information in Part 1 but had been advised that in some cases numbers were so small it could be possible to identify individuals.

Members noted that as at the end of August 2019, the following Children's Scrutiny Dataset key performance indicators were performing below expectation:

Indicator 5: Number of Secondary Permanent Exclusions

The number of permanent exclusions from Secondary schools increased to 62 as at the end of the 2018/19 academic year. Permanent exclusions from secondary schools had risen over the past two years and the rate per school population was above both the London and National averages.

In response to a question, the Director of Education recognised that there were historical, systemic issues and action had been taken to address these. Members had agreed investment in a 14-16 vocational programme which it was hoped would make a significant contribution to addressing and resolving some of the key issues. Funding for the programme provided by the Council had been supplemented by secondary schools and the Director of Education confirmed that he was confident that improvements would be delivered.

The Portfolio Holder stressed the need to review and focus on early intervention to avoid exclusions. Members noted that an external review had been commissioned and would report back in November. The Director of

Education agreed to update the Committee on the outcome of the review at its next meeting in January 2020.

Action Point 2: That at the January meeting the Director of Education provides the Committee with an update concerning the external review on early intervention in relation to permanent exclusions.

Indicator 25: Stability of placements of Children Looked After - length of placement

The length of placement indicator referred to children under the age of 16 who had been in care for 2 and half years or more and had been in their current placement for 2 years or more. As at the end of August, 54% of children had been in their placement for two years or more.

Members noted that this indicator continued to be one of the biggest challenges due to the variety of contributing issues and the service continued to prioritise permanency planning for all children, including working on relationships with providers and carers. It was anticipated that the indicator should start to improve over the next year as the children who were moved to better placements during the Ofsted improvement journey would achieve the 2 year milestone required for this indicator. The new Head of Service for CLA would be reviewing and monitoring this.

The Assistant Director of Children's Social Care reported that going forward increases in foster carer recruitment and improvements in relationships with foster carers would also improve performance against this indicator.

Indicator 27: % of Care leavers (aged 19, 20, 21) who are in Suitable Accommodation (DFE definition)

Members noted that as at the end of June, 75% of the cohort were known to be in suitable accommodation. A small number of care leavers did not wish to have Local Authority support and involvement and so their accommodation suitability would not be known and this was something over which the Local Authority had little control. Arrangements for this cohort were regularly reviewed in order to update and maintain the suitability of accommodation.

A Member suggested that to further support the scrutiny role it would be helpful for the report to reflect two sets of figures – one including care leavers that did not wish to have ongoing support and involvement and one set of figure that excluded these care leavers. This would enable Members to judge performance against the factors within the control of the Local Authority.

Indicator 34: % Education, Health and Care Plans (EHCP) issued within statutory 20 week timescale

Members noted that the data for April to June 2019 showed that 50 out of 93 new EHCPs were completed within the 20 week timescale (54%). This was

an improvement on the previous quarter, but remained below the London and National average.

The delays had arisen from a combination of increased focus on the quality of plans and significant increases in statutory assessments being undertaken. There were 281 assessments undertaken in 2017, rising to 356 in 2018 (an increase of 27%). In 2019 to date, the number of assessments undertaken was 343, (96% of the full 2018 calendar year), with a predicted 36% increase to 484 for the full 2019 calendar year.

Members noted that a similar growth pattern was being seen nationally and the demand was impacting all services.

In response to a question, the Director of Education confirmed that this was being closely monitored by the Department and continued to be an area of focus. Significant challenges remained as a result of the growth in demand and the consequential impact on limited resources. This was closely scrutinised during the Ofsted SEND Area Inspection although it was recognised that this was a national issue. The Government was now also acknowledging that when the new arrangements were introduced in 2015 there had been significant under resourcing and funding was now being introduced to support Councils to deliver on their statutory responsibilities.

Members highlighted that the report contained limited detail on the action that was being implemented to address areas where performance was rated as amber or red. The Chairman stressed the importance of providing the Committee with sufficient detail to support Members in their scrutiny role to help drive further improvement. A Member suggested that it may be helpful for the report to contain links back to reports received by the Committee concerning indicators that were consistently red over a period of time, this would better enable Members to track the information that had been provided.

Action Point 3: That more detail be included in reports to support Members in their scrutiny role.

In response to a question, the Director of Education confirmed that the green rating of performance in relation to school Ofsted inspections was expected to remain secure following recent school inspections. However, the Director of Education highlighted that the impact of the new Ofsted Inspection Framework was still unclear and could impact on future performance.

Turning to social worker caseloads within children's social care, in response to a question, the Assistant Director of Children's Social Care confirmed that there were pressure points within safeguarding services. This remained a challenge as it was a demand led service and that demand had to be met. The reasons for the increase in the number of children accessing services remained unclear as the thresholds had not changed. If demand remained at its current level or increased further the indicator was likely to move to amber. The Portfolio Holder emphasised that the Council had an ambitious caseload

promise which was lower than other London boroughs, there was also a commitment to Newly Qualified Social Workers who carried lower caseloads.

The Committee asked that Officers consider the possibility of tracking as a performance measure the levels of complaints that were upheld as these complaints could indicate some form of service issue.

RESOLVED: That the report be noted.

The Meeting ended at 9.45 pm

Chairman