

CHILDREN, EDUCATION AND FAMILIES PDS COMMITTEE

Minutes of the meeting held at 7.00 pm on 14 September 2021

Present:

Councillor Nicky Dykes (Chairman)
Councillor Judi Ellis (Vice-Chairman)
Councillors Hannah Gray, Christine Harris, Simon Jeal,
Robert Mcilveen, Neil Reddin FCCA, Ryan Thomson and
Stephen Wells

Also Present:

Councillor Kate Lymer, Portfolio Holder for Children, Education and
Families
Councillor Kieran Terry, Executive Assistant for the Children, Education
and Families Portfolio

13 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Rev. Roger Bristow.

14 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

15 MINUTES OF THE EDUCATION, CHILDREN & FAMILIES PDS COMMITTEE MEETING HELD ON 15 JUNE 2021

The minutes of the meeting held on 15 June 2021 were agreed, and signed as a correct record.

16 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Two written questions were received at these are attached at Appendix A.

17 MATTERS OUTSTANDING AND WORK PROGRAMME Report CSD21092

The report set out the proposed programme for scrutiny of reports relating to the Children, Education and Families Portfolio for the 2021/22 municipal year.

RESOLVED: That the report be noted.

18 PORTFOLIO HOLDER UPDATE

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

- Ofsted were currently conducting a focused visit on children in care. Bromley had a good story to tell, and the Portfolio Holder had attended an interview with the Lead Inspector on Monday 13 September. Verbal feedback on the outcome of the inspection would be provided during the afternoon of Wednesday 15 September.
- In relation to Covid, many of the restrictions had been lifted and the requirements for schools had changed. Schools were now voluntarily informing Public Health of instances of significant outbreaks of infection in schools. Where these cases came to the attention of the Local Authority relevant Ward Councillors were informed.
- Funding had been received for holiday programs. There had been a good take up of places with the majority of attendees being children in receipt of free school meals.
- The Early Intervention and Family Support Service had run a Baby and Toddler Festival as well as a Fun Day in Mottingham.
- The Portfolio Holder had met with the Chair of Crystal Palace Park Trust; the Trust had arranged a very successful Summer of Play.
- In June, the Portfolio Holder had attended the Bromley Safeguarding Children Partnership meeting and would be attending a further meeting on 15 September.
- In addition, the Portfolio Holder had attended meetings of the SEND Governance Board, the YOS Strategic Board, budget meetings and meetings concerning the proposed SEN Free School.
- In partnership with London South East Colleges and Princess Royal University Hospital (PRUH), the Council was supporting internships at the PRUH for young people with autism.
- The Portfolio Holder had also informally met with the Living in Care Council and had chaired her first meeting of the Corporate Parenting Board.
- The Annual Care Leavers Celebration would take place at Christmas and the Corporate Parenting Fun Day would be held in October.

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

- Regular welfare checks by social workers and the virtual school were undertaken when children in care were required to self-isolate.
- Statistics concerning the number of young people participating in summer activities would be provided following the meeting.

The Committee thanked the Portfolio Holder for the update. The Chairman suggested that future events such as the Baby and Toddler Festival should be more widely promoted by the Council's Communications Team. The

Chairman highlighted that it had been a fantastic event which could have benefitted many more families had there been more publicity.

19 PERFORMANCE REPORTING - CHILDREN'S SCRUTINY DATASET Report CEF21029A

The report provided the Committee with its regular update on the performance of services for children. The performance index provided in appendix one is as at the end of June 2021. The Committee noted that performance had been strong and the current position was positive with only a small number of red and amber indicators.

In response to a question, the Head of Strategy and Performance confirmed that in response to Covid the requirement to publish statistics concerning absenteeism had been lifted. However, the as part of Covid recover ypublication of the statistics would be reinstated and consequently the line had been retained on the performance dataset.

The Director of Children's Services confirmed that some challenges around social worker caseloads remained however, vacancies would be filled by October and caseloads would fall back in line with the Caseload Promise as a result. The Committee noted that cases were not allocated to unqualified social workers, as such some of the caseloads were allocated to social workers in a supervisory capacity.

RESOLVED: That the report be noted.

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

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

A PROVISIONAL OUTTURN REPORT 2020/21 Report CEF21027

The report provided the provisional outturn position for 2020/21. The Committee noted that the report presented an extract of the report considered by the Executive in June 2021. The provisional outturn position showed an overspend of £125k at the end of the financial year with the budget underpinned by Covid grants.

Members noted that there remained significant pressures in the budget and any emerging pressures would be reviewed and addressed through future mitigation. Members noted that social care placement was a particular area of fluctuation with expenditure fluctuating depending on the specific needs of individual children. It was often difficult to predict specific levels of need, and this impacted on the budget. The Director of Children's Services reported that

there were also currently blockages within the court system which resulted in expenditure which was beyond the control of the Local Authority.

In response to a question, the Head of Finance for Children's Services confirmed that demands on placements and staffing had been particularly adversely impacted by Covid as a result of the requirement to continue with business as usual whilst also providing a robust response to pressures emerging from the pandemic. The Director of Education highlighted that loss of income had been a significant factor which had also impacted services and this had been offset by grant funding.

Turning to the costs around consultancy for the Bromley Safeguarding Children's Board, the Director of Children's Services explained that as part of the original children's service improvement plan Bromley had used the expertise of ex-Ofsted inspectors. The health checks from the consultants had continued as an important part of the Quality Assurance process with the Local Authority able to demonstrate that it was not "marking its own homework" and this practice had been validated by Ofsted. Members noticed that the expenditure had been included in the budget because if not for Covid the department would have been pursuing its improvement exit plan.

RESOLVED: That the Portfolio Holder endorse the 2020/21 provisional outturn position for the Children, Education and Families Portfolio.

**B BUDGET MONITORING 2021/22
Report CEF21026**

The report provided the budget monitoring position for 2021/22 based on activity up to the end of May 2021.

In response to a question regarding the overspend in SEN Transport, the Director of Education confirmed that as part of the Gateway process a range of options were explored including a commissioned service. The outcome of the Gateway process was that a framework contract was deemed to be the best option and subsequently agreed by Members. Members noticed that authorities across London, indeed nationally, were experiencing the same pressures with SEN Transport.

The Committee noted that there would be continuous review of the ongoing budget pressures. Use of grants would be reviewed and there would need to be ongoing flexibility. The use of grants would be agreed as part of the Executive budget setting process. It was acknowledged that it would be difficult to address the budget gap in the future and this would need to be reviewed as part of the Council's medium term financial strategy. As part of the Covid recovery process a prudent approach to financial management would need to be taken and emerging gaps would need to be addressed through the Council's programme of service transformation and through greater efficiencies.

Members noted that additional resources from Covid grants had been directed towards early intervention for mental health services. In order to respond to increasing demand, early intervention services had pivoted, and shortened assessments had been undertaken in order to ensure that contact was made with families.

In response to a question, the Director of Education reported that there were three Education Psychologist vacancies filled by locums, although this did fluctuate. The Department would be bringing forward proposals to secure more Education Psychologist posts although it was important to note that there was a national shortage of this area of expertise and this presented further challenges.

Recognising that the report covered the period up to May 2021, Members noted that there were currently no early indications of anything to suggest a major difference in the position due to be reported in the September monitoring. There may be some changes in response to the work that had undertaken in respect of SEN Transport. The budget for the Children, Education and Families Portfolio would continue to be volatile. The Director of Children's Services reiterated that there were a number of children awaiting decisions from the Courts. It was anticipated that these decisions would lead to better outcomes for the children whilst also easing the pressure on the budget.

RESOLVED: That the Portfolio Holder be recommended to note that the latest projected overspend of £1,706,000 is forecast on the controllable budget, based on information as at May 2021.

**C CAPITAL PROGRAMME MONITORING 2021/22 QUARTER 1
Report FSD21048**

On 15th July 2021, the Executive received a report summarising the current position on capital expenditure and receipts following the 1st quarter of 2021/22 and agreed a revised Capital Programme for the four-year period 2021/22 to 2024/25. The report highlighted changes agreed by the Executive and the Leader in respect of the Capital Programme for the Children Education, and Families Portfolio. The revised programme for this portfolio was set out in Appendix A of the report, and detailed comments on individual schemes were shown in Appendix B, and details of the 2020/21 outturn position were included in Appendix C.

RESOLVED: That the Portfolio Holder be recommended to note and acknowledge the changes agreed by the Executive on 15 July 2021.

**D EARLY YEARS SUFFICIENCY ASSESSMENT
Report CEF21035**

The Childcare Act 2006 Section 6 placed duties on local authorities to ensure sufficient childcare for working parents. Local authorities were also required to

report to elected council members on how they are meeting this duty and make a report available to parents.

In opening the discussion, the Chairman thanked Officers for the detailed reported that had been provided.

In response to a question, the Head of Early Years, School Standards and Adult Education reported that during the period of lockdown Early Years Settings had provided a range of home learning both in packs and online. Once settings reopened some vulnerable children continued to shield and settings provided ongoing additional support.

The Director of Education highlighted that throughout the pandemic the Department had continued to provide early years support to settings and by extension to families.

In response to a question concerning how early years provision could be taken into account through planning processes, the Director of Education confirmed that proposals for the Charging Schedule for the Community Infrastructure Levy (CIL) were yet to be determined and the Education Department would propose that Early Years provision was a consideration for capital funding. The Council's role in the provision of early years education was primarily one of stimulator of the market and the Department continued to work with current providers as well as seeking new providers to come forward.

RESOLVED: That the report be noted.

**E APPROVAL TO AWARD CONTRACT: INDIVIDUAL SHORT
BREAKS SERVICE
Report CEF21036A**

The existing contract for this service was due to terminate on 30 September 2021. Consequently, permission to tender for the service was secured via a Gateway 1 report in February 2021. The tender went live on the 27th April 2021 and the initial phase concluded on 25th May 2021. The new contract for this service was expected to commence on 1st October 2021. The initial proposed contract period was for three years, with an option to extend for two periods of up to one year each. If both extension clauses were utilised the contract would terminate after five years on 30th September 2026.

In response to a question, the Head of Service, Community Living Commissioning confirmed that all commissioned services had undergone an options appraisal and as part of this both outsourcing and bringing services in house had been reviewed. In the case of this contract, even though there was only one provider the proposed contract represented better value for money than bring the service back in house.

The Committee noted that the service had been retendered with reduced management costs and more funds directed to service delivery.

RESOLVED: That the Portfolio Holder be recommended to:

- 1. Award this contract, following a negotiated tender process, to Bromley Mencap for a three year contract commencing October 2021 with an option to extend for up to two years.**
- 2. Delegate the approval of the 2 year extension options to the Chief Officer; subject to agreement with the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance.**

21 SPENDING BY PRIMARY, SECONDARY AND SPECIAL MAINTAINED SCHOOLS IN 2020/21
Report CEF21034

The report provided information on all revenue and capital balances held by Primary, Secondary and Special Maintained Schools as at 31 March 2021, and also provided a comparison to the balances held at the same time in the previous year.

RESOLVED: That the report be noted.

22 VIRTUAL SCHOOL 6 MONTH UPDATE REPORT
Report CEF21030

The report provided an update on the performance of the Virtual School for children in care and children previously in care currently adopted or cared for under a Special Guardianship Order.

The Chairman noted that she had met with representative from Bromley Youth Council (BYC) and the Living in Care Council (LinCC) prior to the PDS meeting. The LinCC raised questions seeking updates on the four challenges for 2020/21 whilst BYC had asked about support for attendance. Questions were also raised around support for the mental health of young people in Care in the light of COVID and how pupil premium was being spent to support the young people.

In response to a question around changes to pupil premium, the Committee noted that the aim had been to make it more personalised. The Director of Education reported that schools had welcomed the changes which had had a positive impact.

The Committee noted that managed moves were rarely used for looked after children as often it did not provide a secure base for children to be successful. However, one child had moved school on a managed move basis last academic year and due to the support received from school and Virtual School, this was a success.

Noting the Key Stage 4 outcomes cited in paragraph 3.3.4 of the report, a Member asked whether similar data was available for Year 13 students. Following the meeting the Virtual School Head teacher provided the following equivalent data for post 16. As an update, 7 of the year 13 students who completed a Level 3 qualification were heading to University, one was taking a gap year and one was starting an apprenticeship.

Regarding Past 16 destinations, following the meeting the Virtual School Head Teacher reported that the Virtual School was still working with the cohort and collecting start data to check whether the young people had all moved on to employment / further training. The Virtual School knew that the 7 University starters were all prepared for the start of term although some had not yet started. For those who had gone on to further courses it would not be possible to determine a final figure until all registrations for courses had started which was not until October in some cases.

In response to a question, the Director of Children's Services confirmed that any additional tutoring and support that young people in the care of Bromley may need would be put in through the Virtual Head Teacher.

Members requested that an updated on the four challenges listed in the report be provided following the meeting.

RESOLVED: That the report be noted.

23 ADOPTION 6 MONTH UPDATE REPORTS

The report detailed the work of Bromley Adoption Service from 1 January 2021 to 30 June 2021. The Committee thanked the Assistant Director for Specialist services for the detailed reports on Adoption and Private Fostering as well as the informative briefing that had been held in August 2021.

The Chairman thanked the Assistant Director for Specialist Services for the session that was delivered to Members in August concerning the use of virtual reality technologies.

RESOLVED: That the report be noted.

24 PRIVATE FOSTERING 6-MONTH UPDATE REPORT

The report gave an overview of activities in relation to privately fostered children in the London Borough of Bromley from 1 January 2021 to 1 June 2021 and how the Council had discharged its duties in relation to Private Fostering.

RESOLVED: That the report be noted.

25 CORPORATE PARENTING MID YEAR REPORT 2021-22
Report CEF21033

The report provided an update of the progress of children in care and care leavers in Bromley and identify progress made against the outcomes identified in the corporate parenting strategy.

In opening the discussion the Chairman thanked the Head of Children Looked After and Care Leavers for the Member Information Session delivered in August.

The Head of Children Looked After and Care Leavers confirmed that more young people over the age of 21 were choosing to remain in contact with the service following the recent change in legislation extending services up to the age of 25.

The Committee noted that Bromley had recently re-entered the voluntary transfer of unaccompanied asylum-seeking children and in the last three weeks had taken 2 young people.

Noting that 8% of children did not always feel safe where they lived a Member asked if anything more could be done to reduce the figure. In response, the Head of Children Looked After and Care Leavers confirmed that Bromley's performance compared favourably with other local authorities. Members were reminded that the 8% cohort was likely to include young people who were in custody. The report before the committee reference particularly vulnerable young people, some who had difficult relationships. The Department continued to look at support and there was a great deal of work ongoing including the recent recruitment of a mental health practitioner.

The Head of Children Looked After and Care Leavers confirmed that specific data on gender and sexual orientation was not captured as within this cohort it could be quite fluid. The Department was continually mindful of the young people's identity needs and individual support was put in place where required.

Members noted the good work being done in relation to the recruitment of foster carers and congratulated Officers on the progress being made.

RESOLVED: That the report be noted.

26 TRANSFORMATION UPDATE
Report CSD21086

At its meeting on 30th June 2021 the Executive considered a report on the Council's Transformation Programme, and referred the report to all PDS Committees and the General Purposes and Licensing Committee.

The Chairman reported that later in the year the Committee would receive a Portfolio specific update on Transformation.

RESOLVED: That the report be noted.

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

The Chairman moved 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.

The motion was seconded by Cllr Robert McIlveen.

Following a brief discussion, the motion was put to the vote and CARRIED. (Councillor Jeal requested that his vote against the motion be recorded)

The Chairman reminded Members of the Committee that, should they have any concerns or questions surrounding either the agenda or specific items these should be raised with the Chair prior to the meeting.

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.

**The following summaries
refer to matters involving exempt information**

**28 PART 2 - PERFORMANCE REPORTING - CHILDREN'S SCRUTINY DATASET
Report CEF21029B**

The Committee noted the Part 2 report and appendices.

29 PRE DECISION SCRUTINY OF PART 2 (EXEMPT) DECISIONS FOR THE CHILDREN, EDUCATION & FAMILIES PORTFOLIO HOLDER

**A APPROVAL TO AWARD CONTRACT: INDIVIDUAL SHORT BREAKS SERVICE - PART 2
Report CEF21036B**

The Committee noted the Part 2 report and made recommendations to the Portfolio Holder.

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

The Committee considered the following reports due for consideration at the meeting of the Executive on 22 September 2021:

A SPECIAL FREE SCHOOL

Councillor Terry, as local Ward Member, addressed the Committee in support of the proposals, highlighting the importance of consultation with residents.

The Committee recommended that the Executive approve the recommendations in the report.

B HARRIS KENT HOUSE DEVELOPMENT

The Committee considered the report and recommended the Executive approve the recommendations in the report

The Meeting ended at 8.25 pm

Chairman