

At a meeting of the CHILDREN, EDUCATION AND SKILLS SCRUTINY COMMITTEE held in COMMITTEE ROOM 1, CITY HALL on THURSDAY 29th FEBRUARY 2024 at 5.30 p.m.

Present:-

Councillor Samuels in the Chair

Councillors Chapman, Crosby, Curtis, Dunn, Gibson, McDonough, P. Smith, D. Snowdon, D.E. Snowdon and Thornton

Also in attendance:-

Ms. Jill Colbert, Director of Children's Services and Chief Executive, TfC
Mr. Jim Diamond, Scrutiny Officer, Smart Cities and Enabling Services
Councillor Logan Guy, SCC
Mr. Simon Marshall, Director of Education, TfC
Ms. Kim Richardson, Strategic Education Sufficiency Lead, TfC
Ms. Pamela Robertson, Strategic Lead for SEND, TfC
Ms. Gillian Robinson, Scrutiny, Members and Mayoral Coordinator, Smart Cities & Enabling Services
Ms. Joanne Stewart, Principal Democratic Services Officer, Smart Cities & Enabling Services

Apologies for Absence

Apologies for absence were submitted on behalf of Ms. Ann Blakey.

Minutes of the last meeting of the Children, Education and Skills Scrutiny Committee held on 1st February 2024

1. RESOLVED that the minutes of the last meeting of the Committee held on 1st February 2024 be confirmed as a correct record.

Declarations of Interest (including Whipping Declarations)

There were no declarations of interest.

Development of SEND Services in Sunderland – Update

The Director of Children's Services submitted a report (copy circulated) which provided an update on the development of Special Educational Needs and Disability (SEND) across the Sunderland local area, within the context of a planned transformation programme.

(for copy report – see original minutes)

The Committee were informed that during the year the service had conducted a Delivering Best Value review of SEND services in the city and the findings reflected the way in which the rise in the High Needs Budget (HNB) had been driven by a rise in the number of Education Health and Care Plans (EHCPs).

The Committee were provided with a presentation which set out:-

- The findings of the Delivering Best Value review;
- The key areas of need;
- Case review outcomes;
- The outcomes and intended impact from the review;
- The four identified themes; Improving the quality of information, effective and consistent application of the graduated response; developing inclusive practice and implementation of effective transition programmes; and
- The proposals and next steps going forward.

The Chairman thanked Ms Robertson for their presentation and invited questions and comments from Members.

Councillor Crosby referred to the graph on page 19 of the agenda and what themes had contributed to a non-ideal outcome and the gap in service offering and asked if there was an issue with the number of educational psychologists available. Ms. Robertson commented that there were significant challenges nationally regarding the recruitment of educational psychologists, with many choosing to work privately rather than in local authority's. Posts were being restructured to make them more attractive but this was a very competitive market and the issue needed addressing nationally.

Mr. Marshall advised that they had open, rolling recruitment, paid above market value and offered the best conditions to work in but failed to get applicants applying for positions. There was a regional group looking at the issue and a recruitment strategy but they simply could not compete with working in the private sector.

Councillor Crosby also asked, with the rising number of children diagnosed with autism and other learning difficulties, if there were enough spaces within specialist schools in the city for those that needed them and was advised that the issue was not around the number of places, but more how they worked to ensure that the right children were accessing the right educational provision for them.

Mr. Marshall explained that it could be challenging if parents wanted their child in a particular educational setting; as 98% of tribunal cases nationally were found to favour the parent when they appealed, so it was paramount that services worked with parents to ensure they were on board, confident, and understood the reasons behind the decision as to what was the best setting for their child's educational need.

Councillor Chapman referred to the delay in Educational Healthcare Plan (EHCP) reviews being carried out when pupils move from primary education to secondary and Ms. Robertson advised that they had achieved 55% of those reviews within timescale. She also explained that every transfer review had happened and draft report made and that the delays were not about capacity to carry them out but more about where there may be disagreements between panel recommendation and parent preference, or where schools had prepared consultation responses that needed further exploration.

Councillor Chapman asked if they were seeing spikes in anxiety for pupils transitioning since Covid and was informed by Ms. Robertson that in early years they were seeing an impact and that this had been highlighted nationally. Mr. Marshall added that parents would begin to worry as their child approached Years 5 & 6 and apply for an EHCP as they thought it may help for their secondary provision but it could delay processes as a lot of information was needed to support a plan. Therefore, if a plan was applied for late, it could become rushed and parents could panic that the child was leaving primary provision without a plan in place; without knowing how their child may cope in secondary provision.

Ms. Robertson agreed and advised that primary schools may have nurtured their pupil really well and then worried about their transition, so more work needed to be done between the primary and secondary schools so that they were confident and refrained from the late applications being submitted unless necessary.

In response to a question from Councillor Thornton regarding the independent non-maintained specialist schools, Ms. Robertson advised that in the area there was Ashbrooke, Thornhill Park and Kirsty Hedley Foundation Schools in Newcastle along with smaller, independent schools such as Talbot House and Parkside House, for example.

Mr. Marshall advised that there was a framework of schools that provided a range of services and the pupil's needs would be assessed against that framework. The strategy in Sunderland was to create the provision within the city and the family's local community, where possible, for pupils rather than taxiing them to alternative provision around the region.

Councillor Thornton raised concerns around the 25% gap in service offering, as shown in the graph, and asked what was actually lacking, and how it was covered in the four identified themes. Ms. Robertson explained that the gaps in service would be addressed through the inclusion framework and the development of the ordinarily available provision. She advised that some of the gaps would be around health and sensory processing work and they were working with ICB health colleagues to address some of those gaps and there was a workstream which focussed on the most complex children.

In a further question, Councillor Thornton raised concerns in the spike of SEN in 5 to 6 year olds and Ms. Robertson confirmed that it was on the rise and they were seeing it through the vulnerable young people process, with more pressure on the Link School for places.

When asked if these were children who were unlikely to have a diagnosis at that age, Officers informed the Committee that it could be situational or environmental challenges that the young person was facing and they would work as a multi-agency with the family to identify causes; but they were seeing a spike in both the number and severity of the behaviours that young children were presenting with. They were working with the Link School and other intervention services to try and support young people and families when struggling and presenting with challenges in school.

Councillor Dunn praised the proposals, especially around the development of a high intensity support team and asked when they could expect this team and the transition team to be up and running? Members were advised that they were ready to go out to advert and had only found out at the end of March that the funding would

be available for April. They felt that they would be attractive roles for applicants, so they would hope to have the teams in place by early summer 2024. It was time limited funding so they were proactively looking for secondment opportunities to fill roles in the first instance.

Councillor Gibson commented that the report was interesting and encouraging and paid particular interest to the pilot programme supported by Sunningdale School and asked if the intention was to extend it beyond the primary sector to secondary also. Ms. Robertson advised that it was the plan, although it was a harder model for them to take on board as the national curriculum took on a different focus, but there was still scope for some secondary schools to be involved.

In response to a further question from Councillor Gibson regarding the projected deficit in the High Needs Budget (HNB) and if it was sustainable, Ms. Colbert advised that the national deficit must be close to £2.5 billion and the release of additional funding from Government was based on a recognition that a number of local authorities would be bankrupt as a result of the deficit in HNB. Sunderland had maintained a good position and the schools and team had done fantastic work to do the right thing for children in the city, but they were now seeing pressures that other local authorities had experienced for some time.

Mr. Marshall advised that the projections were worst case scenarios without any mitigation so the message was clear from the DfE and Government that action had to be taken, which would then be monitored. Ms. Robertson advised that they worked hard to manage the HNB in a very proactive way but like other local authorities they were hit with a high level of need but had continued to manage it in sound financial ways.

Councillor D.E. Snowdon asked for further information on which six primary schools were involved in the pilot programme being supported by Sunningdale School and was advised they would be sent to the Scrutiny Officer for circulation; but that they were spread across the city-wide area.

The Chair appreciated that each child's needs would be complex but asked if there was a breakdown of the category of need of those children in the independent schools; and if there was a particular category that budget was being spent upon that could be met in an alternative provision? Ms. Robertson advised that the biggest area of expenditure in the independent sector was with Ashbrooke School which had one of the highest levels of fees but it was not always the complexity of need that was the factor in deciding upon that school.

Mr. Marshall added that quite often children in independent settings could have a much higher level of need and the independent schools could provide a more bespoke offer, on a smaller scale, and it was all about each individual child so it was a very complex area which they couldn't give a simple answer to.

When the Chair asked how many parents challenged decisions and/or went to tribunal and if the costs associated were factored into the deficit, Members were advised that the legal costs were covered through the service, but the cost of the additional places would come from the HNB. Nationally, the figure being spent on tribunals was approximately £58 million.

The Chair referred to the role of the Communications Officer and asked if they would be promoting the benefits of provisions being offered to bring down the likelihood of parents being unhappy with their offer? Ms. Robertson advised that it was around the local offer and making sure it was where they wanted it to be; providing a dedicated resource to ensuring the local offer website is accessible, up to date and easy to engage with for parents. Members were informed it was also around promoting good case studies, sharing video stories and getting positive messages out.

In response to comments from Ms. Colbert regarding Area Committee's bearing the issues raised in mind when setting their priorities, the Chair advised that there was a representative from each of the five Committees at the meeting who could ensure it was raised and that accessibility and the offering of services were kept in mind when having those discussions.

Councillor Smith referred to the key areas of need and commented that a lot of the issues around social, emotional and mental health in children were not recognised a number of years ago but that speech and language communication problems had always been raised. She worried that the systems that had been in place over the years had not worked as they were still seeing the same issues being raised that should be dealt with in early years. Ms. Robertson advised that the speech and language services, as part of the Sunderland and South Tyneside NHS Trust, were being reviewed by the ICB and suspected that the outcomes would be more focussed on delivering the services more directly into schools.

Mr. Marshall advised that the issue was not one which was easily solved as every generation came with its own particular issues and it was a far bigger issue around early years development, good early parenting, how parents engage with their baby and other issues that they would hope to pick up in the new family hubs.

Ms. Colbert referred to the John Bercow review which gave a comprehensive view of where speech and language professionals needed to be and she reminded Members of the report which had been submitted to a previous meeting of the Committee by the Speech and Language Team, explaining that they had a very high level of need in Sunderland. It was a complex problem but they could look to ask representatives from the ICB to come to a future meeting of the Committee, following their review, so that Members could ask the experts what could be delivered through their services and the family hubs to continue to work to address the problem.

There being no further questions or comments, it was:

2. RESOLVED that the report be received and noted

Virtual School Update

The Director of Education submitted a report, (copy circulated) which updated members of the Children, Education and Skills Scrutiny Committee on the outcomes for Cared for Children and Young People and how they are supported by the Virtual School.

(for copy report – see original minutes)

Kim Richardson, Strategic Education Sufficiency Lead, presented the report and addressed questions and comments thereon.

Councillor Smith commented that having seen the journey of the Virtual School she could not praise the service enough as it had proven to be a success and those involved needed congratulating. Ms. Richardson thanked Councillor Smith for the comments and assured her she would feed those comments back to the team.

Councillor Gibson referred to the graphs setting out the Key Stage Outcomes and asked if it would be possible to have a further comparative simply for the five Tyne and Wear Authorities as the wider regional authorities may have different social problems. Mr. Marshall informed the Committee they could provide data from their benchmark neighbours which fit more closely to the demographic of Sunderland.

In response to a further question from Councillor Gibson regarding the possibility of installing a computerised system within neighbouring local authorities so that information could be exchanged to keep track of Sunderland children, Ms. Richardson advised that would be the goal in theory but they relied on the management information system of each specific school and they had no jurisdiction or collective agreement on which system should be used. She advised that whilst it was a difficult task to follow each child, they knew where each were due to the robust practices the team put in place and consistently monitored.

Councillor D. Snowdon referred to different settings being used outside of an educational setting and was informed that there could be a variety of options available. For instance, if the cared for young people were accessing tuition, then that could be undertaken out in the community and they could look to hire a variety of different venues to accommodate that or if it were an alternative provision, whereby the young person may need some intervention, they could look to provide that in a more vocational setting. They always looked to best support the child in whichever setting was best for them.

Councillor Thornton asked if Officers envisaged the Virtual School remit would broaden to cover a better support for children who were subject to special guardianship order's (SGO's) and Ms. Colbert informed Members that if all children who lived in a kinship type arrangement were afforded the same as cared for children it would mean creating a lot of additional service capacity, and authorities did not always know who those children were as they did not always ask for or need additional support. Should the Virtual School also look to support kinship children in the future then that would almost cover all children other than those with an EHCP or those in universal settings which could then water down the strength of support they were currently offering. She did advise that she would hope that they could look to offer something to those children as they would have experienced trauma and distress and support could enhance their life outcomes.

Councillor Thornton went on to comment on the eight incidents where a permanent exclusion had been avoided and wondered how many children subject to an SGO had been permanently excluded, although she realised this could be difficult to track. Ms. Colbert commented that there was a strong chance that those children were already known by services as they may have needed additional support or carer's allowances. Ms. Richardson also advised that when Officers supported pupils who had been permanently excluded from school they had access to the whole data source for that child. Any information required by the Panel could be provided by the

Access and Inclusion Team so they could make informed choices as to how to best support that child moving forward.

In response to a question from Councillor Thornton regarding the 30% of children who were educated in schools outside of Sunderland, Ms. Richardson advised that it referred to any child that was educated in any way outside of the Sunderland area. Ms. Colbert explained that through the national transfer scheme, children could be allocated to Sunderland but if they could not provide appropriate provision for them they could live and be taught elsewhere in the country.

Councillor Curtis referred to children who were subject to permanent exclusions and asked if there was a chance that it could be removed from their school record and was advised that a pupil's school record would include the narrative around the incident and not just the exclusion. They did work with schools to avoid a permanent exclusion for what, in many cases, could be quite severe or serious incidents, and in most instances were able to find alternative solutions. Mr. Marshall also explained that a child's pupil record was not like a police record either, so post 16 the child would be able to access further provision and the narrative would explain any incidents in more detail.

Councillor Curtis referred to paragraph 2.7 of the report and children having experienced educational neglect and asked if there was anything in place to reduce the amount of time children may experience this? Members were informed that the number of children cared for in Sunderland had stabilised over the last three years and that they were the third best performing authority in the region. The Committee were given reassurances that once a child was known to the Virtual School then very rapidly, processes were put in place to ensure that child was placed in an appropriate education setting and any wrap around care plan was developed immediately.

There being no further questions or comments the Chair thanked Ms Richardson for her report and it was:-

3. RESOLVED that the report be received and noted.

Annual Work Programme 2023/24

The Scrutiny, Members and Mayoral Support Coordinator submitted a report (copy circulated) which briefed members on the development of the Committee's work programme for the municipal year 2023/24 and appended a copy of the programme for Members' consideration.

(for copy report – see original minutes)

Mr. Diamond, Scrutiny Officer presented the report and briefed the Committee on the current position regarding those items already scheduled on the work programme and those waiting to be programmed in on a suitable date.

Councillor Crosby commented that they had heard from young people as part of the Change Council and asked if it could be included as an item when they came to discuss next year's work programme.

The Chair referred to the number of pending items in respect of the last meeting of the municipal year and proposed that they looked to arrange an informal briefing via a meeting on Microsoft Teams on the Elective Home Education item, with a view to it helping inform Members for their work programme for the next municipal year. The Scrutiny Officer would look at potential dates and circulate an invite to Members of the Committee accordingly.

4. RESOLVED that the report be received and noted, subject to the arrangements as set out above.

Notice of Key Decisions

The Scrutiny, Members and Mayoral Support Coordinator submitted a report (copy circulated) which provided Members with an opportunity to consider those items on the Executive's Notice of Key Decisions for the 28 day period from the 14th February 24.

(for copy report – see original minutes)

The Committee was advised that if Members had any issues to raise or required further detail on any of the items included in the notice, (that were within the purview of the Committee), they should contact Mr Diamond, Scrutiny Officer for initial assistance.

5. RESOLVED that the Notice of Key Decisions be received and noted.

There being no further items of business, the Chairman closed the meeting having thanked members and officers for their attendance and contributions.

(Signed) A. SAMUELS,
Chairman.