

## CHILDRENS SERVICES SELECT COMMITTEE

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### DRAFT MINUTES OF THE CHILDRENS SERVICES SELECT COMMITTEE MEETING HELD ON 22 JULY 2010 AT COUNCIL CHAMBERS, COUNTY HALL, TROWBRIDGE.

#### **Present:**

Cllr Paul Darby, Cllr Andrew Davis, Cllr Mary Douglas, Cllr Mark Griffiths,  
Cllr Russell Hawker, Mr J Hawkins, Mrs A Kemp, Cllr Jacqui Lay, Cllr Helen Osborn,  
Cllr Carole Soden (Chairman) and Mr M Thompson

#### **Also Present:**

Cllr Richard Clewer, Cllr Lionel Grundy OBE, Cllr Alan Macrae and Cllr Sheila Parker

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#### 87. **Election of Vice-Chairman**

The Chairman thanked Cllr Jon Hubbard for his work and sense of humour in Vice-Chairing the Committee since July 2009.

Cllr Jacqui Lay was appointed as the new Vice-Chairman.

#### 88. **Apologies and substitutions**

Apologies were received from Mr Chris Dark, Cllr Peter Fuller, Cllr Jon Hubbard, Mr Neil Owen and Cllr Pip Ridout.

Cllr Howard Marshall substituted for Cllr Jon Hubbard.

#### 89. **Minutes of the Previous Meeting**

The minutes of the meeting held on 8 June 2010 were approved as a correct record.

#### 90. **Declarations of Interests**

No declarations of interest were received.

91. **Chairman's Announcements**

1. **Agenda Papers**

At the Committee's June meeting, members were asked to submit suggestions as to the Committee's future focus, in light of the Coalition Government's plans for children and education.

The responses were collated and a paper containing the feedback circulated at the meeting. It was suggested members referred to the paper under Agenda Item No. 08.

2. **Downland School Funding**

At the Committee's May meeting, it was reported that Mr Neil Owen and the Chairman would meet with the Corporate Director for Children & Education to discuss a funding issue in relation to Downland School. A recent moderation exercise had revealed that the school had been over-funded for several years due to a mismatch between the DCSF census form and the formula used by the Council to calculate appropriate funding. The Schools Forum subsequently agreed to implement a transition period where the school's funding would be reduced to the correct level over a period of four years.

During the meeting, officers provided assurance that the census form and funding formula had now been aligned to ensure the mistake could not be repeated. A proposal was also to be put to the Schools Forum to review the arrangements for transition funding after 2 years to establish how the school was progressing and whether the transition funding was still required. This was agreed.

92. **Public Participation**

Mrs Annette Griffin and Mrs Ruth Greening attended the meeting to submit questions on Item No. 11 – Review of SEN Provision Post Consultation Report.

It was agreed that the questions would be dealt with during the item itself.

93. **Basic Skills in Wiltshire**

Alistair Cunningham, Service Director for Economy and Enterprise, presented a report on the level of Basic Skills (amongst adults) in Wiltshire.

This initial report was requested following comments in the 2009 Common Area Assessment that "too many people in Wiltshire did not have basic reading and maths qualifications. Public services had increased their targets for the number

of people getting basic qualifications but it was not clear whether they had met them.”

The following points were discussed:

- (a) There was significant concern around data quality with respect to Basic Skills, specifically the data submitted by the Skills Funding Agency to support performance management of the LAA/Local Agreement for Wiltshire. There was little confidence in this data or target data and this concern had been escalated to the Skills Funding Agency directly.
- (b) Although Wiltshire was within the lowest quartile of the statistics in relation to NI163 (working age population qualified to at least a Level 2 or higher), Wiltshire was performing well in relation to Basic Skills attainment in comparison to regional and national figures.
- (c) 27% of Wiltshire’s working age population (approximately 73,000 people) have below Level 2 qualifications. Approximately 2,000 pupils left school in 2009/10 without 5 GCSEs or higher (the benchmark for Level 2), equating to a quarter of the county’s younger population.
- (d) It had been thought previously that the overall level of Basic Skills in Wiltshire was skewed downwards by the number of people in the armed services, who tended to have fewer academic qualifications. In reality, those in the armed services often achieve degree-level qualifications as part of their employment training programme.
- (e) Work was being done to identify all Basic Skills learning provision currently available in Wiltshire to ensure proper coordination by the Council. However, this was complicated by coinciding with the Coalition Government’s evolving agenda.
- (f) A proposal existed relating to joined-up working between Connexions and Wiltshire College regarding pathways for NEETs, i.e. progression routes/opportunities to bring young people back into the job market. This was under consideration by the Wiltshire Programme Board.
- (g) A Wiltshire Strategic Economic Partnerships would be established across a local geographic area. Wiltshire Council would work with Swindon and Gloucester, or Dorset & Poole and Hampshire Councils.
- (h) Members considered whether the activity to increase Basic Skills in Wiltshire, enabled by receipt of a Performance Reward Grant, would benefit from consideration by a Task Group. As the Grant had only been received in April and the project was due to commence in August it was proposed that the Committee receive an interim report on activities at the beginning of 2011. This report would include details of what work was being undertaken to address the issues of commuter figures (a significant number of Wiltshire

residents worked outside of the Wiltshire area) and the shortage of skilled workers in the manufacturing industry.

**Resolved:**

- 1) **To note the report, including the progress made in improving the level of Basic Skills attainment in Wiltshire and the current and planned activity for maximising and sustaining this improvement.**
- 2) **To receive a further report in January/March 2011 on the planned activities of the Performance Reward Grant and an annual report thereafter.**

94. **Coalition Proposals for Children's Services and Education**

The Service Director, Schools & Learning, introduced a report detailing the latest proposals from the Coalition Government in relation to children's services and education.

The following points were discussed:

- Further budget cuts could potentially be experienced within this financial year. £415k from the Children's Centres budget had already been removed, and from November, the Council would receive no further funding for teacher training and teaching assistants. £1.9M on Quality and Access in Early Years to help design small buildings in schools could also go.
- The Education Act in the autumn would set out accountabilities for local authorities. The Council currently has responsibility for school place planning, but it would be difficult to manage this function for academies.
- DfE were also awaiting further details on the Academies Bill with updates being received daily. Parliament was expected to consider the Bill before the summer recess to allow schools to become academies in September if they wished.
- Large schools reverting to academy status would take approximately £450,000 of the local authority's budget per academy. Small schools would receive approximately £25,000. The Department for Education (DfE) had created a 'ready reckoner' enabling those schools considering conversion to academy status to calculate the level of funding they would receive as an academy.

- It was agreed that members' suggestions for future focus would be retained for further discussion following further budgetary announcements in October 2010.

**Resolved:**

**To note the report.**

95. **NEET (Not in Employment, Education or Training) progress update**

Paul Senior, Service Director of Targeted Services, and Merfyn Williams, Head of Individual Learner Support Services for Young People, presented a report on the levels of NEET (Not in Employment, Education or Training) amongst young people in Wiltshire and the actions being taken to reduce these.

Attention was drawn to the fact that 'NEET' in the report referred to 16-18 year olds as measured by National Indicator 117. NEETs within the 18-24 year old age bracket are recorded by Jobcentre Plus and responsibility for this age group rests with the DWP, not the LA.

NEET levels fluctuate constantly, with 3 or 4 Wiltshire people becoming NEET every day and 3 or 4 falling out of the NEET category. This fluctuation also reflected the periods of the year when young people tended to leave and join further education. The average duration of being NEET was 20 to 25 weeks. Children looked after and offenders were examples of those groups who were two or three times more likely to be NEET than the average. The National Audit Office reported an average cost per young person who becomes NEET of £156Kpa. This equated to approximately £35billion pa nationally.

Despite the economic downturn the levels of NEET within Wiltshire had been contained relatively well. Following a rise in 2008/9, there had been a trend of gradually reducing NEET amongst 16-18 olds evident in the subsequent 12 months.

Ensuing discussion included the following points:

- (a) The September Guarantee was a commitment that all 16-17 year olds received an offer of a learning placement. Wiltshire worked with Connexions, schools, colleges and other training providers to ensure all parties were working together. Wiltshire had set a target of 95% of 16-17% year olds receiving the offer of a placement, and this had been achieved.
- (b) The January 2010 Guarantee was a commitment that all services working with NEET would ensure an offer of participation in employment or training was received by those NEET. Over 300 16-18 year olds were affected by this Guarantee. The Government Office for the South West (GOSW)

monitored performance in this area and Wiltshire were judged to be in the top quartile nationally.

- (c) It was understood that the Schools Career Service had been reorganised within the Connexions Service. Concern was raised that a 24% reduction in funding could impact upon the service provided.
- (d) With respect to young people with SEN within the NEET category, it was also noted that 3 of Wiltshire's special schools did not have sixth form provision. Although these accounted for a small proportion of the children affected it was important not to lose sight of these children.

**Resolved:**

- 1) **To note the report.**
- 2) **To receive an annual update on the levels of NEET, to include details of NEET courses.**

96. **Youth Work Staffing Allocations 2010/11**

Kevin Sweeney, Senior Manager – Operations and Staffing (Youth Services), presented a report providing an update on proposed changes to the allocation of Youth Worker staffing discussed by the Committee on 28 January 2010.

Ensuing discussion included the following points:

- Nationally a number of authorities' youth service departments had suffered due to inflexibility in their budgets. By relocating senior workers, more finances would become available to support part-time workers in other parts of the county.
- Marlborough – the funding allocation would be considered by Cabinet in September.
- Bradford on Avon – conversations were taking place regarding the funding needs.
- Members understood the need to ensure a fair spread of funding provision across the County. Members also noted that youth clubs also catered for the needs of other organisations, as in Purton where the youth club accommodated non-Wiltshire Council groups such as the 'Beavers'.

**Resolved:**

**To note the report.**

97. **Review of SEN Provision Post Consultation Report**

At the Committee's June meeting, members requested that a Rapid Scrutiny Exercise be arranged to consider the Review of SEN Provision 2010 consultation process and consultation results. This was undertaken on 15 July. A copy of the Rapid Scrutiny Group's final report was circulated, together with the post-consultation report to Cabinet detailing the outcomes of the Review.

Members of the public who had provided questions on this item were requested to present these. Details of the questions raised by Mrs Ruth Greening and Mrs Annette Griffin, plus the responses provided by Trevor Daniels, Head of SEN, are detailed in the Appendix to these minutes.

Mrs Kemp, SEN Parent Governor Representative, introduced the Rapid Scrutiny group's Final Report. She stated that members had found the Exercise very helpful in providing an opportunity for detailed discussion with officers and the Cabinet Member. She noted that the majority of the Rapid Scrutiny Group's recommendations addressed how Wiltshire Council consultations might be improved in future, as well as how implementation of the Review's outcomes could be managed and monitored to ensure no child's education suffered due to the changes proposed. Finally, she thanked the Cabinet Member and officers for taking part in the Rapid Scrutiny Exercise.

The Cabinet Member for Children's Services was invited to comment on the reports provided.

- (a) The Cabinet Member commented that he considered the Review of SEN consultation comprehensive and successful. The consultation document had been widely circulated and all appropriate organisations had been involved. Although the statutory minimum period for the consultation had been 6 weeks, the authority had extended this to 3 months.
- (b) The Cabinet Member added that the responses received through the consultation process had led to the authority amending the Review's original proposals.
- (c) Members requested clarification of how closing Special Learning Centres (SLCs) would affect SEN provision. Officers reported that the Review addressed longstanding imbalances in SEN provision in Wiltshire and was a difficult step but one that needed to be taken. The proposed transport costs set out within the report were estimates but no increase in costs was anticipated.
- (d) Officers clarified that with the passing of responsibility for 16-19 learning from the Learning and Skills Council (LSC) to the local authority on 1 April 2010, the provision for the 16+ age group was being considered as a whole across Wiltshire and this would include SEN provision. The Select

Committee had already resolved to consider establishing a task group looking at 16+ SEN provision in November.

- (e) Officers confirmed that under the final proposals to be considered by Cabinet on 27 July, the SLCs for Complex Needs at Malmesbury Primary School and Longleaze Primary School would be retained pending a review, starting in 2012, of all SEN provision in the North East of Wiltshire, including special school provision in the area adjacent to Swindon.
- (f) Members noted that when making decisions about matters as difficult and specialised as SEN provision, they were to some extent in the hands of the professionals and had little choice but to put faith in the officers' judgement.
- (g) The Chairman acknowledged the work of the officers and the expertise provided.

**Resolved:**

**That the Committee endorsed the recommendations of the Rapid Scrutiny Exercise and referred them to Cabinet for response and consideration when Cabinet made its final decisions regarding the Review of SEN Provision on 27 July 2010.**

98. **Holding the Executive to Public Account**

Relevant items to be considered by Cabinet, Corporate Parenting Panel and Schools Forum were noted by the Committee.

**Resolved:**

**To note the relevant items from the work programmes of Cabinet, Corporate Parenting Panel and Schools Forum.**

99. **Forward Work Programme**

The draft Forward Work Programme was noted by the Committee with the following additions:

Role of the Schools Forum – September 2010.

SEN Review – November 2010. It was clarified that this item was to consider the establishment of a task group to look at SEN provision for the 16+ age bracket.

**Resolved:**

**To note the Forward Work Programme as amended.**

100. **Date of Next Meeting**

10.30am, 23 September 2010.

101. **Urgent Items**

Visit to the Laverstock schools

A report of the Committee's visit to St Josephs School, St Edmunds School and Wyvern College in Laverstock was circulated. Due to the late circulation of the report and some inaccuracies contained within, it was agreed to defer this item until the Committee's September meeting.

(Duration of meeting: 10:30am – 1:15pm)

The Officer who has produced these minutes is Sharon Smith, of Democratic & Members' Services, direct line (01225) 718378, e-mail [sharonl.smith@wiltshire.gov.uk](mailto:sharonl.smith@wiltshire.gov.uk)

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## APPENDIX TO THE MINUTES OF THE CHILDREN'S SERVICES SELECT COMMITTEE MEETING HELD ON 22 JULY 2010

### Questions from members of the public with respect to Item No. 11 – Review of SEN Provision Post Consultation Report

Some of the questions below were summarised when asked verbally at the meeting, but the versions submitted in writing are included here.

#### Questions from Mrs Ruth Greening

##### Question 1:

Could the officers please give a legal position for banding by explaining where I missed it in the SEN CoP? Or the Education Act?

##### Answer:

Banding of pupils, as a result of a moderation process, is a widely used way of funding special schools and resourced provision in mainstream schools. It enables schools to receive resources according to the level of needs of the pupils on the school roll so that the school's budget share can reflect that. As this banding is not directly related to the provision for an individual child but the determination of the school's budget it would not be referred to in the SEN Code of Practice or an Education Act.

##### Question 2

Could the officers please explain why the reports that are written as advice are of such a poor quality, and do not conform to the College of Speech and Language guidelines for children with SEN? Since we have just contracted the same providers to provide these reports, when there was an issue of quality, why it is more of the same?

##### Answer:

The Speech and Language Therapy Service writes initial assessment reports, annual review reports and statutory advice reports. Reports conform to the comprehensive guidelines of the Royal College of Speech and Language Therapists - Communicating Quality 3. The template for reports which is based on the guidelines has been peer reviewed by Speech and Language Therapy managers from beyond Wiltshire.

##### Question 3

Could the officers explain why we need more people 'pretending to help', when what is needed is help at the source, not in an ivory tower? Will these professionals actually help, or just give more advice that is not funded and then leave the school to sink, as schools have already tried Behaviour Support Team, SOCIT, and PASSIS, and the child still needs an actual professional to identify the problem, specify the provision and make the resources available to improve outcomes?

(The SEN Inclusion Service appears to be a job creation scheme, whereby the children who need the help are not able to access the higher level of support they need, as we have wasted the money on lower level nurses instead of paying for doctors, to explain it in a medical way.)

Answer:

A SEN Inclusion Service will enable the support for capacity building in primary schools to be improved and more advice on supporting individual pupils with specific SEN needs such as Autism, or Speech, Language and Communication Needs to be available to schools. This will build upon the enhanced level of expertise available to SENCOs following the new national training for newly appointed SENCOs. The aim is to ensure that primary schools will in the future feel confident that they will be able to call on advice and support above the level generally available in schools. This service can be created from the existing central staffing establishment through restructuring and new job descriptions.

The service will enable provision for pupils with SEN to be made in the best possible way using the resources available to the school. In many cases it is not about providing more resources but making sure they are used to best effect. The role of the service will be to do just that.

**Questions from Mrs Annette Griffin, representing Wiltshire Parent Carers' Council**

Question 1:

One issue raised was about the combination of the Behaviour, Emotional and Social Difficulties (BESD) and the Autistic Spectrum Disorders designations. Some respondents were concerned about the potential effects of the joint designation on some pupils with ASD, however the Headteacher and Governors of the schools were supportive of change. What is important is to ensure that only pupils that can benefit from the provision are admitted. This will be managed through the Central SEN Panel that makes admissions decisions. The descriptions, age ranges and capacities of special schools should be amended as set out in the preceding table, Wiltshire Special School Ages Ranges, Designations and Capacity. (source: Review of Special Educational Needs Post Consultation Report page 13)

The 'Review of Special Educational Needs Post Consultation Report' quote above states "issues were raised, but only the Headteacher and Governors were supportive of any change", therefore in whose interest will this action benefit? Is this a fair outcome?

Answer:

The individual responses to the consultation questionnaire were: 18% agreed, 8% disagreed and 75% offered no opinion regarding the re-designation of the special schools. Consequently this is a fair outcome to the consultation especially as the proposal is only to recognize formally what is already happening.

Question 2:

How will the Central SEN Panel ensure **only** pupils that will benefit from the provision are admitted?

Answer:

The Central SEN Panel will ensure that the most appropriate pupils are admitted to Springfield and other special schools by making decisions on the basis of up to date assessment and review reports.

Question 3:

Is this a cost saving option and an alternative placement to offer parents whose children have been unable to access mainstream secondary education? An option that will enable the County to put forward as having in county provision at such times when parents seek justice for their ASD children and apply to 'Special Educational Needs and Disability Discrimination Tribunal Service'.

Answer:

Springfields is an outstanding school. The provision at Springfield is one alternative that can be considered by the Council as part of a continuum of provision available to pupils in Wiltshire. This ranges from mainstream school provision to provision in non-Wiltshire schools. Springfields is an important part of that range of provision.

Question 4:

Why can we not now seek to provide 'in county' specialist provision for Higher functioning ASD pupils that meets their specific needs?

Answer

There will be another look at special school provision in Wiltshire through the work of the Children's Services Select Committee's Task Group that will be set up in the Autumn. This Group will be able to look at in detail provision for a variety of groups including those pupils with Autistic Spectrum Disorders.

**2. The changes with regard to the allocation of Enhanced Learning Provision.**

Question 5:

*"16. All pupils moderated at Level 2 of Enhanced Learning Provision (ELP) in Secondary Schools to have a Statutory Assessment initiated as a matter of course. The current arrangement where pupils without statements can be funded through ELP be retained pending discussions on the further developments of ELP provision (source: Review of Special Educational Needs Post Consultation Report Proposal section page 3)"*

Would this ELP continue for pupils at 'School Action Plus'?

Answer:

Enhanced Learning Provision (ELP) at Secondary Schools will continue to be available for pupils without a Statement of Special Educational Needs but should a pupil be at the higher level of ELP then a Statutory Assessment would be initiated so that a Statement could be issued.

Question 6:

*"44. The proposal to ensure that all pupils admitted to Enhanced Learning Provision (ELP) in Secondary Schools would have statements of SEN was supported by parent respondees. However as this provision is in all non-selective secondary schools in*

*Wiltshire and the resources are for pupils from that school only it is proposed to only proceed at present with a requirement for Statements of SEN to be issued for pupils who have been assessed as being at ELP2, i.e. the higher level of need. All pupils moderated at Level 2 of Enhanced Learning Provision (ELP) in Secondary Schools should have a Statutory Assessment initiated as a matter of course. The current arrangement where pupils without statements can be funded through ELP1 should be retained pending discussions on the further developments of ELP provision.” (source: Review of Special Educational Needs Post Consultation Report page 14)*

A pupil with a statement that is written, quantified and specified with provision to meet all of their educational, social emotional and communication needs and is then funded to fulfill the statement requirements, whether it include specialist additional support from for example Speech and language Therapy Service benefits further in what way from Enhanced Learning Provision?

A pupil that is statemented should in reality be receiving all the provision they require to meet their individual needs as the law requires the local authority to fulfill a duty. An additional package of ELP for a statemented child is that best use?

Would ELP better serve a pupil with SEN at SA+?

Answer:

Enhanced Learning Provision is a mechanism for funding secondary school SEN provision that is similar to the moderation processes for special schools. It has been used both for Statemented pupils and those without a Statement who are at a similar level of need. Some children in mainstream schools have statements with individual allocation of support.

### **3. The quality of SEN provision across the range of educational settings being of equal delivery.**

Question 7:

Are teachers and school staff confident they can provide quality SEN provision across the range of educational settings and ensure the education provided is of equal delivery?

Can a pupil within a mainstream setting with support for example experience an equal school day's learning as another child in a SLC with similar SEN? Pupils in mainstream are often asked to be removed for parts of the school day, or to have additional time off at such events as 'sports day' or 'school trips'.

How can pupils be equally included and not excluded?

Answer:

If teachers and other school staff are not confident that they can provide quality SEN provision there is a range of training and advice that they can access. The pupils with SEN in mainstream school would not have the same needs as pupils in special schools or specialist learning centres. There has been insufficient clarity of provision in the past. This Review will help clarify which pupils would be most appropriately educated in a particular type of provision. Pupils have an entitlement to be included in the activities of the school whenever reasonable adjustments to the activity concerned

can be made. If there is an issue in an individual case then parents will need to take the matter up initially with the school. If there are issues that the parent may need support with they can contact the Parent Partnership Service.

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