

CHILDREN'S SELECT COMMITTEE

DRAFT MINUTES OF THE CHILDREN'S SELECT COMMITTEE MEETING HELD ON 5 SEPTEMBER 2017 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Mary Champion, Cllr Anna Cuthbert, Cllr Andrew Davis, Cllr Christopher Devine, Cllr Mary Douglas, Cllr Sue Evans, Cllr Jon Hubbard, Cllr Chris Hurst, Cllr Jacqui Lay, Cllr Hayley Spencer, Ms J Hughes, Miss Sarah Busby and Mr J Hawkins

Also Present:

Cllr Laura Mayes and Cllr Philip Whalley.

45 **Apologies**

Apologies for absence were received from Cllr David Halik (who was substituted by Cllr James Sheppard), Cllr Deborah Halik (who was substituted by Cllr Peter Fuller), Dr Mike Thompson, Miss Tracy Cornelius, Mr Paul Daniel and James Wilkins.

46 **Minutes of the Previous Meeting**

Resolved:

To approve and sign the minutes of the previous meeting held on 13 June 2017 as a correct record.

47 **Declarations of Interest**

There were no declarations of interest made at the meeting.

48 **Chairman's Announcements**

The Chairman made the following announcements:-

- a) **Mr Terence Herbert** On behalf of the Committee, the Chairman warmly congratulated Mr Terence Herbert on his appointment as Corporate Director, Children & Education with effect from 14 August 2017.

- b) **Mrs Carolyn Godfrey** The Chairman reported that this would be the last meeting that Carolyn Godfrey would be attending as a Corporate Director prior to her retirement in October 2017. Together with members of the Committee, he warmly thanked her for her outstanding assistance and support for the work of this Committee and wished her every success and happiness in her future endeavours.
- c) **Cabinet Items** At its meeting on 3 July 2017, Cabinet considered the following items:-
- Children's Services Integration Project
 - Adoption Agency Annual Update 2017
 - Wiltshire CSE Action Plan Update
- d) **Outdoor Education Item** For information the item originally scheduled on the Children's Select Committee's forward work programme for this meeting regarding Outdoor Education in Wiltshire had been removed. This item had been referred to the Traded Services for Schools Rapid Scrutiny Exercise for in depth consideration. The outcomes of this and their meeting would be received by this Committee at its next meeting in the form of their rapid scrutiny report.

49 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed everyone to the meeting. He then explained the rules of public participation and procedure to be followed at the meeting.

50 **Activities of the Wiltshire Assembly of Youth (WAY)**

The Committee received a report which set out a summary of activities of the Wiltshire Assembly of Youth (WAY) during the period April to August 2017.

It was noted that WAY organised its activities according to its Agenda for Action which had the following five priorities:-

- **Priority 1: Improve emotional wellbeing and mental health support for young people** Attention was drawn to the design of an illustrative interpretation of this service to assist children, families and professionals in understanding the service. A film clip had also been prepared for the home page of the www.onyourmind.org.uk website. Members requested that copies of the briefing slides previously received by this committee on Child and Adolescent Mental Health Services be recirculated.
- **Priority 2: Personal, Social, Health and Economic Education** No specific work had been carried out in this period, although the link with the Healthy Schools had been maintained and young people would be

reviewing the next round of applications for Healthy School status as well as having input into a review of the standards.

- **Priority 3: Bullying** WAY members were working on the development of podcasts which would be available during Anti-Bullying Week 2017 (13-17 November). These recordings would consider specific themes and areas of concern, such as racial discrimination and the causes of bullying. It was suggested that area boards be informed of initiatives that were being planned in their areas. . It was also requested that the WAY update to 31 October include an update on anti-bullying.
- **Priority 4: Public Transport** It was noted that WAY had been holding discussions about transport issues and that they had a number of issues as set out in the report. WAY intended to raise the profile of these issues and arrangements were being made for representatives to attend a meeting with bus company representatives in Salisbury. WAY also intended to convey its concerns to members of the Youth Safeguarding Board at a joint meeting later in this month. A progress report would be made back to this Committee in due course.

Resolved:

To note the update from the Wiltshire Assembly of Youth (WAY).

51 **Provision of SEND Schools**

Consideration was given to a report by the Associate Director, Commissioning, Performance Management & School Effectiveness which provided an overview of the work undertaken since January 2016 on securing appropriate and adequate special school provision for children and young people in Wiltshire.

It was the Local Authority's responsibility for commissioning and securing provision to meet children and young people's identified special education needs. The Local Authority would also retain responsibility for the oversight and management of the High Needs Block of the Dedicated Schools grant.

It was reported that since January 2016 the Local Authority had been discussing with Wiltshire's special schools the potential to re-shape provision, including the possibility of creating a Multi-Academy Trust involving a number of special schools working together so as to improve the services provided for children and young adults with special educational needs and disabilities. Special schools had put forward a proposal to form a Special School Collaborative Partnership (SSCP) with potential for each special school to join a Multi-Academy Trust that also included mainstream schools.

Following receipt of a number of concerns, a joint steering group had been set up supported by a specialist SEN consultant, with agreed terms of reference. This work had now concluded and steering group's terms of reference and the key findings and summary of the consultant's findings were noted as set out in the report, which were categorised into short term, medium term and long term recommendations.

Representations were received from the following special school representatives, copies of which are appended to these minutes:-

Paul Cooke, Chair of Governors, Downland School
Annette Foster, Chair of Governors, Rowdeford School
Tanya Rhodes, Bursar, Downland School

In particular, the school representatives drew attention to Para 14 of the report which stated that education outcomes were not as good as they should be for children with SEN. The representatives went on to say that:-

- (a) This claim was unsubstantiated and strongly refuted by the Special Schools. The statement included all SEN students across the entire county including those in mainstream schools, and
- (b) In relation to the SS outcomes this was misleading. With the exception of Springfield Academy, who were rated RI at their last inspection and recent section 8 monitoring visit, all other Special Schools were rated by Ofsted as Good or Outstanding.

In response, the Committee was informed that there was certainly no criticism of individual schools which were recognised as providing an excellent service but rather that there was insufficient provision for children and young adults with SEN in Wiltshire, particularly in the south of the County.

It was noted that a number of Special Needs placements were made outside the County which were very costly to the Council. There was also considerable pressure on the Council's transport budget due to SEN travel costs. Some children had to travel significant distances to attend a school that could meet their individual educational needs.

The Committee recognised that options for reducing spend were limited, with long lead in times and it was noted that the current pattern of provision to meet the changing needs of children and young adults needed careful attention as this was driving unaffordable cost into the system. However, there was no easy way to deal with the projected overspend.

During discussion it was suggested that the various proposals set out in the short and medium term categories of the Wood Report should be prioritised but Members considered that receipt of the complete consultant's report was needed before any meaningful discussion could take place.

The Cabinet Member for Children's Services stated that the provision of services for SEND children was continually being monitored and there was a need to be receptive as the situation changed.

Resolved:

To recommend to the Overview & Scrutiny Management Committee that a task and finish group be formed to consider the future provision of education for SEND children and young people, specifically working with Officers, Schools and Parents to identify and consider the challenges outlined in the Wood Report and other associated documents.

52 DfE Changes - Update from Department for Education -

The Committee received an update from Carolyn Godfrey, Corporate Director, on developments relating to children's services arising from the Department for Education from June to August 2017 as follows:-

- 30 hours free childcare: LA and early years provider guide
- Future arrangements for school and high needs funding
- Preventing bullying in schools
- Exclusions guidance
- Publication of EBacc consultation response
- Academies update
- SEND provision capital funding for pupils with EHC plans
- Further education area reviews
- The Children and Social Work Act 2017 – new local safeguarding and child death review arrangements

Reference was made to the excellent GCSE results in Wiltshire and the Committee extended its congratulations to both the students and the teaching staff on achieving these results. Members also looked forward to receiving a detailed analysis once these results had been fully validated at a future meeting.

Resolved:

To note the update provided.

53 Task Group Updates

The Chairman reported that a discussion had been held between the Cabinet Member for Children's Services, the Portfolio Holder for Children's Safeguarding and Martin Davis, Head of Service Care and Placement, regarding the potential for scrutiny input on children transitioning out of care

from which it was being recommended that a one-off piece of rapid scrutiny should take place in October to consider the draft covenant.

Resolved:

To hold a rapid scrutiny exercise on Children in Care Leavers in October 2017.

54 Forward Work Programme

The Committee received a document showing the relevant items from the Overview & Scrutiny Forward Work Programme.

The Chairman reported that meetings between the Chairman, Vice Chairman and the Executive had been arranged to take place as follows:-

- 21 September 2017 to consider safeguarding issues
- 18 October 2017 to consider education and skills issues
- 19 October 2017 to consider issues relating to disabled children and adults

He asked members of the Committee to let himself, the Vice Chairman or the Senior Scrutiny Officer have any questions on these topics which could be discussed and considered at these meetings.

Resolved:

To note the Forward Work Programme for this Committee.

55 Date of Next Meeting

Resolved:

To note that the next scheduled meeting is due to be held on Tuesday 31 October 2017 at County Hall, Trowbridge, starting at 10.30am.

56 Urgent Items

There were no urgent items of business.

(Duration of meeting: 10.30 am - 12.50 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

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Statement to Children's Select Committee On Behalf of Special Schools0.0...

Please note that the special schools were unable to undertake written submissions to the committee prior to the deadline. In addition, none of the special school heads are available to attend today's meeting as it is the first day of the new school year.

Given the time available to us today, we will each be making statements in order to address some of the major points in the progress report:

1. Para 6 – Conclusion of work
 - a. The agreed terms of reference for the WASSP steering group included that:
 - i. The consultant's report (the Wood report) should be ratified by the steering group
 - ii. Ratification should incorporate a draft plan for the next steps
 - iii. The finding and plan should be presented to the Corporate Director
 - b. This agreed procedure was not followed. In contrast the following actions were taken
 - i. The LA produced a confidential position statement setting out their preferred way forward
 - ii. Individual meetings were held with the schools
 - iii. The position statement was presented to the Corporate Director
 - iv. The progress report for the Select Committee is based on the position statement
 - v. Neither the position statement nor progress report have been agreed by the WASSP steering group or the schools
 - vi. Ratification of the Wood report is still outstanding.
2. Para 11 – Demand for SEND places
 - a. The Wood report highlights confusing data regarding the designation of SEND pupils within the categories of SEMH/BESD/ASD and recommended an urgent review to inform future planning in this area
 - b. The graph showing declining predicted numbers for SEMH has been taken out of context – the preceding graph in the Wood report shows that Wiltshire is out of line with the SW region and the rest of the country in this regard and needs investigating.
 - c. Numbers at Downland were low, which follows the pattern of recent years, due to the way commissioning is undertaken. However over the summer the school has been asked to provide for a cohort of Y6 and Y5 pupils and is now near capacity.
 - d. Springfield Academy has a number of pupils with a primary designation of SEMH. The education officers recommend that Downland would be more appropriate, also releasing capacity for ASD children at Springfield.
3. Para 12 – Local Authorities no longer have access to capital for building work
 - a. This statement is not consistent with the DfE announcement that *“Wiltshire has been allocated a total of £801K to help create new school places and improve*

existing facilities for children and young people with SEND (See agenda item 8 paragraph 15)

- b. Whilst some Special Schools have constricted sites most have unused space. No analysis of the potential development opportunities within the existing estate, or associated costs have been considered Whilst additional capacity is required and the potential for a new school proposed in the Wood report, no cost benefit analysis has been undertaken nor evaluated against the potential changes and flexibility available in the existing schools. The schools suggest that focusing heavily on a free school approach is potentially a high risk strategy given recent Government changes to the Free School funding
 - c. The opportunity to bid for specific funding to secure a special free school in Wiltshire arose in Sept 2016; this was missed by the council and as a result Wiltshire are not one of the 19 authorities named in the July 2017 bid paper for special free schools
4. Para 14 – Education Outcomes are not as good as they should be for children with SEN
- a. This claim is unsubstantiated and strongly refuted by the Special Schools. The statement includes all SEN students across the entire county including those in mainstream schools.
 - b. In relation to the SS outcomes this is misleading. With the exception of Springfield Academy, who were rated RI at their last inspection and recent section 8 monitoring visit, all other Special Schools are rated by Ofsted as Good or Outstanding.

Further to the points raised by the previous speaker I would like to draw your attention to the following:

5. Para's 15/16/17/18/22 – Impact of housing strategy & rebasing leading to an additional 120-180 SEND places
 - a. National and regional trends have shown an increasing demand for SEND places for a number of years. Whilst Wiltshire's demand has been "historically low" (para 22), the Wood report suggests this is likely to be an "artificial" position due to **under approval of EHCPs and possibly under diagnosis.**
 - b. A percentage of new EHC Plans will be as a direct result of the housing strategy and rebasing, yet all financial contributions received under the S106 community infrastructure levy have been allocated to mainstream provision
6. Para 23
 - a. The paper highlights the fact that high needs funding allocated to children being educated in mainstream schools is not always being utilised in a way that result in maximum impact. This is a long standing issue and little action has been taken to address it.
7. Para 24/26/27 – Analysis of current commissioning process
 - a. Much of the impact on the HNB is the number of children being placed out of county or in independent provision. The Wood reports stresses this cannot be quickly 'fixed', and proposes a series of actions needed; but the LA's proposed direction jumps to proposed solutions that alone will not address the commissioning failures.
 - b. The special schools have proposed a solution based on a formal collaborative partnership between mixed community MATs (SSCP). This provides a much more robust and immediate solution to the admissions challenges as it incorporates ALL special schools and mainstream provision. The DfE has stated in its original response to questions about the SSCP proposal "*With regards to developing a suitable vehicle for MAT to MAT partnership, the Department would be content for new and existing MATs and SATs to establish an umbrella charity where its purpose is to facilitate collaboration between the trusts.*"
 - c. Admissions challenges have highlighted failures and special schools have requested the LA to develop joint admissions processes. This has not received support from the Authority.
 - d. There is available space at the existing special schools which could be developed and utilised at a potentially lower cost than new build. Schools have approached the LA to do this yet their proposals have been rejected.
 - e. For a number of years there has been a growing need for additional provision in the South of the county, which the Wood report highlights. Why was this not predicted by the LA and appropriate actions already taken?
8. Para 28 – Short term improvements to policy and practice
 - a. The forward work plan that is due from the Wood report has yet to be discussed by WASSPP and the SSs have not yet been informed of any changes in policy or practice. The SSs are keen to understand what is to be changed and the impact this will have on Wilts CYP with SEND.
9. Para 30 – Change in Rowdeford's designation from MLD to MLD/SLD or SLD

- a. All special schools have indicated that they are more than happy to flex their provision. The SSCP model would achieve this in an efficient and effective way. Membership of community MATs will allow all special schools to flex their designations more successfully, to meet on-going demands.
10. Para 31 – Mechanism for collaboration
- a. In January/February this year all the Special schools/ academies submitted a detailed proposal to the LA for the development of a formal collaborative partnership based on mixed community MATs, called the SSCP. This was in response to a request from the LA for the schools to propose a solution.
 - b. The SSCP proposes improvements which can be made quickly, by utilising the existing collaboration regulations to form a formal joint committee of the schools/academies. Improvements would include improved placement processes, increasing and beginning the formalisation of collaboration and sharing of resources between schools, increasing flexibility.

Further to the points raised by the previous speakers I would like to draw your attention to the following:

11. Para 32/33/34 – Need for new provision and funding

- a. The Special Schools agree that some reconfiguration and new provision is required but at least 5 of the schools disagree with the LA's interpretation of the Wood report and have written to the LA on this basis. The collaborative partnership proposed by the schools could meet this requirement through the delivery of an integrated Specialist provision involving all Special schools and community MAT partners.
- b. The paper contends that the most viable route to secure funding is via the Free School budget. There is no evidence to support this conclusion, which is further diluted by the recent government changes to that budget. There is no guarantee that a Free School bid would be successful and Special Schools are concerned that the authority has missed the opportunity to be part of the defined special school free school wave
 - i. Wave 13 is possible but as yet there is no firm date for a further wave and any a free school bid will be considered nationally amongst a vast number of other bids
 - ii. The funding for free schools is subject to change as at least 30 would now need to be funded via the New Presumption route – ie; LA funded
 - iii. In speaking with the RSC there is a concern that by focusing efforts on free school bids the LA has no Plan B
- c. The need is for **places/provision** some of which can be accommodated in the short-medium term by increasing capacity at existing SEN schools, exploring the re-designation of schools and additional SEN provision within some mainstream schools and MATs.

12. Equalities impact

- a. The progress report states that there are no barriers within the LA proposal to improving inclusion. The Ss ask the committee to ensure that they question whether the LAs approach is the most “inclusive” and offers YP the best opportunities and equalities.

13. Conclusion

- a. “Officers will continue to work with the Lead Member and Portfolio Holders to develop firm proposals”. WHAT ABOUT THE SPECIAL SCHOOLS? Throughout these discussions the Special Schools have felt their voice is being ignored and this statement does little to reassure them that their voice, as key stakeholders and delivery experts, is being listened to.
- b. Special Schools have already responded to the Authority's ‘Position Paper’, we have also raised our concerns with the Regional Schools Commissioner, who requested a meeting with us which we had last week. The letter was copied to Baroness Scott and Carolyn Godfrey and we'd be very happy to share it with the committee.
- c. Finally I would like to point out that by noting the statement before you today you are implicitly condoning the commissioners proposal to continue with their plans. We have not been able to respond as fully as we would have liked and so would

welcome the opportunity to discuss this in more detail with the committee so you are in a position to take an informed view of the way forward.