

PEOPLE OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the meeting held on Thursday, 12 January 2023 commencing at 10.00 am and finishing at 12.44 pm

Present:

Voting Members: Councillor Nigel Simpson – in the Chair

Councillor Kate Gregory (Deputy Chair)
Councillor Imade Edosomwan
Councillor Nick Leverton
Councillor Michael O'Connor
Councillor Bethia Thomas
Councillor Michael Waine
Councillor Liam Walker

Ruth Bennie

**Other Members
in Attendance:**

Ruth Bennie (Co-Opted Member), Councillor Tim Bearder (Cabinet Member for Adult Social Care), Councillor Liz Brighthouse (Deputy Leader and Cabinet Member for Children, Education and Young People's Services) and Councillor Pete Sudbury (Cabinet Member for Climate Change Delivery and Environment)

Officers:

Karen Fuller (Corporate Director of Adult and Housing), Kevin Gordon (Director for Children's Services), Lorna Baxter (Director of Finance), Ansaf Azhar (Director for Public Health), Pippa Corner (Deputy Director, Health, Education, Social Care and Children), Hayley Good (Deputy Director of Education), Kate Bradley (Head of SEND), Julia Hamilton (Head of Service Family Solutions North), John Pearce (Commissioning Manager (Age well) Health, Education, Social Care and Children), Jonny Bradish (Service Manager, Children's Social Care), Sarah Fogden (Finance Business Partner, Children), Ed Edwards (SEN Officer), Tom Hudson (Principal Scrutiny Officer), Marco Dias (Interim Scrutiny Officer), Jonathan Deacon (Interim Democratic Services Officer)

The Scrutiny Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting [, together with a schedule of addenda tabled at the meeting/the following additional documents:] and agreed as set out below. Copies of the agenda and reports [agenda, reports and schedule/additional documents] are attached to the signed Minutes.

1/23 INTRODUCTION AND WELCOME

(Agenda No. 1)

The Chair welcomed attendees to the meeting, including Ruth Bennie, a recently appointed Co-Opted Member. Ms Bennie, in keeping with the requirement of the Council's Constitution, is the Church of England representative appointed by the Oxford Diocesan Board of Education.

2/23 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 2)

Apologies for absence were received from Cllr Andy Graham, Cllr Mark Lygo, Cabinet Member for Public Health & Equality and also Fraser Long, the recently appointed Co-optee who, in keeping with the requirement of the Council's Constitution, is representing the Roman Catholic Church.

3/23 DECLARATION OF INTERESTS - SEE GUIDANCE NOTE ON THE BACK PAGE

(Agenda No. 3)

There were none.

4/23 MINUTES

(Agenda No. 4)

The Committee considered the minutes of the previous meeting held on 10 November 2022. It was **AGREED** that the Chair should sign the minutes as an accurate record.

The following action was **AGREED**:

- 1) That the Committee be provided with specific education data which would enable Members to assess the appropriate subject matter for scrutiny.

5/23 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 5)

The Chair advised the Committee that two people had expressed a wish to address the Committee. Having received legal advice, it had been decided that the meeting was not the right forum to raise the requested points owing to the difference between these points and the items on the agenda. The two residents had been advised as such.

The Chair added that, however, one of Scrutiny's aims is to be a doorway for the public to make their views heard, and to support the Council's strategic aim to foster a thriving participatory democracy. It was important that the Council ensured that residents were given a platform to address the Council's Committees, including the People Overview and Scrutiny Committee. He suggested that when the Work Programme item was considered later in the meeting, a meeting was added to the

schedule of meetings to look at SEND Performance, Practice, Support and Mitigation Activity.

6/23 UNPAID CARERS SERVICES (Agenda No. 6)

Cllr Tim Bearder, Cabinet Member for Adult Social Care and Karen Fuller, Corporate Director of Adult and Housing, initially addressed the Committee. They explained that this item had been included in the Work Programme following the Oxfordshire Adult Services paper in April 2022 and a commitment to report back on progress in relation to feedback from the Carers Survey. Immediate actions taken to improve carers experiences and wellbeing included training, information and communications to ensure that they were aware of the options available to them. In terms of quality of services and support, there was a review of all providers' inclusion of unpaid carers and relatives in their quality improvement processes and partnership working was taking place with Carers Oxfordshire in the provision of increased breaks, access to services and support opportunities.

The Committee was advised that from April 2021 to November 2021 there had been just over 3,600 carer assessments. In the same period during 2022 there had been over a thousand more carer assessments. Wellbeing payments had been made to 696 carers from April 2021 to November 2021 and this had increased to 1111 for the same period in 2022. Respite care was also being offered.

The Committee also heard from Jonny Bradish, Service Manager, Children's Social Care, in relation to the directly provided services for young carers. He stated that all potential young carers started with an assessment. A young carer's strength and needs were identified through the Early Help processes. The Council's Locality Community Support Service (LCSS) supported interventions to be fulfilled whilst children and young people remained in the community delivered by professionals who already had a connection with the child and their family. They would co-ordinate a multi-agency team which sought to support families.

Mr Bradish referred to other directly provided services including the Council's Early Help teams offering the benefit of an allocated key worker and regular home visiting. This was particularly appropriate when complex needs had been identified which are likely to impede the development of a child or young person.

Overall, in 2021/22 there were 743 children who were listed as being young carers and 216 received a continuing service.

Councillor Bearder concluded the presentation with positive comments received from carers regarding short break respite services and meals for carers and their families. He emphasised that the Council was developing a new strategic plan, the *Oxfordshire All-Age Unpaid Carers Strategy*, to support carers across the health and social care system. It was bringing together the work of Children's and Adult's departments in relation to carer support. It was important to raise awareness of services for carers. There was a value to providing support to carers in order that greater interventions, in the form of statutory supported services, were not required.

In addition to Cllr Bearder, Ms Fuller and Mr Bradish, responses to questions and points raised by the Committee were received from Cllr Liz Brighthouse, Deputy Leader and Cabinet Member for Children, Education and Young People's Services, Kevin Gordon, Director for Children's Services and John Pearce, Commissioning Manager (Age well) Health, Education, Social Care and Children.

The Committee noted that the main source of data on the number of unpaid carers in Oxfordshire comes from the census and welcomed the fact that data was expected to be provided later in January about health, disability and unpaid care in England and Wales relating to the 2021 census. It was recognised that much had changed since 2011, such as the interactions with carers and the partnership working with Carers Oxfordshire, sharing data.

The Committee was keen to examine the role of teachers in helping to identify young carers. Members were advised that the LCSS had fantastic connections with schools, visited them regularly and spoke regularly with named members of staff. They shared best practice and insight regarding young carers. The strength and needs assessment included indicators that young people might have caring responsibilities. It was agreed that the Committee would be provided with information on how quickly a school was informed of a young carer once this was identified. Officers also offered to provide more details on any training programmes / awareness schemes relating to young carers. The Committee considered that best practice should be shared with all schools, highlighting the indicators of a young person being a carer.

It was acknowledged that the concept of 'hard to reach' carers should be dispensed with going forward. It was also appreciated that many carers did not identify themselves as such. Approaches to reach carers included via the website and also making the pamphlet more widely available, through letterboxes and in libraries or GP surgeries. Work was taking place to encourage communities and groups who were less prominent in the service provision. One example of seeking to achieve this was working with Oxford Mosque. It was important that Members were able to pass on the message about the services being provided and would be able to promote the All Age Unpaid Carer listening events, combining adults and children carer services, when these commenced. Members were also encouraged to visit the services.

The Committee noted that the paper contained more detail on adult carers than young carers, taking into account that it was a follow up to the Oxfordshire Adult Services paper in April 2022. However, much had changed in the last few months, particularly the joint commissioning of children's and adults' services relating to All Age Unpaid Carers and this was why there was reference in the paper to young carers. There was the option to look in more detail at the strategy relating to young carers at a future People Overview and Scrutiny Committee meeting.

Officers were asked about one of the ambitions that had been expressed when the contract with Carers Oxfordshire had begun was to create a one stop shop for advice, information and support. Officers advised that in terms of seeking to realise this aim in addition to the website being up and running and the pamphlet having been created, there was a wider reach in terms of information and guidance, including with health colleagues. Age UK were able to bring their experience and expertise and

refer people to their initiatives such as the 'Chatty Bus' service. The Carers Oxfordshire contract included sharing and integration of Council records.

It was noted that the new Carers Line had received over 4,600 calls since 1 April 2022. A lot of these were around support and what was available in the local communities. The Committee would be provided with further information on the breakdown of the types of calls received. The Committee was also advised that the overheads for the Carers Oxfordshire contract was 16.7%. It covered accommodation, IT costs, HR costs, financial management and legal and professional charges. Some of the costs were shared with Age UK Oxfordshire. It was confirmed that there was allocation in the Council 2023/24 budget for the scheme to continue.

The Committee considered that there had been progress following the receipt of feedback from the Carers Survey and that the team had developed good working partnerships, including with Age UK. Members looked forward to data from the 2021 census being made available and incorporated into future scrutiny reports.

The following actions were **AGREED**:

- 1) Officers to provide information on how quickly a school was informed of a young carer once this was identified.
- 2) Officers to provide more details on any training programmes / awareness schemes relating to young carers
- 3) The Committee would be provided with further information on the breakdown of the types of calls received by the new Carers Line.

7/23 SEND FINANCES

(Agenda No. 7)

The report was introduced by Cllr Brighthouse and Mr Gordon. They advised that the issues relating to SEND were complex and needed to be understood in the national context. It was a critical point for SEND finances across the country and it required Central Government to intervene. A response was awaited from the Government to the Green Paper on SEND which had been issued for public consultation but had closed in Summer 2022.

Hayley Good, Deputy Director of Education, Kate Bradley, Head of SEND and Sarah Fogden, Finance Business Partner, Children, were in attendance to provide a presentation and respond to questions and points raised by the Committee. It was stated that there had been some indication that the Government would provide an update on the SEND Green Paper during January 2023 but this was yet to be confirmed. From a local perspective, there had been a significant increase in requests for Education and Health Care Needs Assessments and subsequently for Plans. Every time there was a Plan funding was attached to this. The number of Plans since the reforms had been introduced had increased from 2,233 in 2014/15 to 5,025 in 2021/22. This was an increase of 125%. The allocation of funding from Central Government had increased by 49% during this time. Changes were needed to prevent the deficit becoming wider.

It was explained that the High Needs Block (HNB) via Central Government was intended to enable local authorities to meet their statutory duties for Children and Young People with SEND up to the age of 25. The HNB was based on a formula including historical spending patterns plus local factors including population and levels of deprivation. Oxfordshire had a relatively high number of 'floor funded schools' and were funded at the minimum amount. The formula meant that if needs varied from year to year they were not fully reflected in local budgets and a pupil with the same need could attract significantly more or less funding in one local authority than another. Oxfordshire was the 22nd lowest funded out of 151 local authorities.

It was confirmed that the High Needs Funding grant received by the Council was £74.5m and the demand for services via the HNB was expected to cost £92m in the current year. The forecast overspend was therefore £17.5m. In Oxfordshire, 16.3% of the children in special schools were in independent provision compared to 12.3% nationally. Parents could request a preference for a placement at a special school, including in independent provision.

The Committee was advised that there had been a detailed public consultation on the local area SEND strategy which covered education, social care and health and included proposals to make SEND system reforms locally. This also looked at some system reform opportunities as it was recognised that there were aspects that needed to be done differently going forward. Work was now proceeding on the implementation plan and this was due to be shared in the coming weeks.

In terms of seeking to respond to the fact that there were not sufficient places in Oxfordshire's maintained special schools, which was a key reason as to why children had to travel to school outside the county, the Council was not able to unilaterally open new special schools. There were two new special school builds in progress at Bloxham Grove and Faringdon and bids for a further two special free schools had been submitted to the Department for Education (DfE). The Council had put itself forward to be part of DfE's Delivering Better Value programme, one of twenty local authorities involved.

Officers confirmed that significant levels of lobbying had taken place to improve the funding formula for Oxfordshire. This included the Council being part of the F40 Group, consisting of the lowest funded local authorities, which lobbied Parliament and the Secretary of State for Education. There had been an uptick in the national funding formula of 5% in the current year but the position relative to other local authorities had not changed. It was considered that the funding formula was out of date taking into account high population growths and changes to the areas of deprivation and need.

It was recognised that the deprivation indicators did not take into account the increase in SEND prevalence rates. More contemporary approaches needed to be pursued in terms of the school funding formula. Deprivation had historically been linked to SEND but the prevalence was across communities, including the more affluent in Oxfordshire. One of the biggest changes was the ability to identify autistic spectrum disorder with a 60% increase in children coming forward for statutory assessment.

It was clarified for a place in a special school, DfE funded the first £6k. At independent special schools there was no additional funding from the high needs grant. Transport costs for children travelling to independent special schools out of county impacted on the Council, being from the revenue budget rather than the HNB. Officers emphasised that the costs of the children's places were not directly proportionate to the outcomes. Often outcomes were better for the children in Oxfordshire's maintained special schools and academies.

The Committee was keen to understand how the SEND finance overspend was funded. It was stated that this went into a negative reserve on the balance sheet. The DfE had negotiated a technical accounting override until 2025/26. The deficit was currently £122m. It was estimated that the overspend on SEND finances was £2bn nationally. Lorna Baxter, Director for Finance, confirmed that regulations prohibited Council funding being put into the HNB. She stated that the Council had a demographic risk reserve where it held some funding to help bolster the overall level of reserves. There would then be some funding to offset part of the overspend. It was noted that there was not a deficit cap for local authorities.

The ability to obtain more SEND school places was considered. It was noted that all schools were opened as free schools and were academies by default. They all had a resource base planned at the premises as requested by DfE. The Council had to wait for wave funding to become available from Central Government and then submit an application for a new special school. It was agreed that officers would provide the Committee with a breakdown of the funding model for the bids for the two special free schools. It was believed that some S106 funding was involved with one of the free schools. It was agreed that officers would also come back to the Committee with information as to whether there was the capacity with S106 funding to expand existing special schools in order to increase places.

The Committee noted that the emphasis was on funding directly from DfE rather than via Community Infrastructure Levy pooled funding. Members also noted that there were expansion projects across the county to increase special school places within existing schools in addition to plans for new schools.

The Committee examined whether there was the scope to have a policy of working with organisations who were non-profit. Members were advised that there were children who needed very specialist provision and in some cases this was provided by the for profit sector.

The Committee considered that progress needed to be made on a national level following the Green Paper and the issue of Councils carrying deficits addressed. There was a need to explore further with neighbouring authorities how councils could meet the more specific needs of children in the higher cost independent sector.

The Parent Carer Forum's recommendations were discussed. Members were advised that the Director for Children's Services and the Deputy Director of Education met with the group regularly and covered off their recommendations within meetings. There had been a Council response to the Parent Carer Forum which was being included in a newsletter for parents and this would be provided to the Committee. They added that they were leading on a series of webinars for parents, starting at the

end of January and they were liaising with the Parent Carer Forum to agree the agenda and the focus for these meetings.

The following actions were **AGREED**:

- 2) Officers to provide the Committee with a breakdown of the funding model for the bids for the two special free schools.
- 3) Officers to provide the Committee with information as to whether there was the capacity with S106 funding to expand existing special schools in order to increase places.
- 4) Officers to set out numbers on list of SEND independent school providers.
- 5) a Council response to the Parent Carer Forum which was being included in a newsletter for parents to be provided to the Committee.

Recommendation: That the Council investigate the possibility of working with neighbouring Local Authorities to increase local provision of SEND services.

8/23 ACTION AND RECOMMENDATION TRACKER (Agenda No. 8)

The Committee received the action and recommendation tracker which enabled Members to monitor progress against agreed actions and recommendations. It was confirmed by Marco Dias, Interim Scrutiny Officer, that all actions were either completed or were being progressed towards completion.

The action and recommendation tracker was **NOTED**.

9/23 COMMITTEE'S WORK PROGRAMME AND THE COUNCIL'S FORWARD PLAN (Agenda No. 9)

The Committee was provided with an indicative draft Work Programme for the year ahead, the Business Management and Monitoring Report and also the current version of the Council's Forward Plan. Mr Dias stated that the updates to the previous iteration of the Work Programme included that the 'Update on Family Solutions Plus' had been re-scheduled for the next meeting on 30 March in order that SEND Finances could be considered at the current meeting. Items on Children's Social Care Placement Sufficiency, Market Management and Fostering and also Adult Social Care Demand Management and Assurance had been added to the meeting on 15 June.

The Chair's proposal for a meeting to consider an item on SEND performance, practice, support and mitigation activity was discussed. Members considered that there were a number of matters to be taken into account in relation to the item that would be difficult to include within the existing scheduled Work Programme meetings, including in the event that residents were given the opportunity to air their concerns and to receive any feedback from the webinar with families. It was **AGREED** that the timing and nature of the meeting would be discussed outside of the meeting between the Chair and Vice-Chair of the Committee and the Director for Children's Services.

The following actions were also **AGREED**:

- 1) That the Terms of Reference of the Education Commission be circulated to the Committee. It was noted that the Director for Children's Services mentioned the potential for setting up a special session in the next few months to consider the work of the Education Commission and its findings.
- 2) That an item on the new Homelessness Strategy / Oxfordshire Homelessness Alliance be added to the Work Programme.

..... in the Chair

Date of signing