

PEOPLE OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the meeting held on Thursday, 30 March 2023 commencing at 10.00 am and finishing at 1.00 pm

Present:

Voting Members: Councillor Nigel Simpson – in the Chair

Councillor Kate Gregory (Deputy Chair)
Councillor Imade Edosomwan
Councillor Andy Graham
Councillor Nick Leverton
Councillor Michael O'Connor
Councillor Michael Waine
Councillor Liam Walker
Councillor Sally Povolotsky

By Invitation: Councillor Liz Brighthouse, Cabinet Member for Children, Education, and Young People's Services

Officers:

Whole of meeting Kevin Gordon, Corporate Director: Children's Services;
Hayley Good, Deputy Director of Education;
Kate Bradley, Head of SEND;
Marco Dias, Scrutiny Officer

The Scrutiny Committee considered the matters, reports and recommendations contained or referred to in the agenda for the and agreed as set out below. Copies of the agenda and reports are attached to the signed Minutes.

10/22 INTRODUCTION AND WELCOME

(Agenda No. 1)

The Chair welcomed members, officers, and residents. He welcomed Cllr Elphinstone to her new role as a member of the Committee and noted that Cllr Povolotsky would be joining the Committee from 1 April 2023.

11/22 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 2)

Apologies were received from Ruth Bennie and from Cllr Thomas (substitute: Cllr Povolotsky).

12/22 DECLARATION OF INTERESTS - SEE GUIDANCE NOTE ON THE BACK PAGE

(Agenda No. 3)

There were none.

13/22 MINUTES

(Agenda No. 4)

7/23 The Committee noted that the minutes recorded that the Council response to the Parent Carer Forum recommendations described in agenda item 7 would be circulated to the Committee. The Committee was disappointed to have only received it on the morning of the Committee which had given no opportunity for members to consider the response. There was a call for the item on SEND to be moved to a later date to enable proper consideration.

The Chair was asked to provide officers with a firm deadline three or four working days in advance of Committee meetings for submissions to be received.

9/23 The Committee noted that it had also requested a third action including a full data report on all aspects of schools, including exclusions, part-time education, off-rolling, and suspensions.

With that amendment, the Committee resolved to approve the minutes of the meeting held on 11 January 2023 as a true and accurate record.

14/22 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 5)

Anneliese Miller addressed the Committee on agenda item 8 and explained that she was a member of the Save our Bus Seats campaign group representing 235 families. Ms Miller reported that the group had undertaken a vast amount of research and that, collectively, the group understood the subject better than anyone else. She called for the implementation of the removal of the spare seats policy to be paused and described how the Spare Seats Scheme was a source of income and not a cost. She called for the Council to work with Save our Bus Seats on a payment model and to show that the Council agreed every child in the county mattered and not just those living within the Oxford ring road.

Cllr Snowdon also addressed the Committee on agenda item 8 and praised those parents affected for their support and hard work and described them as driven and organised. He commended the report in the main whilst raising concerns about some elements of it and thanked officers for answering his questions.

Anna Antell addressed the Committee on agenda item 6. She explained that she was a grandparent carer of a child who had been excluded from mainstream education in December 2021. He had started at Huckleberry School in January 2022 and had only three hours contact per day until he was excluded from there in May 2022. Ms Antell reported that she had received only one telephone call and two emails from the Special Educational Needs and Disability (SEND) team between

December 2021 and January 2023. She explained that, whilst it had been argued that central government funding was the root cause of all problems relating to SEND, it was not central government funding that caused the appalling lack of communication.

A fourth speaker addressed the Committee on agenda item 8. She explained that her son had been diagnosed as autistic when he was four and that he had an EHCP. Through the hard work and commitment of staff at Stadhampton Primary School and at Icknield Community College, her son has progressed and had now chosen his GCSE options. Removing the Spare Seats Scheme would be terrible for her son: a change in transport would be overwhelming and a change of school would be devastated. She implored the Council not to undo all the positive changes that her son had experienced.

She asked that members read the document sent to them and that they should believe it. None of the 235 children, exclusively from rural areas, would get seats yet the Spare Seats Scheme income offset free places. As a single parent in social housing about to lose her livelihood as a result of the change, the speaker called on the Committee to stop the removal of the scheme

Cllr Bearder, Cabinet Member for Adult Social Care, thanked the Chair for allowing him to address the Committee on agenda item 8, although he had not been on the original list of speakers. He explained that he had great sympathy with where the Council was but recognised that the removal of the Spare Seats Scheme was posing a problem. He argued that the administration should be considering transport as a whole and explained that there must be alternatives. He suggested that the Committee might wish to consider recommending a moratorium to Cabinet so that the small number of families who would suffer would not suffer this year and to see if there were other options.

The Chair thanked all speakers for attending and for their contributions.

15/22 SEND DEVELOPMENTS (Agenda No. 6)

Cllr Liz Brighthouse, Cabinet Member for Children, Education, and Young People's Services, attended to present the report on developments in Special Educational Needs and Disability (SEND). She was accompanied by Kevin Gordon, Director of Children's Services, Hayley Good, Deputy Director for Education, and Kate Bradley, Head of Special Educational Needs and Disability (SEND). Cllr Brighthouse introduced the report and explained that SEND had been one of the most difficult challenges faced by the administration since it took office when there was a £17m deficit in the High Needs Block. That deficit had increased and it was a national issue rather than one unique to Oxfordshire.

Cllr Brighthouse reported that she had recently met councillors from across the country who had asked a minister at the Department for Housing, Levelling Up, and Communities (DHLUC) to raise the issue with the Chancellor of the Exchequer because, without it being taken off the books, local authorities across the country

were likely to go bankrupt. At national level, leaders across the political spectrum were talking to representatives of local government to address the issue.

Cllr Brighthouse explained that the national SEND strategy which had been issued tied in with the approach taken in Oxfordshire to focus on support in local schools. She reminded the Committee that the Council had applied for another two special schools but that those bids were not successful. She described how the Council was considering how to better support resource bases within mainstream schools and how, not least as the grandmother of a 17 year old on the autistic spectrum without an EHCP, she is determined that the Council will make a positive difference to the lives of vulnerable children.

The Director of Children's Services reminded the Committee that this was the second paper relating to SEND submitted in successive meetings. This report focused on performance and what had happened nationally. He described SEND as one of the biggest responsibilities the Council held and explained that, in his view, the Committee should never not be considering SEND and that his team was always considering SEND.

The Deputy Director reported that the Government paper on SEND and an alternative provision improvement plan had been issued very recently. She explained that it was helpful in some ways but had not given the level of detail for which many had hoped. At a local level, the Council continued to follow the priorities the team had been working on, particularly how to support the implementation of more early intervention. The Council was well aware that the earlier the intervention the more impactful it was

The Head of SEND gave a summary of the report and explained that, whilst there were no legislative changes, the plan includes national standards, a national Education Health Care Plan template, focused initial teacher training in SEND, and a refreshed National Award for Special Educational Needs and Disability Coordinators. She particularly welcomed the focused training.

Ms Bradley explained that there would not be an immediate change as much of the implementation was expected in 2024/25.

A strategic group had been established that included colleagues from education, schools, social care, Child and Adolescent Mental Health Services, and parent carer representatives to monitor three key work-streams, namely Special School outreach; Inreach Outreach hubs across the county; a Trauma-informed approach. Ms Bradley reported that these were chosen on the advice of 90 school leaders and that the expertise lay in schools across the county. The group would meet each month for three hours.

Officers were asked for further detail about the Delivering Better Value work and particularly about how the Council had come to be involved and what the expectations were and whether other authorities were involved. The point was made that other authorities were in a similar position but members regretted that Oxfordshire appeared to be unusual in having lost the confidence of many parents.

Mr Gordon explained that he would send the exact criteria to members of the Committee but that, in essence, there were two national programmes the Government was running in order to tackle the financial situation. Nationally, there was more SEND need than was being funded.

The Safety Belt programme was for those councils in the most financial distress. The next level down, of those in a slightly less problematic state, had been invited to join the Delivering Better Value programme. The Council had not applied to join it but had been told it was available and had got involved.

The concern of parents was understood and officers considered that there were positives in the Government approach with Train the Teacher being particularly welcomed. However, officers were concerned that the timelines were too long and that the Council needs to take action and use scarce resources to achieve better outcomes as early as possible.

It was explained that the funding was not new money but, rather, it was ring-fencing for a specific purpose.

Members of the Committee raised concerns that there was no update on the Education Commission and that some of the data in the report was inadequate to provide assurances to the Committee. Mr Gordon was due to meet the Independent Chair of the Education Commission after the meeting and explained that he would then be in a position to update members.

Kate Bradley concluded the presentation of the report by explaining that the Council had been working with the Department for Education on reducing the number of outstanding Education Health and Care Needs Assessments and that the DfE was content with the progress made and the trajectory the Council was on.

Members raised questions about whether it was the case that funding was not provided to schools unless a child had received an EHCP and the Committee was advised that there are three elements to funding to schools. Element 1 related to every child; Element 2 was for children whose educational needs were able to be met through School Support using the formula Assess, Plan, Do, Review; Element 3 was top-up funding for those with an Education Health and Care Plan.

In response to a question as to whether paragraph 21 of the report (“We expect most children and young people to have their needs met in their local schools without the need for statutory assessment”) was appropriate and whether it might not be the case that the pressure on the teacher and on the children in some situations would be too problematic to make this viable and whether there might be a more efficient way, Mr Gordon responded that he was happy with that general statement. He explained that this was because there were tens of thousands of children at SEN Support level across the county who thrived in mainstream settings.

Officers were asked about the Safety Valve intervention programme and how a 3-5% increase in SEND funding would affect the Council. A question was also raised about how confident officers were that the revenue funding provided to SEND to deal with the backlog was sufficient to do this by late 2024.

It was explained that 20 local authorities had been invited to take part in the scheme and that Oxfordshire was not one of them. Mr Gordon reported that his impression was that the scheme had not seen the desired impact but that it would take more time to properly assess that.

Officers reported that the revenue funding had been very useful and it had been ring-fenced for the assessment team. The problems with communication were unacceptable and the Council did not want families to feel that there was no support. The intention was that, by reorganising the team so that different people were focusing on different areas, communication would be improved.

At full capacity, the team was in a position to process 60 Education and Health Care Needs Assessments (EHCNA) per month. 140 applications had been submitted in March 2023 and so there was an issue. The Council needed more Educational Psychologists because, without them, the Assessments could not be completed. There were currently approximately 100 outstanding EHCNA, down from 400, but the Council is confident that, in 18 months, it will be in a position to meet the national average. Kate Bradley advised that there is a far greater level of monitoring of the process to ensure that the trajectory is maintained and that it is reported on to her each week and that each case is monitored each week.

The Committee explored whether it was possible to use private Educational Psychologists to provide reports and was told that there were around 20 private ones used by the Council but that each report cost £1500k but that a national requirement was that, for the report to be used as part of the EHCNA, the Educational Psychologist must be employed or commissioned by the Council.

Some parents had commissioned private reports and it was explained that, if these were under six months old, they would be reviewed by the Council's Educational Psychologist team. Some private Educational Psychologists do not provide all the information required for an EHCNA; some are not willing for them to be used for such. There was also a different approach in that Council Educational Psychologists went to schools to meet children whereas some conduct assessments by telephone.

Officers explained that the Educational Psychologist team explain to families what is required of a private report in order for it to be taken into account.

The issue of expectation management was also raised and officers highlighted that an Education and Health Care Plan itself did not generally lead to a significant change in provision. Rather, it collated the provision in place across different spheres.

The Committee discussed whether it should establish a Task and Finish group to consider SEND provision and the Council's performance so that it could be assured that officer confidence was justified and not misplaced. Having been put to the vote by Cllr Povolotsky and seconded by Cllr Waine, the Committee resolved unanimously to **ESTABLISH** such a group. The Committee also discussed whether it would prefer to meet six times a year rather than four times a year. The Committee noted the Director of Children's Services view that a new Task and Finish group as well as two-

monthly meetings would lead to significant pressure on officers which would have the potential to detract from the progress being made.

The Committee **AGREED** that the terms of reference would be discussed and brought to a future meeting of the Committee.

16/22 2022 PUPIL EDUCATION OUTCOMES
(Agenda No. 7)

In order for the report on Educational Outcomes to be considered in appropriate depth, the Committee agreed to appoint a sub-group to consider the report.

17/22 HOME TO SCHOOL TRANSPORT POLICY WORKING GROUP REPORT
(Agenda No. 8)

Cllr Graham introduced the report of the Home to School Transport Working Group and thanked members of the Group for their work as well as to the officers who had provided evidence to it. Cllr Graham wished to pay particular thanks to Marco Dias, Interim Scrutiny Officer, for his support in producing the report.

After discussion and exploration by the Committee, the Committee resolved to **AGREE** for the report to be adopted by the Committee and sent on to Cabinet with the following recommendations, as well as the report making clearer that the content of paragraphs 43 and 44 were taken from the national guidance rather than being the view of either the Council or of the Working Group:

1. The Council engage with schools regarding whether there are circumstances in which they would consider providing home to school transport for pupils entitled under the Home to School Transport policy.
2. That Cabinet decide between:
A: Home to School Transport only be provided for post-16 students at the beginning and end of a school day.
B: Budgets to remain the same for travel to after school clubs and respite care, with the Service ensuring that budgets are not overspent.
3. The Council pilot adjusting a small number of Home to School Transport routes to fill as many unfilled spare seats as practicable.
4. The Council's Home to School Transport Policy be amended so that spare seat prices are commensurate with the cost of providing them, including through the introduction of further price bands which better align with the costs of different routes.
5. That a moratorium on changes to the Spare Seats Scheme is set up swiftly to allow time for the Council to address outstanding issues.

6. The Council reassess Home to School Transport entitlement when a child begins to receive the majority of their tuition at a different site of a split-site school to that in relation to which their transport entitlement was originally assessed. The entitlement to be re-evaluated when they move to the second site or at the start of their tuition, taking both sites into consideration and planning accordingly.
7. The Council look at possible exceptions and transitional arrangements to provide spare seats to children if a new school has become the nearest available, but one or more siblings attend the previously nearest school.
8. That walking route safety assessments are regularly and consistently reassessed where circumstances may have changed, ensuring councillors are consulted (i.e. at localities meetings) and that data on assessments is made publicly available. Route safety assessments should also consider both short and long term weather conditions.
9. The Council to explore investing to save in supporting independent travel by increasing the budget, exploring delivery models and recruiting more independent travel trainers.
10. Feedback from transport eligibility appeals to be used to improve digital capabilities (communications, guidance and data collection) and to improve outcomes.
11. That the contents of this report be referred to the next Climate Action Program Board.

18/22 ACTION AND RECOMMENDATION TRACKER

(Agenda No. 9)

The Committee resolved to **NOTE** the status of current actions and recommendations.

19/22 COMMITTEE'S WORK PROGRAMME AND CABINET FORWARD PLAN

(Agenda No. 10)

The Committee resolved to **AGREE** its work programme.

20/22 CABINET RESPONSES TO SCRUTINY RECOMMENDATIONS

(Agenda No. 11)

There were none.

..... in the Chair

Date of signing