

EDUCATION SCRUTINY COMMITTEE

MINUTES of the meeting held on Wednesday, 13 December 2017 commencing at 1.00 pm and finishing at 3.25 pm.

Present:

Voting Members: Councillor Michael Waine – in the Chair

Councillor Mrs Anda Fitzgerald-O'Connor (Deputy Chairman)

Councillor Sobia Afridi

Councillor Dr Suzanne Bartington

Councillor John Howson

Councillor Gill Sanders

Councillor Alan Thompson

Other Members in Attendance: Councillor Hilary Hibbert-Biles

By Invitation: Mrs Carole Thomson
Mr Ian Jones

Officers:

Whole of meeting Director for Children's Services and Roy Leach; Deborah Miller and Katie Read (Resources).

Part of meeting Jo Brown, Rachael Etheridge, Joanna Goodey and Janet Johnson.

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

72/17 INTRODUCTION AND WELCOME

(Agenda No. 1)

The Chairman welcomed everyone to the Meeting and the new Deputy Director Laura Patel.

73/17 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 2)

Apologies for absence were received from Councillor Jeannette Matelot and Mr Richard Brown.

74/17 MINUTES

(Agenda No. 4)

The minutes of the Meeting held on 13 December 2017 were approved and signed subject to, page 3, change 'handwriting' for 'writing' and in the resolution, change the text 'Exclusions' to 'Attainment'.

75/17 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 5)

Councillor Emily Smith addressed the Committee in relation to Agenda Item 7 (Elective Home Education). She referred to her motion passed at Council which had asked for more local authority powers to identify and check on children classified as Home Educated. As a result of the motion being passed, she had received media coverage and had a lot of feedback from home educators and schools staff about the current situation and wanted pass some of these on to this committee in the hope that it would inform your discussion under agenda item 7 on Election Home Education, and possibly 8 on SEND.

1. Gaps in our data

- Children leaving school and becoming EHE – many we do not know why. Why don't we have this information. Did schools have it but not sharing it? Do we rely on parents for this info? What other ways can we find out?
- The way EHE children all fall under one category was unhelpful. Was it possible to break down the data so that we could target support to distinct groups? If a child was being educated successfully at home, was registered, getting a decent level of support and education could we put them in one group, then maybe a group for those with SEND waiting for a special school place or just under EHCP threshold, then those with history of exclusion or persistent absence, etc.
- Post 16 we record children as Participation in Learning, not participating in Learning, and unknown. Perhaps we need an Unknown category for pre-16s so we can target resource to this group?

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2. Reducing support for vulnerable children in school

- concern about the increasing number of vulnerable students being pushed out of mainstream schools.
- School funding cuts, along-side cuts to universal youth provision, long waiting lists of CAHMS support, league tables, were all making it harder for children to access the individualised support needed to thrive in the mainstream system. Could this committee look at the cuts this county had made to children's services over the past 10 years and how that was impacting on the off-rolling figures? And exclusion and attendance rates?
- Were there links to some of the issues raised in the SEND inspection. There were families who had been waiting months and years for special school places – who have considered EHE as their only option – despite not feeling qualified to home educate and having to give up work to do so.

3. Support for current EHE community.

- Until there was compulsory registration, how were we encouraging Home educators to register voluntarily. Particularly as many of them would have had negative experiences of 'the system'?
- Some asked why bother registering if we don't get anything out of it? So, what do we currently offer and what could be offered to encourage more vulnerable families to register?
- Specific things individuals said they would find useful were:
 - a. Safeguarding training,
 - b. physical space to store resources – perhaps some space in the central library or some of the Children and Family Centres,
 - c. Help with entering for exams (schools used to do this but don't now)
 - d. For councillors to understand home education better and to make contact with the home educating community
- Lastly, she commented that if she were a member of the committee here questions would be – do we have enough staff resources to meet with and offer support to this growing number of families? And given as the LA were seen as part of the system, would working in partnership with an external organisation to reach out to non -registered families work better to engage them?

76/17 ABSENCE (Agenda No. 6)

At its programme setting Meeting in July 2017, the Committee had identified School Absence as an issue of concern and agreed to add it to its work programme for a 'deep dive' investigation. The Committee now had before them a report which provided data and background information, together with any preventative action currently being taken on rates of absence from schools across Oxfordshire.

The Committee heard that the County Attendance Team had recently recruited and would now consist of 3 county attendance officers and 2 school liaison officers. A pupil tracking officer and elective home education team would work as wider members of the team.

Links with safeguarding included pathways being developed with Locality Community Support service (LCSS) to ensure consistency across the county and developing new pathways to share information through multi-agency working. - developing a Community Around the School offer.

The Pupil Missing Out working group were highlighting this is a bigger piece of work and a Missing person's panel, a formal meeting held once a month had been established to identify strategies for pupils missing more than 3 times (multi-agency). There were current concerns that not all staff had access to right systems.

Prevention activity

Data analysis and sharing was key to identifying the gaps and patterns in relation to school absence and the implementation of a targeted approach. This was however,

reliant on accuracy of data coming from schools. Schools were not always reporting children on reduced timetables. Senior Officers were collaborating with the Oxfordshire Safeguarding Children Board to address how Reduced Timetable were being used in schools. Only one third of schools had responded.

Enforcement

Parents could be prosecuted for their child's non-attendance, although this was used as a last resort. The County attendance team challenged the measures and support school were putting in place before referral to the team. School attendance orders were primarily used around EHE. Not many were used. Education supervision orders were used as a supportive measure to ensure multi-agency plans were adhered to. 4 members of staff (attendance officers and liaison officers) were working directly with 24 schools.

During discussion the following points were raised:

- Secondary attendance was at a worrying level. Was there any exemplar practice that could be shared?
- DfE changes authorised and unauthorised definition – were the figures consistent? –
- Reduced timetables – if not on timetable authorised absence? Yes, but School attendance marking was at the discretion of the Head
- Was there any data available on the length of absence for dental/medical appointments and trend in Oxfordshire?
- Children in hospital would remain on school roll, but were registered with the hospital school, which was currently rated outstanding.
- Paul Burnett was writing to schools who had not responded to the OSCB request for numbers on reduced timetables.

Following discussion, the following areas of focus were identified for the forthcoming deep dive investigation:

- More in-depth data on schools that were well performing and not (to inform school visits);
- Why does YOS stand out way above the rest?
- Anything more the LA can do to support education of persistent absence groups, particularly why YOS so high;
- Health – absences in primary and secondary for illness reasons – higher than national average;
- Absences for parents taking children out of school for holidays (look at service families);
- Reasons for unauthorised absence;
- Links between the LCSS and Attendance team;
- Role of governors and reporting to governors.

77/17 ELECTIVE HOME EDUCATION

(Agenda No. 7)

At its programme setting meeting in July, the Committee had identified Elective Home Education as a top priority for scrutiny and agreed to give further consideration as to whether the Committee should undertake an investigation into this area.

Accordingly, Rachael Etheridge, Education Inclusion Manager and Joanna Goodey, Senior County Attendance Officer attended the meeting to present an overview to the Committee on the causes of the rise in the number of children being Electively home educated and the challenges this may present for the Local Authority

In introducing the report, Ms Etheridge outlined team changes including a new rag-rating system which had been developed to ensure the limited resources within the team were utilised effectively, and that those children and families identified receive the appropriate support quickly.

The team consisted of 3 officers, equalling 2 full-time equivalent posts. 2 of those officers were qualified teachers, and visited the EHE families at home to support and offer advice as well as assess the level of education taking place.

There were 558 recorded cases of EHE within the last academic year, an increase of 21%. 70 children returned to school, compared with 90 the previous year (see Annex 1).

The main reason given for removing from school roll to home educate was 'other/unknown'; where parents had, either been unable to identify the reason from those offered or had refused to let the Local Authority know.

The second most common reason was 'dissatisfaction with the system'. This also applies nationally. There had been a drop in the number of students who were EHE and had a statement or Education Health Care Plan. 43.88% of EHE children had school attendance of 90% or less and 8.67% of students had exclusions, either fixed term or permanent.

The number of EHE children in the various key stages were as follows:

| | Key Stage 1 | Key Stage 2 | Key Stage 3 | Key Stage 4 |
|--------------------|-------------|-------------|-------------|-------------|
| No of EHE children | 82 15% | 128 23% | 193 35% | 146 26% |

There were 9 children known to the Local Authority who were EHE and of non-statutory school age.

There were spikes in years 5, 7 and 9. Information from secondary schools may suggest there is inadequate information being shared between schools at transition stages to ensure the child's needs are being met.

A school exit form was required by the Local Authority. In completing this, schools are asked to provide information that may question the child's safety, and indicate any known risks to them, that may be associated with being educated at home. The form also asked for information regarding any agencies that were involved with the child. If there was any known social care activity around the child, EHE officers would follow this up with the social worker, and attend any Team Around the Family or Child Protection meetings. If the child has an EHCP, the Annual Review may be brought forward. If the child attends a special school, he/she cannot be removed from roll until an Annual Review has been held and the SEN team are satisfied that appropriate provision will be made.

It has been acknowledged that if the family chooses not to engage with the Local Authority, health professionals may be the only professionals to see the child. Only 6 families in Oxfordshire has refused to engage. Work with the School Health Nursing Service was being developed, to promote and address the health issues of the children within the EHE community.

Only if the Local Authority had been made aware of the parent's decision to home educate prior to coming off roll, were officers able to challenge their decision. If the school were made aware of the parent's intention, the Local Authority may have an opportunity to discuss this with parents and address any issues which may be affecting their decision. Ideally, parents should be able to have a 'cooling off' period prior to their child being removed from roll, to allow time for discussion. However, legislation prevented this and schools could remove immediately. Too often parents decided to home educate without a full understanding of what it involved, and in some circumstances, schools had been proactive in the encouragement of EHE.

Plans were being discussed to enable EHE families to receive generalist safeguarding training, delivered by the Local Authority.

It is worth noting that Elective Home Education was not a risk in itself.

Local authorities had no statutory duties in relation to monitoring the quality of home education on a routine basis. However, under Section 437(1) of the Education Act 1996, local authorities should intervene if it appeared that parents were not providing a suitable education. Local authorities also had a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children.

During discussion the following points were raised:

- There were concerns that there was a feeling that officers were portraying a negative attitude towards EHE families. Rachel Etheridge undertook to investigate;
- Education rights remained with the parent in law & "efficient education" not defined in law;

- Particularly at KS4, members were concerned about the voice of the child, what could the Local Authority do to help them?
- Much of 'off-rolling' was taken at key exam stage. Members had grave concerns regarding the impacts on life chances of the pupil.
- Practical work going on with health (SHN and HV)
- What were the rights of the child in this area?
- Were there any strategies in place where parents were not happy with the provision? School-by-school based approach
- What were we doing in Oxfordshire to sign post families to support? Officers confirmed that a pack of information was sent to families and they had access to colleges
- Could members lobby for the exams to be funded nationally?
- Scope for Oxfordshire to explore requirements for enforcing an educational plan – officers confirmed that legislation meant they didn't have to provide one.
- Was there any feedback on services provided?
- There was a lack of clarity over 'unknown' reasons for EHE;
- There was a strong EHE lobby group that gave a lot of advice
- Was there a trend / view on whether schools were pushing parents to off-roll their children instead of permanently excluding
- Based on reasons for taking children out of school – could we tailor the support provided?
- How could we foster the relationships between EHE – what networks were in place?
- Members found it deeply worrying that there were families that we were unaware of – need to close the gap
- What the pack sent out to parents contained
- What tools were available to parents to help them challenge schools?

Following discussion, the Chairman proposed and it was **AGREED**:

- (a) that a small sub-group of 2 to 3 members (to include Councillor Emily Smith) meet with officers to delve into the questions raised today and report back to the Committee;
- (b) to invite someone from the EHE Community, preferably a parent who had been home schooling from an early age to come and speak to the group.

78/17 LOCAL AREA INSPECTION OF SPECIAL EDUCATIONAL NEEDS AND DISABILITIES

(Agenda No. 8)

The Committee had before it a report which outlined the outcome of the recent Ofsted and CQC joint local area inspection of Oxfordshire to judge the effectiveness of the area in implementing the disability and special educational needs reforms as set out in the Children's and Families Act 2014.

Inspectors spoke with children and young people with disabilities and/or special educational needs, parents and carers, local authority and National Health Service (NHS) officers. They visited a range of providers and spoke to leaders, staff and governors about how they were implementing the special educational needs reforms. Inspectors

looked at a range of information about the performance of the local area, including the local area's self-evaluation. Inspectors met with leaders from the local area for health, social care and education. They reviewed performance data and evidence about the local offer and joint commissioning.

The report was published on December 4th and stated that the local area was required to produce and submit a written statement of action to Ofsted that explains how the local area will tackle the following areas of significant weakness:

- the lack of clearly understood and effective lines of accountability for the implementation of the reforms
- the quality and rigour of self-evaluation and monitoring and the limited effect it has had on driving and securing improvement
- the quality of EHC plans
- the timeliness of the completion of EHC plans
- the high level of fixed-term exclusion of pupils in mainstream secondary schools who have special educational needs and social, emotional and mental health needs in particular.

Her Majesty's Chief Inspector (HMCI) had determined that the local authority and the area's clinical commissioning group were jointly responsible for submitting the written statement of action to Ofsted within 70 days of the published report (March 14th).

Since the inspection there had been an opportunity to reflect and begin to implement the learning from the experience. The spot light on SEND had raised the importance of the area's joint responsibilities and emphasised how austerity measures had been impacting on Oxfordshire's ability to deliver the SEND reforms.

The Programme Board was overseeing the implementation of the reforms and was chaired by the Cabinet member for Public Health and Education, Councillor Hilary Hibbert-Biles, and would report to the Children's Trust and Oxfordshire's Health and Wellbeing Board, ensuring joint accountability.

Resources were being considered to strengthen services and provision for children and young people with SEND to enable the local area to fulfil its duties. Some immediate decisions have been made including:

- reversing the planned savings for the SEN casework team from April 2018 (£250,000) and providing an extra £250,000 to maintain the current staffing levels in the casework team if the DfE SEND grant ceases (April 2018).
- 3 additional educational psychologists.
- A manager to take a lead for improving behaviour.

As the detailed action plan was developed further resource implications would be identified.

Oxfordshire's SEND action plan was being updated to address the areas of weakness identified and in line with Ofsted guidance. The written statement of action would be submitted to Ofsted and the CQC within 70 working days of the published report (March 14th). The SEND Programme Board will sign off the action plan before submitting it to the DfE.

A performance dashboard containing targets across education, health and care was being developed.

During discussion, the Committee made the following points:

- the Committee welcomed the initial actions that had been taken thus far to address the areas for improvement that relate to education;
- there was a need to be mindful not to duplicate work in response to inspection that was being carried out by the ESC;
- the Committee felt that it would have been helpful for Ofsted/CQC qualitative;
- the report did not reflect that schools were in the process of changing to academies,
- the Strengths of the education service had not been recognised in the report;
- officers were submitting written statement of action on five key areas;
- the DfE had been surprised that we've been asked for a statement of action – supported the strengths highlighted through the inspection;
- the outcome would provide momentum for change;
- the Council were raising profile of SEND through stronger Programme Board, reporting to the Children's Trust;
- there was a Multi-agency action plan being developed, performance dashboard;
- Submitting written statement of action on five key areas;
- DfE surprised that we've been asked for a statement of action – supported the strengths highlighted through the inspection;
- Outcome will provide momentum for change;
- Raising profile of SEND through stronger Programme Board, reporting to the Children's Trust
- Multi-agency action plan being developed, performance dashboard
- That the Education Health and Care Plan (EHCP) waiting time were far too long.

The Cabinet Member for Public Health & Education, being present for this item, concurred that the waiting times for EHCP were not good enough and needed to be improved. She undertook to investigate the cause for delay.

Following discussion the Committee **AGREED** to ask the Chairman to write to the government regarding the continuing and historic underfunding of the high needs and to ask officers to report back to the Committee in June in progress, together with an action plan.

79/17 ANTI-BULLYING STRATEGY

(Agenda No. 9)

In response to a motion from Council requesting that the Committee review the prevalence of prejudice-related bullying in schools and online, the Committee had before them report which outlined the current local evidence and action being taken to prevent and reduce bullying in Oxfordshire, including information about the local authority's legal obligations and how current work to address bullying met the local vision and priorities for Children's Services.

The report also included a brief overview of work being carried out as part of the current Anti-Bullying Strategy and the work to address both online and prejudice-related bullying and the specific focus on work to mitigate the impact on vulnerable groups.

The Committee was invited to identify areas of focus for a more detailed discussion on this topic at a future scrutiny meeting, including scrutiny of how this issue was being overseen by the Children's Trust and Corporate Parenting Panel. Accordingly, Ms Jo Brown, Anti-Bullying Co-ordinator had been invited to attend the meeting for an initial discussion on this topic.

Ms Brown in introducing the report, explained that Oxfordshire's Anti-Bullying Strategy had a detailed action plan which was refreshed annually at the start of each school year. There was a wealth of both national and local evidence that indicated a link between bullying and not feeling "safe to learn" in school. There was also clear evidence of a link between bullying and reduced school attendance and attainment and evidence that bullying could impact on mental health and well-being.

Oxfordshire had a free online bullying survey that schools could access all year round. Schools who participated were provided with a unique link in order that they could identify and address issues locally. Last year 6,457 children (from 9 secondary and 15 primary schools) took part. Participating schools had used results to develop effective Anti-Bullying practice and thus create greater safety for students. Results were then analysed centrally in depth to inform the Anti-Bullying strategy action plan and ensure that it was evidence-based.

Results from last year's survey showed that, in line with national trends and previous local results, those young people who were "different" from the majority in terms of experience of a long-term illness or disability, race, religion, or sexuality were likely to experience increased frequency of bullying and "feeling unsafe". Of this group, secondary age young people who identified as lesbian, gay, bisexual or transgender (LGBT) appeared to be very vulnerable with 10% never feeling safe in the classroom (compared to 1% of those identifying as heterosexual). Those results had been consistent over several years and, whilst showing some improvement, action to address prejudice-related bullying had remained a high-priority within the strategy. Work of the Anti-Bullying strategy therefore supported the local vision for Children's Services to ensure the children within Oxfordshire are healthy, safe, supported and successful. It also contributed to the current Children's Services obsessions specifically increasing school attendance – leading to improved attainment.

During discussion the following points were raised:

The Chairman queried whether there was a protocol that all schools had signed up to. Ms Brown explained that the role of the council was to promote and recommend that all schools follow the current government guidance on preventing and tackling bullying, but that the Council’s role was in an advisory capacity and that there was no requirement for schools to follow it. The Council did provide the on-line bullying survey, training and resources.

Members queried how many schools had responded to the Online survey. Mrs Brown confirmed that 25 primaries had completed the survey and fewer secondary.

This was currently in the national spotlight, need to be aware of any up and coming legislative changes.

Mrs Thomson queried whether this could be included/highlighted in the governor’s report – there was a need to give governors levers to work on.

Members of the Committee suggested that although there was no requirement by schools to follow a protocol, a ready-made solution could be offered to all schools to sign up to.

The Cabinet Member for Public Health & Education who was in attendance for this item indicated that she thought this was an excellent idea and agreed to work with officers to develop a code of practice.

Following discussion, the Committee **AGREED** to request that a code of practice and protocol for all schools to voluntary sign-up be developed and brought back to the Committee and that officers seek a view from Children’s Trust and CPP on what they’re doing.

80/17 FORWARD PLAN AND COMMITTEE BUSINESS
(Agenda No. 10)

The Committee considered the forward plan and **AGREED** that the Chairman and Vice Chairman, together with officers would manage the business on the current work programme for the efficient running of the Committee.

..... in the Chair

Date of signing