

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Minutes of the Meeting held on 23 January 2024 at 6.00 pm

Present:-

Cllr B Dove – Chair

Cllr S Bull – Vice-Chair

Present: Cllr P Broadhead, Cllr B Chick, Cllr P Cooper, Cllr E Harman,
Cllr B Hitchcock, Cllr S Mackrow, Cllr D Martin, Cllr A-M Moriarty and
Cllr O Walters

Co-Opted Members: D Rees-Coshan and Z Susic

56. Apologies

Apologies for absence were received from Cllr Olivia Brown and Mark Saxby.

57. Substitute Members

Cllr Oliver Walter substituted for Cllr Olivia Brown on this occasion.

58. Declarations of Interests

Cllr Emily Harman declared an interest as she would be applying to obtain an EHCP for a family member in the future, Cllr Simon Bull declared an interest as a family member was in receipt of an EHCP but had a dispensation for the meeting, and Cllr Bobbie Dove declared an interest as a family member was in receipt of an EHCP but had a dispensation for the meeting. Cllr Anne-Marie Moriarty declared an interest as she taught at a college locally.

59. Confirmation of Minutes

The Minutes of the meetings held on 6 and 21 November were confirmed as accurate records and signed by the Chair subject to the following amendment on the Minutes of 6 November at Minute 34 – Safety Valve Programme, 2 further bullet points be added to the Committee discussion as follows:

- The Chair stressed the importance of completing an Equality Impact Assessment and consultation with respect of the Brown principles.
- In response to a concern about meeting the requirements set out in the agreement against meeting the statutory responsibilities of the Council, the Committee was advised of consequences of not fulfilling the agreement which included withholding funding; however, it was stressed that Officers would continue to meet their statutory duties.

60. Action Sheet

There was no discussion on this item.

61. Public Issues

The following public questions and statements were received:

Sally Childs

Question 1

What qualifications does the SEN officers and managers have, to allow them to remove from the EHCP, advice given by specialists, without any new professional evidence?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

All Case Officers are trained accordingly for their roles and undertake *Independent Provider of Special Education Advice (IPSEA)* level 1 and 2 legal training.

Any proposed amendment will be through an Annual Review process or a request to review a plan/provision; it is not uniquely a SEND Case Officer decision as all parties are involved in these decisions.

A decision to amend an EHCP is sent to the parent (or young person with SEND, depending on age) and they have a 15 day period to respond before the EHCP is finalised, to allow for further discussion and amendment to be made.

Should the Local Authority and family be unable to reach an agreement, there is also the option to proceed to mediation or to appeal. We are continuing to enhance our workforce development offer to ensure Case Officers are drafting EHCPs to the highest standard and are always keen to discuss any queries regarding the content of an EHCP at the earliest possible opportunity.

Question 2

By removing young people from specialist schools and putting them into mainstream schools, are the Council simply not moving the child's needs from one department (i.e. Education) and putting them into another department (i.e. Health) at the expense of a CYP's mental health?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

There are no plans to move children from specialist into mainstream unless this is outlined through an Annual Review.

Question 3

Why are the SEN department stripping CYP's needs and provision from EHCPs against Specialist's wishes? Surely this is misleading schools, and colleges into accepting CYP's that they cannot meet the needs of, therefore putting them at unnecessary risk and potentially leading to more support from other agencies. This could lead to placement breakdowns. Surely this illegal as it is misleading mainstream schools into accepting students that they cannot accommodate?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

Children will be placed in provision that can meet their needs. Many children with EHCPs enjoy and achieve in mainstream settings, and the national profile of mainstream for children with EHCPs is higher than BCP. Where specialist provision is needed, this will be provided subject to availability.

Any proposed amendment to a child's plan will be through an Annual Review process or a request to review a plan/provision; it is not uniquely a SEND Case Officer decision as all parties are involved in these decisions.

Adam Sofianos

Question 1

Any improvement in EHCP delivery is to be welcomed, and families experiencing a better service will be grateful.

The concern is: how far these improved statistics are due to an increase in refusals. Council is currently under the Delivering Better Value programme, which has an objective to 'suppress' EHCP numbers.

Indeed, Paragraph 2.6 of Appendix 2 seems to suggest this, with almost half of support requests in September being refused.

Can Council please confirm the following:

- The percentage of requests being refused assessment so far this academic year, and
- the equivalent percentage for the 2022/23 academic year.
- The total number of cases proceeding to mediation, and those proceeding to appeal, and
- the relative increase compared to 2022/23.

[127 words]

Source:

<https://www.theguardian.com/uk-news/2023/sep/10/revealed-covert-deal-to-cut-help-for-pupils-in-england-with-special-needs>

CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE
23 January 2024

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

- So far, this academic year (Sept – Dec 2023), 53.4% of Education, Health & Care (EHC) assessment requests have been declined/refused. This equates to 124 declines out of 232 requests.

KPI	Sept 23	Oct 23	Nov 23	Dec 23
No. of requests for EHC assessment	41	36	95	60
No. of EHC assessments agreed to initiate	21	24	32	31
% of decisions to proceed with assessment of needs being made within six weeks	93.2%	96.7%	93.2%	95.2%

- During the same period in the previous academic year (Sept-Dec 22), an average of 5.9% of requests were meeting the '6wk decision to initiate assessment' timeframe, evidencing that the service was dealing with a requests backlog. Due to the backlog figure, we are currently investigating the state of play in 2022 so that we can provide a like for like comparison and will provide a return accordingly.

KPI	Sept 22	Oct 22	Nov 22	Dec 22
No. of requests for EHC assessment	50	54	61	75
No. of EHC assessments agreed to initiate	42	86	84	61
% of decisions to proceed with assessment of needs being made within six weeks	0.0%	16.7%	5.5%	1.4%

During the calendar year 2022, there were a total of 82 mediations out of which 3 cases were followed up by appeals. In 2023, there were a total of 166 mediations – an increase of 102% from 2022. Looking at appeals data, in 2022 there were 3 appeals that followed mediation compared to 13 in 2023 – 333% increase.

Question 2

Paragraph 2.2 of Appendix 2 refers to a 3% reduction in the number of EHCPs being processed beyond the 20-week statutory timescale.

In the Accelerated Timeliness paper, presented to Cabinet on 27th September 2023, the percentage meeting this timescale was given as zero.

Can Council please confirm the following:

- The percentage of EHCPs meeting the 20-week timescale during the current academic year;
- The average completion time for EHCPs during the current academic year;
- The current backlog of cases.

[90 words]

Source, 27th Sept 2023 Cabinet papers:

<https://democracy.bcpccouncil.gov.uk/documents/s42969/SEND%20-%20Accelerated%20Timeliness.pdf>

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

The percentage of EHCPs meeting the 20-week timescale during the current academic year;

- 12.2% as at Dec 23 (From 2nd Sept/Schools Return), this will continue to increase from the 0%

The average completion time for EHCPs during the current academic year;

- 40 weeks (average Sept-Dec 23) In Dec 23 actual timeframe was 36.7wks.

The current backlog of cases.

- 142 Education, Health and Care Needs Assessments EHCNAs waiting over 30weeks (Dec 23) - from the high point of 251.

Sara Clarke

Statement 1

I am grandma to two children with EHCPs, one has complex speech disorders. We've fought hard for SALT provision including LGSCO, tribunal, complaints, hours of studying standards and SEND Law and dozens of emails. All to secure crucial SALT provision for a child with significant needs- it should not have been THAT hard. The impact of his disorder being neglected is that his self-esteem plummeted, aged 5 he started self-harming. Hitting his head over and over again. The balance system is championed as a means to ensure equitable distribution of NHS capacity. In reality it means the children most in need have provision capped by a blanket policy. It denied him essential support. It is of huge concern that there is such a reliance on health provided SALT in the SV plan, when they already are not meeting the needs of those most in need. The stakes are too high.

Question 1

As the balanced system seems to be capping children on a basis of 'equity' how do both the LA and NHS propose to ensure that decisions surrounding for children with the most complex needs are receiving provision based on their needs, not a service level blanket policy?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

Through the work of the SEND Improvement Plan and its 8 priorities, the partnership will seek to improve the quality and timeliness of our SEND services. This work will include a review of decisions surrounding children with the most complex needs and developing the provision to meet needs. The eight strategic priorities for the partnership are: Leadership, Management & Governance, Co-production & Communication, Early Identification & Intervention, Inclusion, Pathway, Preparation for Adulthood and Managing Resources.

The change to our early years offer, with an increase in evidence-based group interventions has positively impacted waiting times across the service for preschool children with children accessing intervention in a more timely manner.

The referral route for preschool children has changed. The introduction of our easy access Ready Speech Therapy Early Advice Drop Ins (STEADI) Chat sessions means parents are offered a session with a Speech and Language Therapist (SLT) within 14 days of calling the service. Written referrals from professionals are still accepted in specific circumstances. For school aged children we have been rolling out a targeted vocabulary intervention in a number of BCP and Dorset schools. The results show that all children have made progress. Our waiting time for initial assessments in schools remains around 8-12 weeks. We currently offer a meeting with each SENCO at the start of every term to discuss children of concern and identify priorities for the coming term. The move to the Link Speech & Language Therapist model will address intervention times in schools for children.

Pearl McCarthy

Question 1

As the rights of our children in law will not change, how will BCP ensure that they adhere to the law while also reducing the number of EHCPs issued and placing fewer children into specialist settings?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

All children will continue to be assessed through the statutory processes. However, it is hoped that stronger support and use of the Graduated Response and early intervention systems will see a reduction in need assessments over time.

Through our Capital Bid aligned to our Safety Valve proposal and the development of new and differentiated Inclusion work with schools we will seek to increase mainstream places e.g. Resource Base provision. These specialist places will be at a lower cost than independent specialist

placements. We have workshops planned to work through the development of provision with schools.

Question 2

How exactly will the Safety valve be implemented and what effect will it have on the work that is currently being undertaken on the SEND Improvement Plan under the SEND Improvement Board?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

This will be determined and detailed after an agreement is reached; dependent upon the detail of the agreement. However, the work of the SEND Improvement plan and its focus on the SEND systems improvements should not be affected by the Safety Valve agreement.

Steve McCarthy

Question 1

Why have you failed to uphold your legal obligations and follow your own BCP Policy by not carrying out an equalities impact statement, failing to consult and failing to adhere to the brown principles?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

Should an agreement be reached, the Local Authority will create an implementation plan and this will include an Equalities Impact Assessment.

Question 2

Authorities with Safety Valve agreements are asked to focus on one mission statement: to develop plans to reform their high needs systems as quickly as possible to provide a good service within their available funding, normally by the end of a maximum five-year period" - since this involves cutting services, reducing the number of EHCPs issued and so on, and since it does not reduce the deficit by year 5, how can you argue that your 15 year proposal meets the mission statement of safety valve or provides a "good service"?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

BCPs 15-year plan does not meet the Safety Valve 5 year framework. We have been clear that the plan submitted is a thorough and diligent proposal; this has been agreed with the DfE.

The work of the SEND Improvement Plan and its 8 priorities, the partnership will seek to improve the quality and timeliness of our SEND

services. The eight strategic priorities for the partnership are: Leadership, Management and Governance, Co-production and Communication, Early Identification and Intervention, Inclusion, Pathway, Preparation for Adulthood and Managing Resources.

Question 3

Increasing the number of children in mainstream will inevitably mean an increase in placement breakdown, school refusal, school related trauma and much more costly provision provided outside a school setting or alternative provision to repair that damage. What are the projected costs of a higher proportion of disabled children receiving inadequate education and failing to achieve the best possible educational outcomes, as per the SEND Code of Practice?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

Children with EHCPs within mainstream are currently at 37.1% compared to Statistical Neighbour average of 38.1% and England average of 41.0%. Other SEND systems are able to support a higher volume of SEN children in mainstream and these children enjoy and achieve. We will work with schools through outreach, resource base provision and inclusion strategies to ensure that this happens in partnership and through agreed approaches.

Aimee Surman

Question 1

In the last meeting you stated you will introduce earlier intervention for children who require it. However, after having three children with SEND go through mainstream, we know that this is already supposed to be in place, funded by the allocated SEND budget given to schools. The level of intervention is not possible already within schools current budget, let alone with further cuts. This already has a detrimental effect on our children and young people's education and mental health. We know that early intervention can prevent needs escalating to the point of needing an EHCP. How will the local authority provide the necessary therapeutic intervention if school budgets are cut further, with no guarantee from health services that they can increase provision?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

The Safety Valve proposal includes £2.8m additional funding for schools to provide support through outreach and inclusion support but this is dependent of the contribution for mainstream schools being at the level set out in the dedicated schools grant DSG management plan. In addition, we are working with Health colleagues to discuss therapeutic support strategies for schools and their children. Workshops are currently planned

with schools to discuss options for development of these approaches, and we will take the learning from national best practice.

Question 2

Scenario 2 lists funding to be given to mainstream schools to support, offset against savings in alternative provision. It is impossible to understand the figures or numbers of children & young people affected. Can you explain how this funding compares to the proposed Dedicated Schools Grant diversion, how many children & young people this funding would need to support and what is the average funding per head? Is this a one-off investment, an annual investment or will this amount be spread over the duration of the plan? How will spending this money reduce the need for alternative provision?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

This is a large piece of work and we will address this after this meeting and in conjunction with our Alternative provision review with schools. The response will be emailed to you and added to the minutes of the meeting.

Question 3

Mainstream schools, particularly secondary, have an entirely different structure and purpose than specialist schools. A large number of children with EHCPs need more structure and consistency, less academics, more life skills training in order to be independent and contributing members of society. Failing the children who could work and live independently would have astronomical personal costs, as well as financial costs in terms of social care and benefits. How much do we understand about the costs to the local authority of failing to meet these children's needs over their lifetime?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

This is difficult to quantify and would require extensive research at a national level. The SEND Improvement Plan has a focus on Preparation for Adulthood and Officers currently working with Parent Carer Groups, schools and Further Education to provide improved support for Year 9 onwards. Within the Safety Valve Plan we have requested Capital investment for increased mainstream Post 16 provision which would provide specialist places at a lower unit cost than that provided by the independent sector.

Rachel Filmer

Question 1

In two separate meetings I have heard officers criticise "too many" parents for making applications for EHC needs assessments directly to BCP. It is

made very difficult for schools to apply, despite the legal threshold. You are averaging 41 weeks to issue a plan (twice as long as the legal timeframe) and if a parent needs to appeal, a hearing date could take a year. That is more than two years of delay while children struggle and placements break down, often after years of struggle. Rather than shifting blame on to parents, how will BCP improve this process and reduce these delays so that parents do not feel they must apply themselves?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

I don't believe Officers intended to criticise parents applying for EHCPs. The data just indicates that we are an outlier compared with other Local Authorities in this area. Whenever an outlier is encountered it is highlighted and the reasons that it exists need to be explored.

We have made improvements to the timeliness of both new assessments and are working to address the number that are outstanding (182 assessments – including 23 after tribunal or appeal waiting 20+ weeks). We will continue to focus on improving outcomes and providing better support for our children and families.

KPI	Dec 2022	Dec 2023	Direction of travel
% of decisions to proceed with assessment of needs being made within six weeks	1.4%	95.2%	↑
% of new EHCPs issued within 20 weeks (including exceptions)	1.2% (From Jan 23-Aug 23 = 0%)	12.2%	↑
Average time (weeks) taken to complete new EHCP assessments (date of request to issue of final EHCP)	41.8 wks	36.7wks	↓
% of requests for Educational psychologist (EP) advice where EP responded within 6 wks from the date of request from the LA	4.3%	94.1%	

Question 2

Your list of risks considers damage to the reputation of the local authority, but not the risk to our children and families, even from a financial perspective. Children with SEND who have broken down mainstream placements account for significant costs to SEND budgets in terms of appeals, bespoke packages, education other than at school, alternative provision and the need for small and nurturing independent settings. Can BCP accurately calculate the likely increase in these cases, given that placing a higher percentage of children with significant SEND into mainstream settings with insufficient report will inevitably lead to more broken-down placements?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

Other SEND systems have proven they are able to support a higher volume of SEN children in mainstream and these children enjoy their education and achieve good outcomes. We are looking at other systems and our Sector Lead Improvement Partner – Bedford Council to inform and support our approach. We will work with schools through outreach, resource base provision and inclusion strategies to ensure that this happens in partnership and through agreed approaches.

Question 3

The Administrative Justice Report from 2023 states that local authorities are not amending their first-instance decision making to reflect the approach of the Tribunal. It also states that appeals can be reduced by local authorities making the right decision the first time. As BCP will have targets to meet under a safety valve agreement, and given that eligibility for an EHC needs assessment is set out in law, how will BCP meet their KPIs while also ensuring that children are not failed and more parents do not need to appeal?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

We are currently working with a Sector Lead Improvement Partner – Bedford Council. One area that they are working with us on is our decision-making panels and providing an oversight on our quality assurance processes, including the outcomes of the decisions made. This will ensure that we are constantly assessing and understanding our decision-making thresholds.

Statement 1

Your documents highlight direct parental applications for EHCNA as a driver for demand, but this is not reality.

BCP put unlawful barriers in the way of school applications. The legal test is only that a child may have SEND and may need provision to be made in accordance with an EHCP.

There is a reason why parents exercise their legal right to apply – it's not because parents are unreasonable, or their child does not qualify. Parents who apply directly will already have tried to go through their setting in almost every case. 3% of plans are issued on time, only because new applications are prioritised, while those already overdue languish waiting for statutory advice.

Local policy does not trump law. We have the right to apply directly. Our children need help now and should not have to suffer for years before you act. Our children deserve better than this.

Rebecca Gannon

Question 1

How will the Safety Valve mitigate the long-term cost, and the damage caused to children who are pushed into mainstream settings which cannot meet their needs, causing further financial damage to BCP?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

Children's needs will continue to be met according to their Education, Health and Care Needs Assessment (EHCNAs) and education, health and care plans (EHCPs).

Question 2

The schools forum document shared in the 3rd January meeting referenced a 300-place specialist setting for both Social, Emotional & Mental Health and ASD. In many cases, these children have vastly different and this may damage their emotional wellbeing further. How will BCP mitigate against this?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

The development of this provision will ensure that needs are met with careful consideration to the mix and types of children accessing this setting alongside the education and support provided.

Sarah Murray

Question 1

I am hearing repeatedly of children with extremely complex speech and language needs being limited to a very minimal level of provision on the basis of 'equity' under the Balance system. If SALT have to resort to such measures, how can schools and parents believe that children will receive the speech and language therapy they require?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

Children, young people, families and settings are supported across all three levels – universal, targeted and specialist, not only providing support for identification and intervention but also those key areas of family support, environment and workforce. The move to a coordinated, whole system

approach will ensure that children and young people and their families receive the right information at the right time and get the right support from the right person. There is strong evidence when a system takes on this approach children are very well supported and achieve their outcomes.

Question 2

Scenario 2 in the Schools Forum document from the last Committee meeting makes no mention of children and young people who cannot attend school, those who have no suitable school place, and those on bespoke and EOTAS packages. What exactly is the plan for these children and young people, who have already been failed by the system due to lack of suitable provision?

Cllr Richard Burton, Portfolio Holder for Children and Young People, provided an answer as follows:

Children without a school place, awaiting specialist provision or Education Otherwise Than At School (EOTAS) packages are currently being reviewed and this will help to inform future sufficiency plans and development of provision. We are working on this with our Sector Led Improvement Partner (SLIP). The associated Capital Bid for the Safety Valve has requested funding to support these developments a decision is due for this end March at present.

Anthony Evans

Statement 1

Primary headteachers do not want to be suspending or permanently excluding pupils. they do so with heavy heart and necessity to offset the pressure of staff retention, the disruption and harm to other children and the hope that such measures will allow reflection and change in pupil behaviour. But as heads we are all dealing with significantly challenging behaviour post COVID- we have all been hit, punched, kicked and spat at and we need help and clear pathways of support and quality provision. It feels as though some of these things only kick in when the child has been permanently excluded.

Rebecca Gannon

Statement 1

Both my children have SEN, both with different profiles. They both have EHCP's. However, the process was exhausting. Every decision was refused by BCP, from refusal to assess to refusal to issue.

The process took in excess of 63 weeks.

The damage caused to my oldest child due to being mainstream and not having her needs met has resulted in her not accessing any education since June 2022. She is still unable to simply, go to school.

She is a mentally broken 12 year old with a broken family, fighting broken systems.

The potential for further harm being caused to my children and many other SEN young people is REAL if the Safety Valve is agreed.

Sarah Murray

Statement 1

I am deeply concerned about the Safety Valve Proposal, particularly the lack of consultation with parents and young people, especially those with SEN. The decision not to share the document until the scrutiny Committee meeting is distressing. The justification for withholding the full proposal, fearing it would upset parents with SEN children, is unfounded - we are already upset. As a parent whose child has been out of school for three years due to mental health problems, I understand the gravity of the situation. Unfortunately, my child attempted suicide, underscoring the urgent need for proper support and education. The current support is insufficient, leading to this dire situation. I urge you to reconsider this proposal, as it appears detrimental to every child and young person in BCP, denying them the support, understanding, and education they deserve. The lack of consultation or co-production is puzzling; our children's voices must be heard.

Kerry Friend

Statement 1

The whole idea of the Safety Valve Action plan terrifies me! With a child who has been totally failed by the school system due to not enough resources how can it be right to reduce the resources that are already not fit for purpose. Mainstream schools don't have the resources or staff to cope with the amount of children with SEND needs. It can take years to get any form of help! We fought for so long, countless meetings, emails, phone calls (all which cost somebody) and all for nothing. Still no support 4 years later due to RESOURCES. We're not the only ones and now you want to cut these resources more. All you will get in a few years is a huge amount of adults with SEND needs who have been failed and in turn will need even more support in later years. More resources are needed!

Bob and Jeanie Francis

Statement 1

We're grandparents to three SEND children, with EHCPs, two have places in maintained specialist. We've been battling this system for 14 years to get the support they need. They, alongside all children of school age are at the heart of the 'safety valve' programme'. Every parent/carer of a school age child should be worried about this. Your child won't cope with mine, mine will not cope with yours, teacher's won't cope with the numbers of SEND children they'll now be incorporating into mainstream, teachers have

not had the training to cope with children that could be mute, have learning disabilities flap their hands, screech and scream, bang their heads in frustration, aggressive, swear. Our already overstretched teachers won't have time to provide the support our children need. BCP will be handling more than double the amount of appeals at what cost, they already have an abysmally poor rate of success.

Sarah Cooper

Statement 1

- I have 2 sons, both with EHCPs that were a fight, from reception until year 3
- Eldest son is now in a specialist independent school, out of county, this was our parental preference, the only school that could meet his needs, we had to go to tribunal after mainstream secondary failed, due to BCP not listening to us about the type of placement he needed, further damaging his mental health and ours.
- Youngest son is in phase transfer year and I've just submitted appeal paperwork, it's the same scenario. BCP, listen to parents, you are damaging children's mental health by having them in the wrong settings. We need more ASD/SEMH schools that are not like Iford Academy, but designed for Autistic children not just children that have been excluded. The Safety Valve is going to destroy more children's mental health by forcing them into wrong settings.

Mr Adam Sofianos

Statement 1

The Safety Valve petition has passed 2,000 signatures, which entitles it to be heard at Full Council. A parents' campaign group has attracted hundreds of followers. School leaders have condemned proposals to transfer funds from their budgets. Every day, the media spotlight reveals the terrible effect of these proposals on our children.

Safety Valve won't even work as an emergency package. Council will be 'technically insolvent' next month, with a £63m accumulated deficit. But the 15-year plan doesn't reduce that deficit, and doesn't remove its consequences. This will not save the Council from bankruptcy in 2026.

Parents are concerned that Council executives might use emergency powers to sign off Safety Valve without democratic consensus. This would be incendiary.

I therefore urge Council to set out a detailed explanation of what's happening, and when, to provide clarity for concerned families across the region.

Teresa Brown

Statement 1

My 15 year old grandson has complex mental health issues and autism; he has effectively lost about 3 years of schooling and now has a patchy and precarious arrangement with tutors (when they can be found) twice weekly, while he attempts to manage 4 GCSEs. He has been left anxious and lacking in confidence by his educational experiences to date.

Without my daughter's full time commitment (despite her own health issues), to navigating complex local authority networks and processes, my grandson would not even have had his minimal educational input throughout his secondary school years.

The Safety Valve proposal does not acknowledge the many and varied complex needs of individual children, for whom integration within mainstream schooling is not an option. The focus should rather be on resourcing individual needs, whereas this proposal is a blatant resource-led measure.

Maisie Boorn

Statement 1

I've been in the SEN system since September 2022. Despite my needs SEN department don't seem to think it's necessary for me to attend an appropriate setting because I'm not worth the funding it seems and I've been out of f/t education since January 2023. My mental health has declined, I feel worthless and no one listens to me or my feelings despite the fact that BCP are supposed to listen to the views of the yp. You have and still are failing me, no one can answer questions when asked and no one is actually held accountable for decisions. Health professional reports aren't actioned. My EHCP isn't being followed, finalised June 2023. Why is my mental health, education not important to SEN department?

William Murray

Statement 1

I am 15, and I haven't been in full time education for 8 years. That's nearly two thirds of my life. That's also how long we've been fighting for me to receive what every child is entitled to, and what should be a given. The current provision isn't even enough now, for myself and countless other young people throughout BCP, so how is it going to improve when people who have never met us make a drastic decision that will change the course of our futures, and when the already insufficient budget is cut? The idea that young people like me will be forced into a mainstream environment, with teachers and teaching assistants who are inexperienced with SEND, is beyond frightening. I have already experienced trauma with my experiences, including severe mental health problems. If I had had to go the mainstream, I wouldn't be here today.

Anonymous – name and address supplied

Statement 1

I'm making this statement as a parent of children with SEN and also as a longstanding school governor. The current state of SEN provision is disheartening, with a patchwork of support that has persisted for years. 15 years ago, when my child entered the educational system, the landscape was vastly different. Sadly, the necessary budget and investment haven't kept up with need, leaving our community underserved and our SEN children bearing the brunt. The proposed solution fails to address this longstanding issue. Moreover, our mainstream schools, already teetering on financial instability, face an impending 11% budget cut. This isn't just a cut; it's a catastrophe in the making for our current children and those yet to come. Demanding schools to accomplish more with significantly less is simply unacceptable. The future generations deserve better. The consequences of neglecting this issue now will reverberate for years, hindering the potential of our children.

The Chair, with agreement of the Committee, advised that there would be a change to the running order of the Agenda to enable items relating to Safety Valve to be heard next, followed by the presentation from the Speech and Language Therapy Service.

62. Safety Valve Programme Update

The Corporate Director of Children's Services and Chief Executive provided a verbal update which included:

- A fifteen-year plan had been submitted to the DfE as set out in the report submitted to the previous Children's Service Overview and Scrutiny Committee meeting held on the 3 January 2024.
- Children's Services was informed it would not receive any feedback on the plan until the end of February. Additionally, the Capital plan submitted would not receive feedback until the end of March.
- The submitted plan was a proposal that ensured Children's Services would still be able to provide statutory services without negatively impacting on the service.
- Other Councils that had entered into the Safety Valve programme had agreed to a five-year plan which some were struggling to meet. The increased demand meant they had to undermine their levels of statutory services.
- If the DfE proposed a plan that could be recommended to members, it would be decided at Full Council.

The Committee discussed the update which included:

- The Committee was advised that the original submission to the DfE included an illustrative scenario that would take 11% from the school budget. This demonstrated what would happen if the deficit were to

be funded by the school's budget, which was the only other legal budget it could be funded from.

- In a query regarding equality impact assessments the Committee was advised that one must be completed once an offer had been received from the DfE. An equality impact assessment would accompany any recommendation that was proposed to Full Council.
- In response to a query regarding the detrimental impact on young people, the Committee was advised work done under Safety Valve would be monitored with clear performance indicators to ensure it had a positive impact on children, young people, and their families.
- The Committee was advised that BCP Council had asked for 4.8million in capital investor contributions. However, those contributions would not cover the deficit predicted at the end of this financial year but would balance the budget after the proposed fifteen-year period.
- In response to a query regarding the consequences of the DfE not accepting the proposal or BCP rejecting any alternative proposal, the Committee was advised that every effort would be made to balance the budget although it would be a difficult process.

63. Portfolio Holder Update

The Portfolio Holder for Children and Young People provided a verbal update which included:

- Providing a partial response to the recommendation from the Children's Service Overview and Scrutiny Committee made in the 3 January 2024 meeting. He advised the Committee of the Children's Services Improvement Journey cross-party update that was due to be held on 25 January 2024 which was an opportunity for Members to ask questions and provide input on Safety Valve.
- Work was also being done to plan an all-member 'Show and Tell session' in early February to enable further member engagement regarding the Safety Valve Programme.
- Advised the Committee that his full response would be provided to the Committee in writing within the two-month deadline.

64. Speech and Language Therapy Service

The Lead for Children, Young People & Family Services and Head of CAMHS and Children services at Dorset HealthCare gave a presentation which detailed:

- What services Speech and Language Therapy (SALT) offered
- How the SALT service could be accessed including community based, Ready Steadi Chat and Specialist referrals.
- Activities of the SALT service including caseloads, number of EHCPs and referral to treatment time.
- Transforming the System using a whole system approach which would require additional training and input from all services.

- Challenges for the Service including recruitment, implementation of the balanced system and specialist and alternative placements that would require support.

The Committee discussed the presentation which included:

- In response to a query regarding working with libraries to increase the number of parents reading to their children and children reading, the Committee was advised that whilst most of the services work was within school settings, they also worked closely with libraries too.
- In response to a query about whether the service was meeting their 18 week referral time target, the Committee was advised that this was an internal target used to monitor the service and was met 90% of the time.
- In response to a concern regarding the accessibility of the service, the Committee was advised that with regard to Under 5s, having the Ready Steadi Chat response within 14 days should see an improvement in accessibility for that age group and with regards to school age children, a barrier could be delays in the referral if the form wasn't correctly filled in and whether it was actually an issue which the service could resolve or whether the issue would be better resolved by a SENCO which could cause further delays.
- In response to a query about the balanced system, the Committee was advised it was about providing consistency in support outside of the therapy sessions provided by working with schools, early years and families to ensure the work continued. Regarding how success of the system could be measured, the Committee was advised the plan started about 18 months ago and the work was detailed which included being at the start of the transformation program which would take approximately three years to fully implement. The Committee was reassured that it was continually being monitored and evaluated for its effectiveness.
- In response to a query about diagnosing conditions, the Committee was advised that the SALT service could provide diagnosis' specifically related to speech, but anything more complex would need to go through the paediatric process provided by University Hospitals Dorset, however SALT would be actively involved in the assessment process.
- In response to a query about once a diagnosis had been given, and the SALT involvement in the delivery of any treatment, the Committee was advised that the service could recommend how many sessions known as dosages would be required, which would then be fed into a multidisciplinary plan from paediatrics.
- In response to a concern about the inability to offer adequate SALT provision within mainstream settings therefore requiring more specialist provision as the only suitable alternative, the Committee was advised that the service did not provide all SALT across Dorset and independent SALT including within alternative provision, would not work in the same way.

- In response to a concern regarding speech and language difficulties and youth offending, the Committee was advised that whilst there was already SALT within the Youth Offending Service, and it had recently been agreed to increase that provision with recruitment currently underway.
- In response to a query regarding the need currently outstripping availability and what was being done to address this, the Committee was advised of the difficulties in recruitment including the reluctance to undertake the degree qualification, which meant consideration to different ways of delivering the service was necessary.
- It was acknowledged that Covid had caused a surge in demand and the reasons for that were highlighted.
- The qualification was discussed, and it was noted that there was not a national scheme in place to increase the workforce, however the service was in discussions with local universities to see how they could offer support to students choosing the SALT degree.
- In response to a concern that the balanced system was not needs led but resource led, the Committee was reassured that this was not the case but from experience and evidence that wider engagement with people that support the children was needed to ensure a consistent approach. It was stressed that children with more complex needs support would be commissioned by University Hospitals Dorset and SALT would support any arrangements put in place.
- In response to a concern that parents feedback regarding the balanced system was not the same as was being detailed in the presentation, the Committee was advised that parents should contact the managers of the service with any concerns, however it was noted that the introduction of the balanced system was in its infancy and the service would be happy to bring back a report on its implementation and progress at a future date.
- The Chair requested contact details for the managers to be passed to Democratic Services to be passed to any parents with issues.

ACTION.

RESOLVED that the contents of the presentation be noted.

65. School Permanent Exclusions and Suspensions

The Head of Virtual School and Inclusion Service presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The report outlined the importance of a full-time education in the right education provision for children. It provided information on the current level of suspensions and permanent exclusions in BCP compared to both the South West and England.

The Local Authority was concerned by the high rate of both suspensions and permanent exclusions for children in BCP and would be working

closely with the Department for Education (DfE) and all schools to both understand and improve this position.

The focus was to improve the rates of attendance and inclusion across the system with our partners. The aim was to reduce the number of children missing out on their learning. Actions regarding this were detailed in the report and included details of the national policies that had been recently published. These actions illustrated how they would support the changes needed to reduce the number of children being suspended and permanently excluded.

The Committee discussed the report which included:

- In response to a query regarding guidance about exclusions for teachers, the Committee was advised that work was being done to provide a clear pathway that could be shared with schools on best practice.
- In response to a query regarding the high number of exclusions and suspensions in the BCP area and what was being done to address this, the Committee was advised that the service was part of a network of local authorities to help highlight methods used to reduce permanent exclusions. Collaborative work with partners and schools was essential to find out what was causing the increase and how to best support young people.
- The Committee was advised that work was being done to increase the number of registered alternative places, however finding funding to do so was challenging.
- In response to a query regarding providing funding to help students in the early stages of education as a way to combat expulsions, the Committee was advised that consideration was being given to frontloading funding. It was noted that collaboration with schools would highlight and identify areas that could benefit students, where they may need extra support.
- The Committee was advised of the positive things happening in schools in the area and was encouraged to visit schools in BCP to give a real insight into the good work that was already being done.
- The Committee was advised of the motivation of the service to improve the relationship with schools and the need for the system to mature and the relationship to grow was acknowledged.
- The Committee was advised of educational improvement workshops that were being held and an update would be provided from the Education Improvement Board in September. **ADD TO FORWARD PLAN.**

It was Proposed, Seconded and unanimously agreed to add a c) as follows:

The Committee notes the work that is being done in this arena and is encouraged by the co-production between headteachers and the council in developing pathways and action plans and requests an update on the progress in this area come back to the Committee in September.

RESOLVED that:

- a) **The Committee understand the current position of vulnerable learners in BCP place.**
- b) **An update on the progress across the Education System throughout this academic year linked to the Education Improvement work is brought for your attention at the end of the Academic year.**
- c) **The Committee notes the work that is being done in this arena and is encouraged by the co-production between headteachers and the council in developing pathways and action plans and requests an update on the progress in this area come back to the Committee in September.**

Voting: For - Unanimous

66. School Attainment and Progress 2023

The Head of Service Education Improvement, Secondary Adviser and Early Years and Primary Adviser presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

The report was a summary of the results for the 2022/23 Cohort across EYFS - KS5 for all statutory assessment points and external examinations in BCP state schools.

Progress by groups across educational phases would be available later in the Spring Term following all national checks and the outcomes of the census in January. The team would be happy to return to the Committee to discuss those at a later date if required.

The Committee discussed the report which included:

- In response to a query regarding A-Level provision in learning environments other than sixth forms, the Committee was advised that Bournemouth and Poole College stopped providing A Levels a few years ago and were not planning to change their offer. Children's Services were aware of the gap in the provision. There had been work done on the transition routes between secondary and sixth form to help young people transfer from one cohort to a sixth form A Level setting.
- In response to a query about disadvantaged and SEND pupils taking up further education in the mainstream sixth forms, the Committee was advised that whilst there was an aim to encourage more of them to take up further education, some young people were making informed choices to take up more vocational courses provided by the local colleges.
- The Committee was advised of the Careers and Apprenticeship Show that was being held on the 14 March 2023. It was noted that SEND pupils had helped create part of the event. A Committee

Member asked if details of the show could be circulated to the Committee. **ACTION.**

- In response to a query raised regarding the national tutoring programme and whether it was still active the Committee was advised that the programme was no longer running nationally. Some of the most disadvantaged schools in the BCP area were using the national tutoring programme during COVID-19 to good effect, however due to central government funding being reduced, it could no longer be funded.
- In response to a concern that SEND pupils were more likely to become Not in Education, Employment or Training (NEETs), the Committee was advised that the NEET levels locally were lower than some comparators and the reasons for that were detailed. It was noted that NEETs were regularly monitored.
- In response to a query regarding pupils awaiting EHCPs and specialist provision, the Committee was advised that there was a waiting list for specialist provision which was being reviewed depending on the length of time a child had been on the list and their needs and consideration to any support which could be provided in the interim. It was noted that this was an action on the SEND Improvement Plan.
- In response to a concern from the Chair that pupils who lived within BCP but were placed in provisions outside of the conurbation were not aware of the Careers and Apprenticeship Show, the Committee was reassured that this would be picked up and actioned. **ACTION.**

RECOMMENDED that the Committee:

- **note the outcomes of pupils in EYFS - KS5 and ask officers any questions they have as a result of the contextual information in the report.**
- **That the education improvement team (EIT) return later in the Spring Term to discuss gender, disadvantaged pupils and those who are in vulnerable groups such as SEND or with experience of care.**

67. SEND Improvement Update

The Interim Director of Education and Skills presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'C' to these Minutes in the Minute Book.

The report provided an update on the progress to date and work being carried out across the BCP place with regards to the improvements required in the Local Area SEND system. It provided an update of work across the partnership with regards to a new SEND Improvement Plan and associated Performance Scorecard. The Performance Scorecard would both identify and evidence the performance areas and improvement metrics that could demonstrate that the partnership was making sustainable improvements.

Since 2021 the BCP Local Area SEND Partnership had been subject to a Written Statement of Action Plan (WSoA). The WSoA outlined eight improvement areas following the local area SEND Inspection July 2021. Since that time, progress against the WSoA plan was reviewed by a partnership SEND Improvement Board (SIB). During July 2023, DfE Officials reviewed the progress of the SEND Improvement Board against this plan and determined that the pace of change was too slow and further that too many children were experiencing delays in service provision. It noted that the SEND partnership within BCP place needed to do more to refocus its efforts and secure solid sustainable improvements for children and young people with SEND. A new SEND Improvement Board Chair was arranged with John Coughlan arriving to support the improvements needed in Autumn of 2023.

Over the last 14 weeks (Sept – mid December), a thorough review had taken place involving all senior stakeholders across the SEND partnership. This had sought to identify what must happen to ensure the necessary changes for the SEND system in BCP.

The SEND partnership was now in the final stages of agreeing a new Improvement Plan, this had identified eight new strategic areas of attention. Progress against this plan would be monitored through a performance scorecard which would hold key partners to account. It was recommended that this Committee receives a termly update of progress against this improvement plan so that there was transparency of the actions and improvements realised for children and young people with SEND in BCP.

The Committee discussed the report including:

- In response to a request for clarification, the Committee was advised that an assessment of need would be undertaken which could then determine whether a child required an Education and Health Care Plan (EHCP), however if the child did not meet the threshold for a plan, they may still be eligible for some additional support.
- In response to a query regarding the parent and carer groups and how they were recruited and engaged, the Committee was advised of the detailed work and forums which were used to engage with as much of the parents and carers as possible.
- In response to a concern regarding SEND pupils being in mainstream schools and due to delays were without EHCPs or the required funding, the Committee was advised of the activities which were being undertaken to address the backlog in assessments, increased administration support to process them and close monitoring of progress which included, where possible, prioritising vulnerable pupils.
- In response to a query regarding the number of EHCPs rejected in the current academic year, the Committee was advised it was a complex picture because the service was dealing with a backlog where children's needs may have changed. It was highlighted that it would be difficult to monitor performance when considering statistics until the service had stabilised and the backlog had been reduced.

The Committee was reassured that, in partnership with the services sector led improvement partner, work was ongoing to ensure best practice was used in the processing and quality of the decision making.

- In response to a concern that the contracted providers engaged to assist with the EHCP backlog were not fulfilling their contract, the Committee was advised that unfortunately, the company had been unable to recruit the required educational psychologists to fulfil the contract, which had resulted in further delays. The Committee was advised what was being done to address this issue, however it was acknowledged that a shortage of educational psychologists was a national issue.
- In response to a query regarding trying to recruit more educational psychologists to work for the Council, the Committee was advised of the issues and the reasons why some may choose to work for agencies and also what was being done to try and address the recruitment and retention.

RECOMMENDED that

- a) The report is read and accepted as evidence of the work currently being carried out across the wider partnership within BCP place for its SEND Services.**
- b) The Improvement Plan when agreed by the Department for Education is shared with the Children's Services Overview and Scrutiny Committee.**
- c) That the BCP SEND Partnership Scorecard when agreed by the Department for Education is shared on a termly basis with the Children's Services Overview and Scrutiny Committee.**
- d) That the Local Authority Progress report of December 2023 is acknowledged with the improvements identified as outlined in this paper.**

68. Items for information

There was no discussion on the information only items previously circulated.

69. Forward Plan

The Children's Services Overview and Scrutiny (O&S) Committee was asked to consider and identify work priorities for publication in a Forward Plan.

The Chair advised she was meeting with Children's Services to discuss the Forward Plan shortly and should any Committee Members wish to feed anything into that discussion, to email her with information.

70. Dates of Future Meetings

The date of the final meeting of 23/24 was noted.

The meeting ended at 9.47 pm

CHAIR