MINUTES of the meeting of the **CHILDREN, FAMILIES, LIFELONG LEARNING AND CULTURE SELECT COMMITTEE** held at 10.00 am on 20 July 2023 at Woodhatch Place, 11 Cockshot Hill, Reigate, RH2 8EF.

These minutes are subject to confirmation by the Committee at its meeting on Monday, 2 October 2023.

Elected Members:

* Fiona Davidson (Chair)
* Jonathan Essex
* Robert Hughes
* Rebecca Jennings-Evans
* Rachael Lake
* Bernie Muir
* John O'Reilly
* Mark Sugden
* Ashley Tilling
Liz Townsend
* Chris Townsend (Vice-Chairman)
* Jeremy Webster (Vice-Chairman)
Fiona White

*Present

Co-opted Members:

Mr Simon Parr, Diocesan Representative for the Catholic Church
Mrs Tanya Quddus, Parent Governor Representative
Mr Alex Tear, Diocesan Representative for the Anglican Church, Diocese of Guildford

25/23 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Simon Parr, Cllr Liz Townsend and Cllr Fiona White. Tanya Quddus attended remotely and had no voting rights.

26/23 MINUTES OF THE PREVIOUS MEETINGS: 12 JUNE 2023 [Item 2]

The minutes were agreed as a true and accurate record of the meeting.

27/23 DECLARATIONS OF INTEREST [Item 3]

None received.

28/23 QUESTIONS AND PETITIONS [Item 4]

1. There were four public questions, two Members' questions and no petitions. The questions and responses were published as a supplement to the 20 July agenda.

2. In answer to a supplementary question by Anna Sutherland on whether the end-to-end review was requested by the Local Government Ombudsman, the Cabinet Member for Education and Learning said it was separate and planned by the Service.

3. Louise Gannon asked a supplementary question on how to access a refund for an independent Educational Psychologist assessment. She was directed to the web page by the Assistant Director for Inclusion & Additional Needs NE.

4. In response to a supplementary question by Amanda Lazenby, the Cabinet Member for Education and Learning said references to the Independent Provider of Special Education Advice (IPSEA), the Surrey Independent Advice Service and Family Voice would be added to the Ordinarily Available Provision (OAP) video.

5. Colin Pugh asked what was being done to improve senior management's governance and oversight of case handlers and their line managers.

6. The Chair noted SEND case workers were holding an average of 197 cases and wondered if the pressure of these workloads was a contributory factor to some negative experiences of Surrey parents and schools.

Actions/requests for further information:

1. Cabinet Member for Education and Learning to provide a written answer to Colin Pugh's public question.

2. Assistant Director for Commissioning to add to the dataset: schools allocated that did not subsequently agree they could meet a child's need.

Rebecca Jennings-Evans arrived at 10:20 am.

29/23 ACTIONS AND RECOMMENDATIONS TRACKER AND FORWARD WORK PLAN [Item 5]

1. The Scrutiny Officer noted that a deadline of March 2030 had been set to reach 80% sufficiency in Surrey for Looked After Children. With regard to discussing KPI targets with the Executive Director, a meeting had been planned for September.

30/23 EDUCATION, HEALTH AND CARE PLAN TIMELINESS [Item 6]

Witnesses:

Clare Curran, Cabinet Member for Education and Learning

Rachael Wardell, Executive Director – Children, Families and Learning (CFL)

Liz Mills, Director – Education and Lifelong Learning

Tracey Sanders, Assistant Director – Inclusion & Additional Needs SW

Julia Katherine, Assistant Director – Inclusion & Additional Needs NE

Sarah Carrington, Headteacher of Stoughton Infant and Nursery School, a member of Learning Partners Academy Trust

Anna Dawson, Family Voice Surrey Epsom and Ewell Coordinator

Leanne Henderson, Family Voice Surrey Participation Manager

Key points made in the discussion:

1. The Cabinet Member apologised that timeliness of Education, Health and Care Plans (EHCPs) was not yet as good as it should be and said the Leader of the Council had confirmed their commitment to improving in this area. As part of the Phase Two Recovery Plan, she would ask for additional resources for Educational Psychologists (EPs) and SEND case workers at the July Cabinet meeting in order to address the backlog. The recovery plan is based on the assumption more resources are granted by Cabinet.

2. The Family Voice Surrey Epsom and Ewell Coordinator described feeling stressed and impotent as a communications protocol agreed at a stage two complaint was not adhered to and her child was still without an EHCP on entering secondary school after waiting nine months to see an EP.

3. The Headteacher of Stoughton Infant and Nursery School said the school had dealt with six different case workers this year. She described seeing a rise in anxiety and ADHD since Covid and an increase in inappropriate and challenging behaviour from children whom the school did not have the funds to properly

support as demand surpassed the SEN notional budget, resulting in suspensions in infant school for the first time. She was frustrated to see available specialist infant provision unfilled because children were waiting for plans. She explained children were removed from the waiting list to see paediatrics at age five and there was then a 10-month gap before they could be referred to MindWorks. The Headteacher noted positive steps by the Council to improve communication with her school.

4. A Member asked what support was being offered to schools when EHCPs were not delivered within the legal 20-week time limit, giving the example of the Earlswood Federation whose governors said they had calculated a £32,000 EHCP provision deficit. The Assistant Director for Inclusion & Additional Needs NE acknowledged the impact on schools and parents. She said they want to ensure children have the right support whether or not there was a plan in place, and their Specialist Teachers for Inclusive Practice (STIP) team contacted schools where delays were encountered. The Director for Education and Lifelong Learning added that they took their statutory duty seriously and in addition planned this summer to make the Local Offer website more accessible and transparent so schools and families understood the support available while waiting for an assessment. The Member suggested schools needed more funding. The Executive Director for CFL explained that funding for provision identified in an EHCP comes from the Dedicated Schools Grant's High Needs Block, a finite amount from central government, and the Council had for years supplemented this with its own resources, which had led to a significant deficit on the Council's balance sheet. The Safety Valve Agreement between Surrey County Council and the Department for Education (DfE) means the DfE has now injected additional funding with conditions attached.

5. A Member asked how the Council ensured private needs assessments, for which compensation was temporarily being made available, were treated the same as a needs assessment developed by Surrey County Council (SCC). The Assistant Director for Inclusion and Additional Needs SW replied they were accepted if they met professional standards dictated by Health and Care Professions Council guidance and this was explained on the Local Offer website. Responding to concerns about the danger of creating a two-tier system, the Assistant Director said this had been a significant consideration; the Council was lobbied to permit the use of independent EPs and thought it sensible to do so temporarily. A Member pointed out the risk of parents spending money they could not recoup. The Executive

Director for CFL emphasised the Service was not encouraging a huge uptake of parents seeking private assessments as the Council is responsible for commissioning them, however for a time-limited period they would not discount them if they meet the required standard. She agreed to make such criteria clearer on their website.

6. In response to why performance in timeliness had deteriorated rapidly from 65% to 26%, the Director for Education and Lifelong Learning explained it was due to the gap between demand and capacity over the past 18 months. Surrey faced a severe reduction of EPs post-pandemic and attracting and retaining more was a priority. This needed to be matched by sufficient capacity in SEN and health teams to process assessments into plans. Asked why Surrey was performing poorly compared to other similar neighbouring authorities, the Executive Director for CFL affirmed that authorities better coping with demand were typically smaller with fewer EHCP requests, while recognising this did not apply to Hampshire. The most vulnerable children were prioritised.

7. The Chair asked why the second phase of the recovery plan did not begin until May 2023 given the deterioration from February 2022. The Director for Education and Lifelong Learning explained 20 additional SEND workers were recruited in the autumn. A Member noted that the educational psychology service was still operating at 50% staffing capacity and asked when improvements would be forthcoming. The Director for Education and Lifelong Learning said current resources were now sufficient to meet the volume of new requests, so the backlog should not get larger. It would take until June 2024 to both ensure 60% or more EHCPs were being produced on time and clear the backlog. The Executive Director for CFL assured the Committee it would be alerted if expectations were not being met. The Cabinet Member explained the objectives of the Phase Two Recovery Plan were threefold: to routinely and consistently assess children's needs within the statutory timescale, to offer better support to schools during the waiting time, and to make the service sustainable.

8. Asked which partners affected timeliness and what commitments these partners had made in their budgets and action plans, the Executive Director for CFL said phase two involved speech and language therapists, occupational therapists, physiotherapists and developmental paediatrics who were commissioned through the Children's Community Health Contract, which did not at present have any additional funding committed for re-

procurement. Some of these disciplines found it hard to complete in the timeframe and it was also difficult to commission provision once plans were issued because the capacity was not there. Integrated care systems had been required to reduce expenditure. The Member said she would like to see an impact assessment of the health partners' static budget. The Executive Director noted that she had seen a draft impact assessment and that dialogue remained open between partners. The Cabinet Member for Children and Families invited the Committee to look at how to improve blockages at the stage with health partners. The Assistant Director for Inclusive & Additional Needs SW conveyed that occupational therapy was the therapeutic advice causing the most delay based on current data but they did not currently have data on MindWorks or developmental paediatricians.

9. The Executive Director for CFL noted that improving EHCPs timeliness would mean they would need to accommodate a surge in budget pressure for Home to School Transport. The Cabinet Member for Education said demand would be more manageable if spread out.

10. A Member asked for clarification on the requirement for assessment if there was reason to believe a child had special needs. The Assistant Director for Inclusion & Additional Needs NE responded that the legal threshold was broad and it was about deciding whether a child's needs could be met by what was ordinarily available in the school. She said the Service had commissioned a significant programme of training and development for school staff from Schools Alliance for Excellence (SAfE) which schools could access on the Education Services website.

Actions/requests for further information:

1. Executive Director for Children, Families and Learning to check if the Council's advice to parents on repayments for privately commissioned EHCP assessment reports can be made clearer on the Surrey Offer website.

2. Executive Director for Children, Families and Learning to answer in writing what data the Service has requested from MindWorks and when, and what the response(s) have been.

3. Assistant Director for Inclusion and Additional Needs to provide details on:

- the communications plan to respond to the issues highlighted in the Family Voice survey
- the changes required to the IT system (Para 63 of the July EHCP Timeliness report) and the role this plays or does not play in timeliness, and
- whether training for schools on additional needs and inclusion is mandatory and what happens to schools if they do not take up the offer of training.

4. The Chair to attend Cabinet to speak on behalf of the Committee on the item on procuring increased Educational Psychology and SEN service capacity.

31/23 CORPORATE PARENTING ANNUAL REPORT [Item 7]

Witnesses

Sinead Mooney, Cabinet Member for Children and Families

Rachael Wardell, Executive Director – Children, Families and Learning

Tina Benjamin, Director – Corporate Parenting

Key points made in the discussion:

1. The Cabinet Member for Children and Families highlighted two new children's homes were ready to open.

2. The Chair expressed gratitude to everyone involved in Corporate Parenting for their valuable work.

3. Asked how relationships between foster carers and supervising social workers could be improved, the Director for Corporate Parenting said the Service had committed to hosting more events where they could socialise, and the Independent Reviewing Officers (IRO) had been asked to put more emphasis on this.

4. Asked how many fostered children were in short-term foster care and how long for, and how many were residing in temporary accommodation outside of Surrey, the Director for Corporate Parenting confirmed most foster carers lived in Surrey. At the end of March, 413 children lived with foster carers and of these, 117 lived with connected carers who were often relatives or family friends. A further 31 care leavers still lived with foster carers. 165 out of 369 were approved to provide short-term care but this could change and most foster carers who agreed to be short-term carers then shifted to long-term care. Figures

included unaccompanied asylum seekers, most of whom were over 16 and preferred not to live with foster families.

5. Asked what was meant by unsuitable accommodation in relation to care leavers, the Director for Corporate Parenting said this applied to 4%, or 36 people, of whom 13 were living in custody, seven in emergency accommodation, seven homeless and five in B&Bs. Personal advisers are actively working with the young adults to resolve these situations. A shortage of affordable and suitable accommodation had exasperated the issue.

6. Asked why the information in the report only goes to 2022, the Director of Corporate Parenting explained the DfE only gives comparative data in November.

Actions/requests for further information:

1. Director for Corporate Parenting to give a figure for how many Looked After Children are in short-term care.

2. Director for Corporate Parenting to answer what is the target for the percentage of Looked After Children being able to live in Surrey by the time SCC's current Sufficiency Strategy ends in 2025.

32/23 CHILDREN'S HOMES - OFSTED REPORTS PUBLISHED SINCE THE LAST MEETING OF THE SELECT COMMITTEE [Item 8]

1. A Member was hopeful that maintenance issues mentioned in one report were being addressed.

33/23 PERFORMANCE OVERVIEW [Item 9]

1. A Member asked why child supervision recorded to timescale was disappointing. The Director of Family Resilience and Safeguarding said that supervision was taking place regularly but uploading data to the systems had been delayed.

34/23 DATE OF THE NEXT MEETING [Item 10]

The next meeting will be held on 2 October 2023.

Meeting ended at: 1:15pm

Chair