

**Minutes of the special meeting of the
Children and Young People Overview and Scrutiny Committee
held on 18 August 2014**

Present

Members:

Councillor Mike Brain
Councillor John Horner (Replacing Councillor Chris Williams)
Councillor Julie Jackson (Vice-Chair)
Councillor Dave Parsons
Councillor Mike Perry (Replacing Councillor Angela Warner)
Councillor Jenny St. John
Councillor June Tandy (Replacing Councillor Bob Hicks)
Councillor John Whitehouse

Other Councillors:

Councillors Hayfield, Rickhards, Roodhouse

Officers:

Hugh Disley, Head of Early Help and Targeted Support
Wendy Fabbro, Strategic Director, People Group
Helen King, Deputy Director of Public Health
Nigel Minns, Head of Learning and Achievement
Jane Pollard, Specialist Governance Advisor
Adrian Wells, Interim Service Manager, Integrated Disability Service
Paul Williams, Democratic Services Team Leader

Other representatives:

Chris Smart, Diana Turner

1. General

(1) Apologies

Apologies for absence were received from Councillors Chilvers, Hicks, Shilton, Warner and Williams as well as Joseph Cannon.

(2) Members' Disclosures of Pecuniary and Non-Pecuniary Interest

Councillor Mike Brain declared a non-pecuniary interest; the nature of the interest being that he was a governor at Quinton Primary School.

Councillor Julie Jackson declared a non-pecuniary interest; the nature of the interest being that she was a governor at Oakwood Academy and that she had a relative with a disability.

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Councillor Dave Parsons declared a non-pecuniary interest; the nature of the interest being that he was a governor at Nethersoles Church of England Academy, Polesworth, and that his son was a teacher at The Croft Junior School.

Councillor Mike Perry declared a non-pecuniary interest; the nature of the interest being that he was a Trustee at King Edward VI School, Stratford upon Avon.

Diana Turner declared a non-pecuniary interest; the nature of the interest being that she had a grandson who was mentally disabled.

(3) Minutes of the meeting held on 3 June 2014

The Committee agreed that the minutes of the previous meeting held on 3 June 2014 be signed by the Chair as a true and accurate record.

2. Public Question Time

There were no public questions. However Rebecca Page representing "Family Voice" had sent via e-mails two questions to the committee and a statement for consideration by Cabinet. For the sakes of completeness and so they could be considered as part of the debate the Chair read these to the committee.

Questions to the committee

- 1). Do the committee consider using a RAS that is available to the public is an important element in financial transparency?
- 2). Has the committee been consulted on the policy whereby the Council refused to sign up to the Every Disabled Child Matters Strategy.

Statements for Cabinet.

" In terms of parent participation (co-production and co-participation are fundamental aims of the new reforms);

1. This document contains an incorrect statement - as follows...

'Overnight Respite

Parents believe that the Council should allocate resources to provide respite based on the assessment of need for a child and family and they believe that up to 24 nights would be the starting point depending on assessment based on the new framework of need.' Page 33.

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There was indeed prolonged discussion between parent representatives and council officers over this issue and an email was sent as follows:

After consultation with parents here is our answer on the 24 nights issue:

- 24 nights should be the starting point for new users
- Existing users should stay on the current provision because they have already been fully assessed and they will obviously be reviewed regularly
- Include reference to 'various different types of respite provision' – to provide more than one option i.e. Family Link; Rouncil Lane & Holly/Gramer; overnight respite in people's own homes; daytime respite in own homes or elsewhere etc. – there may be others

End of email from Rebecca Page

The inclusion of two small words in the Cabinet report (up to) and the exclusion of two other words (for new users) actually represents a fundamental difference from the feedback in the email above. Therefore FVW wishes to correct this misleading statement.

2. This document has been sent to parents who are caring for children and young people with disabilities in the middle of the summer holidays. It contains a considerable amount of important information which has never been consulted on and we simply don't have time to respond adequately within the time given.

We are very concerned indeed about the proposals within the paper in relation to IDS social care services and the budget in particular. Legal advice is being taken in relation to a legal challenge in the event that the proposals contained in this paper are approved".

End of questions/statements from Rebecca Page

3. Special Educational Needs and Disability (SEND) Reform Plan

Wendy Fabbro (Strategic Director, People Group) informed the committee that the Department for Education (DfE) had recently commended the County Council on its rapid progress with this matter. In addition the DfE advisor had confirmed at a meeting on 15th August that the DfE was satisfied that the County Council will be compliant regarding SEND on 1st September. The County Council is not unusual in consulting on an integrated health, education and care package. Other authorities are taking a similar approach.

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In response to Rebecca Page's questions to the committee the meeting was told that 1) the arrangements for managing personal budgets will be part of the consultation running from September, and the Council will include any proposals in relation to a potential RAS and 2) in line with other local authorities the County Council has a practice of not automatically signing up to such documents. It does however note them pulling out the key points and reporting them to Overview and Scrutiny.

In response to the point made by Rebecca Page concerning respite care the meeting was told that it is expected that in the future short breaks will be accessed through an assessment process thus ensuring a level of fairness and appropriateness. It was emphasised that the recommendations to be placed before Cabinet were the result of extensive discussions with parents, carers and partners. From these discussions it had been concluded that the assessment approach was the right one for meeting the needs of vulnerable children. The approach being followed by the County Council is one of co-production as opposed to consultation. This has involved the operation of a focus group which is working towards establishing a means of moving forward in an open and transparent way. It was acknowledged that whilst some parents/carers will welcome changes to the system others will be less satisfied with it. Effective communication is seen as the key and as a consequence service users have been written to on a regular basis. In addition a series of events is being planned around Warwickshire that will not only inform people of what is happening but enable them to help shape the future service.

It was reiterated that assessments will be undertaken by officers working *with* parents and carers.

The Overview and Scrutiny Committee was informed that Family Voice have been on the SEND reference group since January 2014. Their contribution was of such value that it was felt by the committee that it would be of assistance if they were able to broaden their representation. To aid the SEND co-production an officer of the County Council will work with partners and others to ensure as broad a reach as possible. Social media will be used widely as will other technological solutions including the website. The need to ensure that people from all communities have access to services was recognised.

The committee discussed the need to ensure that everyone including those in hard to reach groups are provided with the information and support they require. Members were informed that referrals come from a range of sources including midwifery, health visitors and the education system. Through these means it is possible to identify a service user and place them on the register.

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There will be a transition period from the current to the new system with service provision being based on assessment.

The meeting recognised that the recommendation of the SEND Reference Group (that 24 nights should be the starting point for respite provision) and the recommendation to Cabinet were not the same. The committee agreed to draw this divergence of views to the attention of Cabinet.

In response to a question from Diana Turner the committee was informed that under the proposed system there will be opportunities for families to take holidays whilst their child is in respite care. The personalisation agenda provides families with more flexibility around the services they receive. The rate and extent of transition experienced by each service user will reflect the outcome of assessments. The key is to establish need and base services around that.

The committee discussed the role of the Disability Living Allowance (DLA). It was recognised that whether a child receives the high-level component of DLA or the mid-level component can often depend as much on the language used on the assessment form than on actual need. This has provided further impetus to the need to move towards officer assessments.

The committee was informed that respite transport arrangements are being reviewed as part of a wider exercise around County Council supported transport. The matter has been discussed with parents/carers and whilst some have expressed a desire to take control of the transport component of the care package they receive most wish to retain the status quo. Officers were keen to reiterate that no changes will be made without robust consultation and joint work with service users.

Discussion moved to the preparedness of the County Council for the introduction of the new Local Offer. Officers assured the committee that an overwhelming desire to deliver the right system means that all efforts will be made to work with service users in its development. An Education and Care Plan exists for 1st September and processes have been tested internally thus ensuring that all officers involved know what is required of them. A considerable amount of work has been undertaken with schools and the early years setting and engagement will continue at a multi-agency level. The process is on-going. Feedback will certainly be received and changes will be made as the service changes are rolled out. DFE advisors have been helpful and are satisfied that the Council is compliant. Where any gaps remain in the Local Offer documents work is underway to fill them.

Concern was expressed that the demand for the service may outstrip the budget and that parent/carers may not receive the support they

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need. In response members were reminded that the challenge for them will be to ensure that the annual budget setting process addresses this. In addition new approaches to service provision will offer better value for money. For example family-based residential care is much cheaper than institutional residential care. (Family-based care involves a service user being looked after by another family in that family's home).

It is important to remember that the service user cohort is not fixed. Young people get older and their needs change. The proposed system provides the opportunity to review the situation and identify the best approach to service delivery.

Regarding SEN statementing the committee was informed that the previous system was very rigid with little opportunity for parents to provide input. The new system is more collaborative beginning with schools and early years settings (and occasionally doctors and families) identifying children who may be in need of additional support. The aim is then bring support into one place.

Returning to the matter of family-based v's institutional care the committee was informed that for some young people only institutional residential care would ever be appropriate. With regard family-based respite care it is important to ensure quality and consistency thus allowing the service user to develop a relationship with his or her carers. Family-based care can serve a valuable developmental purpose for the service user. One challenge for the Council is in recruiting sufficient carers. Fresh efforts will be made in this direction but given the need to recruit and then train carers there will certainly be a 3 to 6 month time lag in this area.

The committee agreed that there needs to be a consistency of service provision across the whole of Warwickshire.

Emergency respite care is difficult to plan for. However officers are confident that these can be managed on a case by case basis and within budget.

The assessments that will be required under the new system will initially be very resource intensive. To meet the demands on the authority temporary staff will be appointed. There will be a team charged with managing conversion to new care plans and another handling new referrals and reviews.

It was recognised that an IT based approach to accessing the service would not be appropriate for everyone. Consequently work is being undertaken with partner agencies to ensure that support and advice is available to those who do not have access to IT or who for whatever reason have difficulty working with it.

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The committee acknowledged the need to monitor the effectiveness in service quality and financial terms of the new arrangements. In terms of special education the committee was reminded that ultimately the effectiveness of the support provided would be indicated by the service user's success at school. Aware of the upcoming changes some Head Teachers have delayed SEN plans. However these can now be progressed.

The Portfolio Holder and Strategic Director confirmed the need to operate within the budget. If demand begins to outstrip the budget it will be necessary for politicians to consider what actions are required. The committee was informed that benchmarking with statistical neighbours was problematic owing to different approaches taken by authorities. The committee agreed that work needs to be undertaken with the DfE and LGA to remedy this situation.

The monitoring of the effectiveness of respite care was addressed. Officers conceded that more needs to be done to regularise feedback. Often reports are only made when something has been less than satisfactory but even then some people are reluctant to complain. Because the County Council has a contract with the John Waterhouse Project in Rouncil Lane, Kenilworth the effectiveness of that contract is regularly assessed. There is no such contract with the units in the north of the county and as a consequence less feedback is received.

The precise scale of the challenge facing the County Council in terms of balancing the needs of those requiring social care and those requiring special educational support will not be clear for a year. This is due largely to the timing of reviews which are undertaken either annually or 6 weekly depending on the severity of need.

Members were assured that if further resources are required to meet demand they cannot be drawn from the Dedicated Schools Grant.

In summing up the committee developed 5 observations/recommendations which it resolved should be passed to Cabinet for its consideration. These comprise the resolution below.

Resolved

For conveyance to the Cabinet meeting of 18th August 2014 the Children and Young People Overview and Scrutiny Committee,

1. Notes the difference between the recommendation of the SEND Reference Group that 24 nights should be the starting point for new users and the recommendation to Cabinet that focusses on an assessment of need.

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2. Welcomes the intention to ensure a consistent approach across Warwickshire aimed at meeting the needs of children and young people.
3. Recommends the use of a set of key performance indicators regarding service quality and financial performance for reported on a quarterly basis to the Children and Young People Overview and Scrutiny Committee.
4. Supports the efforts identified by officers to continue to improve consultation with parents/carers and young people but calls on officers to ensure a focussed approach to communication with hard to reach groups and individuals.
5. Encourages the County Council to work with the LGA and DfE to identify good consistent benchmarking data.

4. Unannounced Ofsted Inspection

Wendy Fabbro the Strategic Director for People Group outlined the purpose of the report. In response to a question from Councillor Mike Perry the committee was informed that so far as is known none of the matters that have recently beset some schools in Birmingham concerning religious extremism have been identified in Warwickshire. The committee was reminded that councillors who are school governors should be aware of this matter and be prepared to report any concerns they may have

5. Date of Next Meeting

The Children and Young People Overview and Scrutiny Committee noted that the date of the next meeting had been scheduled for 2nd September 2014.

6. Any other Business

Following a request from Chris Smart the Chair agreed to discuss at the next Chair and Party Spokes meeting for the committee the recently reported incident of a year 11 pupil in Rugby who has struggled to find a school place.

The Committee rose at 12.00 p.m.

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Chair