



**West
Northamptonshire
Council**

People Overview and Scrutiny Committee

Minutes of a meeting of the People Overview and Scrutiny Committee held at the Jeffrey Room, The Guildhall, Northampton NN1 1DE on Monday 21 November 2022 at 6.00 pm.

Present: Councillor Rosie Herring (Chair)
Councillor Azizur Rahman
Councillor Harry Barrett
Councillor Raymond Connolly
Councillor Rufia Ashraf
Councillor Emma Roberts
Councillor Janice Duffy
Councillor Sue Sharps
Councillor Nick Sturges-Alex
Councillor Mike Warren

Apologies for
Absence: Councillor Karen Cooper
Councillor Imran Ahmed Chowdhury BEM
Councillor Greg Lunn

Officers Ben Pearson, Assistant Director Education
Stuart Lackenby, Executive Director People Services
James Edmunds, Democratic Services Assistant Manager
Kathryn Holton, Committee Officer

There were three members of the public also in attendance.

76. Apologies for Absence and Notification of Substitute Members

Apologies were received from Councillors Cooper, Chowdhury and Lunn.

77. Declarations of Interest

There were none.

78. Notification of requests from Members of the Public to address the Meeting

A request to address the meeting in respect of Item 6 (Support for children and young people with SEND) had been received from Ms Lauren Bunting.

79. Minutes

RESOLVED: that the People Overview and Scrutiny Committee agreed the minutes of the People Overview and Scrutiny Committee meeting on 25 October 2022.

80. **Chair's Announcements**

The Chair noted that the scheduled meeting of the Committee in September 2022 had been cancelled due to the mourning period for the late Queen and this additional meeting had been convened to consider the specific topic of SEND provision.

81. **Support for children and young people with Special Educational Needs and/or Disabilities (SEND)**

The Chair invited Ms Lauren Bunting to address the Committee. Ms Bunting outlined the long-running problems she had experienced in trying to secure appropriate education for her daughter who had SEND. This had put her into contact with other parents who all felt that their children were being failed by West Northamptonshire Council (WNC). WNC had acknowledged this but just admitting failure was not a response to their situation. She questioned whether changes to SEND provision now being made or proposed by WNC would change anything without additional funding. She supported further scrutiny into SEND provision.

In response to questions from Committee members Ms Bunting stated that the outcome she was seeking was for her daughter to have the education package she needed. However, WNC seemed to see her as a nuisance and could not provide an appropriate option. Children with SEND were not being supported to fulfil their potential and to live rewarding lives.

Committee members emphasised the importance of local educational provision to support children with different needs and of good communication between WNC and parents as standard.

The Assistant Director Education advised that he had now been in-post for three months and during this time he had met with Ms Bunting and the parents action group and had corresponded with them extensively. However, he apologised to Ms Bunting for the situation she had experienced and expressed a desire to make improvements by working together. He acknowledged that communications had not been good enough in the past, but changes were now being made.

The Cabinet Member for Children, Families and Education further advised that the need to improve SEND provision had been a key focus of the recruitment process for the Assistant Director Education.

The Assistant Director Education presented the report and explained the national context concerning the provision of support for children and young people with SEND. The Children and Families Act 2014 had set out statutory responsibilities for councils and partners to implement reforms in provision. The SEND Code of Practice then outlined supporting legal requirements, which to date no council had implemented in full. Since 2014 there had been a significant increase in children with additional needs as well as an increase in the complexity of those needs. Nationally there was a £2bn gap in the resources required to implement statutory requirements and fewer than 10% of councils were currently meeting the demand for SEND services within their allocated High Needs Funding. Lockdown had had a disproportionate effect on children and young people with additional needs.

The Department for Education (DfE) had launched consultation on a SEND green paper in March 2022, which was effectively three years late. A new national SEND delivery plan was due to be published in late 2022, although early 2023 was now more likely. WNC would then need to produce a local plan which tailored the national requirements to the local context. Ofsted and the Care Quality Commission were also due to implement a new local inspection framework in early 2023.

In West Northamptonshire there had been a 25% increase in requests for assessment in the last year. There were over 3,000 children with an Education, Health and Care (EHC) Plan, although it was estimated that 20% of a school cohort would have an additional need. There was a shortfall in specialist educational provision and the quality of alternative provision in West Northamptonshire was low. The High Needs budget was overspent, there were difficulties recruiting to key posts and the percentage of EHC needs assessments completed within 20 weeks needed to be improved.

WNC was now taking various action to improve the overall situation:

- Two new staff had been recruited to support improvement and to work with partners. The Assistant Director had used this approach successfully at other councils.
- A new SEND governance board specifically for West Northamptonshire would operate from April 2023, with a vice chair from the Northants Parent Forum Group (NPFPG). The board would be involved in developing future SEND provision, including the local SEND Delivery Plan.
- West Northamptonshire would benefit from a thorough needs assessment and an agreed view of key outcomes.
- Staffing capacity had been increased to help to meet the level of demand. The backlog in EHC plans had now been addressed.
- Additional specialist placements had been opened this term with more coming in future.
- WNC had just launched the graduated approach to SEND support with partners.

The Assistant director Education commented in conclusion that this was a complex area nationally and it was recognised that WNC was behind the curve. However, issues like those raised by Ms Bunting were taken very seriously and there was a commitment to continued dialogue and to co-production of future provision. The new SEND governance board would be a step change that would make a real difference.

The Committee considered the report and members made the following points during the course of discussion:

- Who would be the members of the new governance board and who would have the final responsibility for decisions about future provision?
- Previous engagement with parents had been poor. How would the Assistant Director change that?
- Action was needed not just promises that might not be delivered. Previous issues affecting local SEND provision made it more difficult to take confidence in the approach now being proposed.
- The proposed new approach did seem to be more vigorous. However, the previous Accountability Board had not prevented issues from arising. It was

proposed that an Overview and Scrutiny task and finish panel was needed to look at issues affecting SEND provision in West Northamptonshire and to check and inform key elements of the proposed new approach.

- The NPFG was the lead local group, but it was questioned whether all parents were able to make their voices heard through it.
- A further example was relayed of the difficulties experienced by an 11-year-old child with autism who had been out of education for 18 months due to burn out from masking their condition whilst in a mainstream school setting. The inability to provide education that met a child's individual needs had a significant impact on their current and future life.
- The government needed to hear that resources were not sufficient to address the level of SEND support required by the Children and Families Act 2004. Local authorities should have made more of a case on this.
- Did action to address the backlog of EHC plans also include reviewing previous cases to identify whether individuals received an appropriate response?
- Alternative provision in West Northamptonshire was inadequate and led to the use of more out of county placements. Could alternative provision be brought back in-house by WNC?
- WNC had a community leadership role and councillors were responsible for acting on behalf of local residents, especially those such as children and young people with SEND who felt overlooked.
- WNC incurred expenditure defending tribunal cases relating to SEND packages. A more effective approach would reduce this cost.
- How many of the 49.6% of annual reviews not completed within the 12-month deadline in the current year were far outside the deadline? Did annual reviews not completed within the deadline involve similar cases?

The Assistant Director Education responded to points made by Committee members as follows:

- The governance board would be the decision-maker about how statutory responsibilities regarding SEND were delivered. The board would be chaired by the Cabinet Member for Children, Families and Education and would be composed of senior leaders from across the education, social care, health and voluntary sectors, together with parents. It was also hoped to include young people once the best way of engaging them was identified.
- As Assistant Director he would not make commitments that could not be delivered and aimed to remain at WNC to see them through. The SEND needs assessment was the key part of the new approach as it would inform a considered view of how best to meet local needs.
- Various professional bodies were currently making representations to the government about the pressures on SEND funding. The West Northamptonshire Schools Forum was also due to discuss pressures on the education funding environment, with a view to highlighting issues.
- Requirements relating to parent forums were not set locally. However, the NPFG should be as representative as possible and was being challenged to achieve this. A meeting could be arranged between the NPFG and the parents group that Ms Bunting had helped to create. Various efforts were being made to strengthen previous engagement with parents relating to SEND provision.

- The new approach to SEND provision would engage with local area partnerships and would model need in local areas.
- There was a national system of annual reviews for EHC plans. This was currently not very effective but should improve from 2023 when it would become a statutory requirement. Considering a young person's needs and how these were being met was the basis for much of the work that WNC was now doing.
- Creating more in-house alternative provision would require a change in the law as any new school established had to be an academy. However, WNC had worked with four multi-academy trusts to help to inform bids for alternative provision in the local authority. It was hoped that at least one bid would be supported by the DfE. Early involvement by WNC should then provide the basis for an ongoing partnership. As Assistant Director he sought to take a collaborative approach with all schools in West Northamptonshire.

The Cabinet Member for Children, Families and Education advised during discussion that the f40 group of local authorities had recently completed a piece of work on SEND provision and was now awaiting a response to this from the government. The f40 group had previously made successful representations to the government on issues such as support for unaccompanied asylum-seeking children.

Following discussion, it was proposed that the Committee should agree to set up a task and finish panel to scrutinise SEND provision and the noted failings relating to it, to include a review of the proposed SEND delivery plan and the SEND Accountability Board. The potential for the task and finish group to include co-opted members such as a parent representative and a SEN Coordinator was also raised.

The Chair noted that it would be important for scrutiny of SEND provision to complement the corporate work outlined at the meeting. The Assistant Director Education acknowledged the role of Overview and Scrutiny but also advised that there was a tight timescale involved in establishing the new SEND governance board by April 2023 and that the development of the new approach to SEND provision would involve a group that would carry out a scrutiny-type function.

Committee members commented on the importance of pre-decision scrutiny by Overview and Scrutiny, particularly in the context of previous issues relating to SEND provision. Various Committee members went on to express support for the idea of scrutinising the topic. Councillors Barrett, Roberts and Herring expressed an interest in being part of a task and finish panel and Councillor Barrett offered to chair it.

The Committee was advised to focus first on the intended outcomes of the potential scrutiny work under consideration and then to identify the best method of achieving these, as well as to consider how the potential scrutiny work would add value to existing corporate work.

The Executive Director People Services noted that potential scrutiny work should have clearly defined key lines of enquiry. The topic of SEND provision could be divided up into three elements:

- Development of the needs assessment. NPFG might be asked to provide anonymised cases studies to inform consideration of this by a task and finish panel.

- Governance arrangements supporting future SEND provision. The needs assessment would need be in place in order to consider this element effectively.
- Development of the Delivery Plan and arrangements to judge performance against it.

The Committee gave further consideration to the focus and practicalities of potential scrutiny work on SEND provision. It was highlighted that normal practice when setting up a task and finish panel was to give all non-executive councillors an opportunity to express an interest in participating. The panel members would then meet to develop the scope for the scrutiny work for final approval by the Committee.

RESOLVED: That the People Overview and Scrutiny Committee

- a) Noted the updates in the report.
- b) Agreed to set up a Task and Finish Panel to scrutinise SEND provision.
- c) Noted that Councillors Barrett, Herring and Roberts were prepared to sit on the Task and Finish Panel and that information would be circulated to other non-executive councillors following the meeting to identify the other members to be involved.
- d) Agreed that Task and Finish Panel members would hold a scoping meeting to draw up the key lines of enquiry for the scrutiny review for approval by the People Overview and Scrutiny Committee.

The meeting closed at 7.45 pm

Chair: _____

Date: _____