

## 19/21 Minutes of the meeting held on 6 September 2021

The minutes of the meeting held on 6 September 2021 were agreed as a correct record. The Board agreed that Recommendation one for Item **13/21 – Special Needs Provision** should progress to Council Cabinet for their consideration.

- 1. Derby City Council should have a policy in place to ensure that any SEND school placement proposed or offered to SEND children and young people has the appropriate planning consents authorisations, and registrations in place, particularly from the Council, Department for Education and OFSTED.**

## 13/21 Special Needs Provision - request of the Chair of CYP Scrutiny

The Chair explained that she had requested this item be brought to the Board following publication in online media of an article relating to school placements for children with special educational needs and disabilities. The Cabinet member for CYP (CM) and Strategic Director (SD) had been invited to attend the meeting to give an explanation as to why the local authority had proposed that children were placed at a school that had yet to open or had not yet been approved.

The Strategic Director (SD) outlined the background to the two cases and explained that it was not possible to talk about individual cases or refer to children. It involved two tribunal cases where Jasmine Hall was proposed as a possible special school for children to attend, but that was never actually named in the Education Health Care Plans EHCPs.

The SD explained that as part of the usual EHCP process, several schools within Derby's framework would have been approached and asked to consider whether they could take the children and help with their needs, but none felt that they could. The Service had worked successfully in the past with Jasmine House, which was an established school for children with Special Education Needs and Disabilities (SEND). Outcomes at the school were good and the provider was planning to open another school in Derby, named "Jasmine Hall". During conversations with the parents as the EHCP document and process continued, Jasmine Hall was stated as the Local Authority preference, but ultimately during negotiation with parents as part of the Tribunal process, a different school was named.

The SD explained that it was not against the law to name unopened schools on an EHCP, however, it was unhelpful even if the provider had a track record of providing good provision for children with SEND which was relevant in this case. The SD confirmed that the practice in the team had been changed to make certain there would be no repetition of this situation.

The Chair was pleased to hear that changes had been made in the process. It was agreed that schools should not be named where no planning consent, which could lead to pre-emption of planning processes, or statutory licences were in place and there should be processes put in place to ensure that this did not happen again. The Cabinet Member agreed that it was not acceptable practice, but it was not illegal, and the Board could be assured that the processes had been changed and staff had been trained to ensure this would not be repeated.

The SD highlighted that the Board would be aware that the Council had a SEND strategy and Vision which was co-produced with Partners and the Parent Carer Together Forum. Regular updates on the Strategy and Vision had been brought to the Board.

The Chair stated that children must not have long breaks in their education; should not wait for a school to open; and, they should be back in a school environment as soon as possible.

The Cabinet member reiterated that particular details of cases could not be discussed. It was stated that the Council always tried to ensure that children get to the right school, at the right time, with their needs being met, as soon as possible. It was emphasised that the Council would never keep children away from school on purpose: the Service tried to ensure that children and young people could get the best education and have their personal needs met.

A Councillor asked if a child gets an EHCP in February and the named school would not open until at least September, would the child not be in education until that school opened or would an alternative provision be given, even though it was not specified in the EHCP

The SD explained that it was one of the practical challenges in this particular context: whilst naming a school that was not yet open, schools that were planning to open could be in different phases of development. They could be almost at the point of registration by Ofsted, or they could be in the planning stage. When looking at the context in this case, opening was not likely to happen in the near future; this was part of the concern in understanding the impact on the child and the family, but there could be cases where the opening of a school was close. However, the Council's priority was to ensure that children were matched to the right school with right needs, which in some circumstances could lead to a period of time out of school.

The EHCP system was under significant pressure which could be seen from previous presentations to the Board and in the national press, however this context did not mitigate the concerns of the Chair. A child would not be in education, but this was partly why the Council needed to make practices as robust as they could be, even though what happened in these circumstances was not unlawful.

The Chair thanked both the Cabinet Member and Strategic Director for attending and proposed two recommendations: firstly, for Derby City Council to have a policy in place to ensure that any SEND school placement proposed or offered to SEND children and young people has the appropriate planning consents, authorisations, and registrations in place, particularly from the Council, Department for Education and OFSTED. Secondly, that this matter should be referred to the Audit and Governance Committee for further consideration.

The Board agreed the two recommendations. The Cabinet member accepted the first recommendation, but asked what the intention of the second recommendation was. The Chair stated it was up to the Audit and Governance Committee to discuss and deliberate and declined to discuss the matter further.

**The Board Resolved that:**

- 1. Derby City Council should have a policy in place to ensure that any SEND school placement proposed or offered to SEND children and young people has the appropriate planning consents authorisations, and registrations in place, particularly from the Council, Department for Education and OFSTED.**
- 2. The matter is referred to the Audit and Governance Committee for further consideration.**

## 21/21 Review of Holidays, Activities and Food (HAF) Programme over the Summer

The Board considered a presentation from the Senior School Improvement Officer which provided details of the Derby summer Promise and the HAF Programme.

FSM vouchers were part of the summer promise but they weren't part of the HAF process. we didn't make the decisions about how vouchers would be distributed so the EHE and SEND out of area question was not really about HAF.

### Purpose of HAF

The Officer explained that the £220 million HAF Programme had been established by central Government to provide enriching activities and healthy meals for disadvantaged children in the Easter, summer, and Christmas holidays in 2021. HAF funding focuses on children aged 5 to 16 eligible and in receipt of Free School Meals (FSM) based on census information. FSM vouchers were part of the summer promise but they weren't part of the HAF process.

The officer explained central Government had provided more than £1 million to be split over the year for the three sessions of four days of activities in each session: £579, 635 (50%) of the funding had been allocated to the summer session of the HAF programme.

There are 10,970 children in Derby eligible for FSM, so if every child accessed the HAF Programme it would cost £3.40 per day; the amount of money provided was too small to allow for flexibility to meet the needs of all children. For the summer session two funding streams were combined, HAF and COVID Winter Grant Extension, to provide more funding and allowed for a larger inclusive offer, to incorporate FSM and children, families from vulnerable backgrounds including children with SEND needs and taxi support to enable children to access activities.

HAF was the centre piece for the summer programme. It allowed access to holiday places, uniform vouchers were provided for children moving from year 6 to year 7, signposting to services that could help families, food, support with utilities and provided networking opportunities and development of partnerships with other organisations.

### Process

The process of the HAF 2021 Programme was administered and managed externally by Community Action Derby with strategic support

from Professional Advocate for Children in Education (PACE) officers. Their role included: administering the expression of interest (EOI), selection and approval from a wide network of providers; selecting specialist providers such as SEND, faith based and community specific provision.

## Delivery

Twenty-seven potential providers completed expressions of interest from which 16 providers were selected. The programme took place in 14 of the 17 wards in Derby. Additional coverage was provided from Children's Centres, Adult Education Services, Library Services and Neighbourhood Partnership. It was a combination of faith, community, and specialist groups. A list of providers was given by the officer who also explained that providers worked with DCC as well as each other. A combination of activities was provided which focused on arts, horticulture and nature, music and dance and sports with activities ranging from Archery to Wrestling. The officer gave details some of the external and internal providers involved.

## Outcomes for Summer

The officer highlighted that for the summer HAF programme there were approximately 5286 attendees (48% of the eligible total), of these 4325 were primary aged and 961 were secondary aged, 4897 were HAF eligible. Other funding streams supported 387 (non-FSM). It was explained that these figures are not exact but are very close. The Board were informed that this was a high level in comparison to the rest of the country.

## Financial Breakdown

The total allocation of funding for Derby was £1,195,270. Derby was allowed to use 50% of the allocation for the summer programme: more funding was used because less money had been spent on the Easter programme where a virtual programme had been provided, so all of the money saved had been allocated to the summer programme. In November 2021 30% of the allocation would be used and an additional £126,250 of contingency funding. This will be formally agreed once an October report has been submitted to the DfE. In February 2021 there would be a further 20% allocation. However, all funding amounts are subject to DfE approval after submitting reporting documentation. The Board were informed that Derby had been involved in a DfE/ECORYs evaluation and were praised for the variety of provision and engagement. The DfE had also visited Derby in August 2021 and had been asked to support a DfE event giving information about the Derby HAF Programme.

## Next Steps

The officer provided details of the next steps which included Cabinet approval to continue implementation of the HAF Programme, full evaluation of the summer programme, submission of the DfE October report, the continued use of the support and expertise of Community Action. It was planned to try and increase the number of attendees for the Winter session and to set up a booking system with personalised codes for FSM. They would also apply to the DfE to use 15% of funding for children who were not FSM. Plans for a contingency provision of the programme were in place in case of COVID.

The Chair thanked the officer for all the work that had been done both by her and colleagues and also the Partner organisations involved, and asked the Board if they had any questions. A councillor asked whether there was evidence to show if children who lived in the 14 wards where the programme had been based had accessed the programme or if the children came from elsewhere. The officer confirmed that there was no evidence available as names and addresses of attendees had not been collected. The councillor then asked if the officer could confirm if the number of attendees (4897) were incidences of attendance by children or the number of children attending. The officer confirmed it was the number of children who attended. A Board member asked why only 14 wards participated out of 17, the officer confirmed this was due to the location of providers, the 3 missing wards could attend nearby locations where the partner organisations were based.

The Chair asked if voucher codes for help towards the cost of food were only available for children who attend Derby City schools and for children in receipt of benefits related FSM; there are many vulnerable children being placed out of area including some children and young people with SEND, due to that being the nearest suitable school to meet their needs as there is no appropriate provision in the city.

How did the Council ensure that equality for those children who also may be in receipt or entitled to of FSMs were receiving vouchers? The officer confirmed that the programme did not have the vouchers. FSM vouchers were part of the summer promise but they weren't part of the HAF process, the children were fed at the HAF Programme provisions, but schools were giving out vouchers from the summer promise provision. officers did not make the decisions about how vouchers would be distributed.

The Chair then asked if children in out of area schools receive vouchers; the officer confirmed there were no vouchers for those children. The

Chair asked if children who have education other than at school or who are home schooled received vouchers; the officer confirmed that children who were not in school could attend the HAF programme but would not have received any vouchers through the school.

The Chair asked if an Equality Impact Assessment (EIA) was undertaken before implementing the HAF programme. The officer confirmed that she was aware of the three public sector equality duties which was why a focus had been on SEND, as it was clear that the money provided by the DFE was not adequate to take account of even the FSM children with special needs. There was a conscious effort to involve different faith-based providers so there was a range of food, cultural awareness and SEND.

The Chair had concerns that there was a gap in equality in that there are children attending Derby City schools receiving vouchers for help with food, and also vulnerable and disadvantaged children who have no school placement or home schooling, who are not receiving vouchers. It would be good if something more could be done to look into that area to try and make the provision available to these families, as there was a need to reach these vulnerable and disadvantaged families in need of this support. The officer confirmed that all groups identified were eligible for the programme and there was no problem with uptake of places, but the service will be evaluating the programme to see if any further work can be done for the winter session.

The Chair asked if there was a problem in communicating that the programme was available to access and officers confirmed there was not.

Another councillor stated that the Summer HAF Programme had gone beyond food provision with all the activities on offer; he asked if there had been any feedback from the DfE about the session and if there had been feedback from the pupils who had attended. The officer confirmed there was no feedback from the DfE yet, but the actual visit of the DfE in August had been highly complementary about what had been achieved. Regarding feedback from pupils about their experience of the programme, a form had been developed to capture aspects of what we were looking for during QA visits to the different locations. All forms had a section "talk to the children and ask for feedback on the sessions", overall, it seemed it had been a very positive experience for them.

**The Board noted the report and presentation and resolved to request that Council Cabinet agree to hold a full Equality Impact Assessment (EIA) before and to inform the next instalment of the HAF Programme.**

## 22/21 Monitoring Safeguarding Practice

The Board considered a report and presentation on Monitoring Safeguarding Practice which was presented by the Director of Early Help and Children's Social Care. The report gave an update on the outcome of recent Ofsted Focused Inspection into Children in Care (CIC) services, and an overview of the continuing response to COVID 19, and implications for safeguarding practice and some performance and pressures.

Ofsted Visit 30<sup>th</sup> June and 1<sup>st</sup> July

This was not a judgement inspection; the last judgement was in March 2017 where overall effectiveness and services for CIC were judged to be "Good". The two-day visit focused on the quality of matching, placement and decision making for CIC, the quality of management oversight, challenge and staff supervision in these services, and the effectiveness of Corporate Parenting. The Inspection also looked at performance management information and quality assurance facilities to ensure that managers had an accurate view of social work practice.

The officer explained that it was a positive inspection overall considering they were looking at a challenging period over COVID 19. The Inspectors found that the service had provided an effective response for CIC during COVID 19. When they looked at cases, they recognised that staff received strong and effective support from senior leaders and managers which helped them to continue working with children. The inspectors spoke with CIC Council, and the children told inspectors that for them the Pandemic had had little impact on the services they had received. Inspectors also confirmed that when they looked at thresholds, children came into care when it was the right decision for them and that their needs were met; this was important when taken in context with the wider levels of rising numbers of CIC. Ofsted also found that most CIC benefitted from regular visits from social workers including those within the integrated disabled children's service. Most children had built positive and trusting relationships with their Independent Reviewing Officer. The emotional health and wellbeing and mental health needs of CIC were met by social workers at their looked after reviews. The Learning and Improvement framework was effective; this was a training programme for Derby's social workers to help them be kept at the forefront of learning and practice. The Inspectors felt that that the Corporate Parenting Committee and groups demonstrated achievements and that staff benefitted from regular supervision. Derby's strength-based practice model was beginning to be embedded which was increasing reflection and analysis of the impact of intervention for children.

The officer then highlighted the areas found for development which were in four categories: mainly around threading through of assessment into



the quality of the plans. There was no detriment to the quality of service provided but how it was written down.

- Assessment information about children's needs does not always translate into comprehensive care plans
- Some children do not have sufficiently detailed care plans with specific outcomes and timescales to help monitor children's progress. This was SMART planning where there is specific measurable and actions within timescales
- Life story work and understanding family history; in case files we have a chronology of significant events, some chronologies were not as strong as they could have been. Chronologies are important as if there was a change of social worker it was easier for a new social worker to quickly understand the journey of that child without reading the whole file.
- Social worker caseloads for some staff are higher than they should be. The senior leadership team try to retain staff where possible, and have implemented creative initiatives to develop staff, or to ensure that student and apprentices are developed to bring in more staff.

There has been a rising demand for social care services over the last 18 months.

### COVID pressures and performance

The service has responded very well to the challenges that COVID has presented, social workers have been working throughout the Pandemic, staff have been visiting children and undertaking assessments. Staff are now being brought back into the office more. There is a recovery and restoration plan in place and there is a rotation of social work teams coming into the Council house and working in locality offices; risk assessments have been undertaken to ensure staff safety. Direct contact with CIC has been continued and increased, there was only exceptional virtual contact now, specifically where families have COVID. COVID has helped to bring accessibility around virtual multi-agency meetings, which allowed much more participation from professionals. Where parents need to attend and can't access through virtual means, such as Child Protection conferences, a physical venue has been provided with the availability of a virtual connection for multi-agency partners to use.

There has been a significant increase for initial contact referrals from March this year, however, the six-month average performance around statutory visiting still maintains a high level of contact with 91% done within timescale. The service still has a tight grip on ensuring we meet our statutory requirements but, this has had an impact on staff, with

heightened sickness levels and a higher level of agency staffing; pre-COVID there were 10 agency social workers, currently there are 22. In response Derby continues to maintain its recruitment strategy and open advert, delivery of apprenticeships, and step up to social work programmes. There are 20 newly qualified social workers being supported during their first year of qualification.

The local authority has five children's homes, one is closed, but four remained open during the Pandemic. The homes were subject to risk assessments. Independent visits to the home have now re-started, Regulation 44 Audit takes place each month with an independent visitor to the homes. As COVID has eased the Cabinet member for children and young people and Strategic Director of Peoples Services have undertaken a monitoring visit. The Service Director of Early Help and Children's Social Care has also visited the homes in August and September.

A Board member asked about the data around contacts of the service, what is the slightly longer-term trend, was 2021 going back to pre-covid levels or is there an increase over and above what was happening pre-covid. The officer stated that data can be provided for 2019 but it was on a par with 2020, perhaps slightly less, but 2021 has seen a significant increase. She confirmed that the situation was not that in 2020 the referrals had reduced in 2020 and are now returning to previous levels, there was a significant increase of contacts in 2021.

A councillor asked about identifying workload issues for social workers what was the service doing to address these and were there any plans to increase the number of social workers. The officer explained that a monthly assured safeguarding meeting takes place and issues have been raised in terms of requirement for resources. It was incumbent on her that for the children that are open, to make sure that all of them are the right children and they need a social worker at that time. Those issues have been raised and the need has been placed with senior leadership and I'm also ensuring that cases are closed promptly and are not left open longer that required. There was also a programme for step ups and for our internal workers who are not qualified to become social workers.

A councillor stated that the Ofsted inspection went well, she had read report and have been impressed how social workers have coped with increased pressure it was encouraging news, well done.

The Chair stated that the Board must recognise the fantastic report given particularly under the pressured and stressful environment, she thanked to Service Director of Early Health and Children's Social Care and team. There was a need to identify the fact that there are rising pressures and demands in new referrals, also rising demands for numbers of children in care particularly.

**The Board noted the content of the report, current pressures and plans in place to address future challenges. The Board also put forward the following two recommendations to Council Cabinet:**

- 1. The Board resolves that the Leader of the Council write to the new Secretary of State for Health and Social Care and urge him to recognise the rising demand that Social Care in Derby City was currently having, particularly in the rising number of referrals and the number of children in care and projection for those and call for appropriate funding to meet that demand.**
- 2. The Board resolves that Council Cabinet reinstates Members Care Home Visits and include Member visits to Out of Area Placements immediately.**

## 23/21 Demand in Social Care and Placement Sufficiency

The Board considered a report and presentation from the Director of Early Help and Children's Social Care and the Director of Children's Integrated Commissioning on the Demand in Social Care and Placement Sufficiency

In terms of placement sufficiency and demands on children social the officer explained that the context had been outlined in the previous item.

The officer then explained the national context. Every local authority has a sufficiency duty to ensure that there are enough placements for all their children in care, both in foster and residential placements. This is a particular challenge in Derby as we are a small unitary authority and having that capacity has always been a challenge. Nationally irrespective of whether or not you are a large county, there has been an overall shortage of placements for children in care. Nationally some of those placement referrals have been up by 40% in some areas this was exacerbated by COVID.

The cost of care was one of the highest costs that councils must pay, residential care being particularly expensive. Local authorities are expected on average to overspend by up to £12m on children's services this year and Derby was no exception to that.

COVID has had a huge impact. Self-isolation, home schooling and unemployment have placed a lot of families under additional pressure. COVID has also impacted on mental health and addiction problems. These are some of the reasons for entries into care. The Council has been very robust in ensuring that only the right children come into care, as has been explained in the previous item our thresholds are correct and Ofsted have come in and externally scrutinised those.

Overall, the Association of Directors of Children's Services (ADCS) has concerns around the sufficiency placement they see it as "deeply worrying and financially problematic" for local authorities. The ADCS have recommended that there should be a cap on fees that private providers can charge; local authorities can pay huge amounts of money for one child to be placed. They have also recommended "early intensive support, closer to the communities in which children grow up". Derby has a significant number of children who, through lack of placement sufficiency, are living out of area or outside the twenty mile radius, which we strive to address constantly.

The officer explained the Local Context for Children's Social Care: there were significant implications from COVID, when COVID began children were unable to be moved until around December 2020. We had significant issues around finding placements and if children needed to be moved, they could not be moved. There are high LAC number which are likely to remain in the 650 – 700 range and within the report is a

forecasted future demand curve which is always rising. Derby has a number of initiatives to try and mitigate this but Derby is no different to any other authority seeing increases.

It was also not just about increasing admissions to care, the reality being that children will stay in care for longer durations, about 6 months to a year on average. There was also a significant backlog of cases in the Family Proceedings Court currently being resolved, but the effect for children had been significant for children getting to their “forever home”. A significant number of foster carers had been unable to take additional children as they were shielding. The authority had implemented the “staying put” policy so that children stayed beyond their 18<sup>th</sup> birthdays: some children are still in those placements.

The service continues to work on demand management areas including: the development of in-house residential placements; the lean review of placements to ensure they are as streamlined as possible; fostering opportunities through regional Social Impact Bonds and recruitment of in-house foster carers to try and make sure that the Council was in control of the market and have some control of the recruitment of foster carers. Each workstream has its own key milestones and progress. The Forecast of CIC numbers indicates that the numbers of CIC in Derby are likely to continue to increase over the next 3 to 4 years; there was a real priority to ensure that there would be sufficient placements when we are in competition with other authorities.

Current Demand Management Initiatives. The Service has restructured the Early Help service to create the Staying Together Team which targets families on the edge of care. The Early Help services have been slightly refocused at nil cost to respond on a city-wide basis to those families who are in crisis and in need of help but with some key support and targeted intervention can survive the crisis point and keep children at home. Since last September worked with 30 families and have prevented 53 children coming into care. In terms of Corporate Fostering 22 additional mainstream bedspaces have been added, a friends and family team has been developed, who have supported 38 children to go to extended family rather than coming into care. There was also an Exit from Care Team which was on track for 25 exits from care in by the end of 2022. There have been 16 Step Downs from expensive external placements into internal residential provision or foster care since July 2020.

The officer detailed five areas of work ongoing now to improve placement sufficiency which included:

- Children’s Sufficiency Accommodation Strategy 2021-23
- Cluster Homes development and supported accommodation for Unaccompanied Asylum Seeker Children (USAC)
- DfE children’s Homes Capital bid

- D2N2 Arrangements for Accommodation and Support for 16 to 17 year olds and Block Contracts
- D2N2 Approach to Foster recruitment

In summary as outlined previously by the Director of Early Help and Social Care and the line bar chart which outlines the pressures, and shows how the numbers of CIC have increased from around 400 – 450 in 2016 to a forecast of 650 – 750 in next 3 to 4 years.

All authorities are struggling with pressures on families and increase in demand for social care and children coming into care, how the authority was grappling with that are by developing some innovative and partnership approaches across authorities working with external providers together with in-house providers, using a hybrid model to work through the pressures.

A councillor was interested to know of the 650 of children currently in foster care what proportion are in-house and a private fostering arrangement. Also do you consider in house recruitment drive successful, particularly benchmarking of offer to carers and whether the offer made to in house is adequate to attract foster carers. The officer explained that offer provided by Derby when compared to D2N2 was more attractive in terms of fees and payments, and provided better training programme for Foster Carers. None of our Foster Carers had moved to private agencies, but we have attracted private fostering agencies to come to Derby, which was a turnaround as 3 to 4 years ago Foster Carers were leaving in house to go to private agencies. Derby provides a personalised service for our Foster Carers we do have a good retention rate, usually when Foster Carers leave it was due to retirement. The plans outlined to work with other local authorities, will not detract from our recruitment drive but will provide another way to attract foster carers to work with local authorities. The officer will provide the proportions of CIC with in-house or with private foster carers to the councillor outside of the meeting.

The Chair was concerned at the huge demand and suggested that there was a need to be pro-active to ensure that there was pressure on the government. She would like to put a similar resolution as on the previous item.

- 1. The Board noted the projects underway to reduce demand on children's social care services and increase the sufficiency of placements, through new and innovative approaches.**
- 2. The Board resolved to request that Council Cabinet ask the Cabinet Member for Children and Young People to write to the new Secretary of State for Health and Social Care and urge him to recognise the rising demand in Social Care in Derby City and to call for an appropriate rise in funding to meet that demand also.**