



County Offices  
Newland  
Lincoln  
LN1 1YL

14 November 2019

**Children and Young People Scrutiny Committee**

A meeting of the Children and Young People Scrutiny Committee will be held on **Friday, 22 November 2019 at 10.00 am in Committee Room One, County Offices, Newland, Lincoln LN1 1YL** for the transaction of the business set out on the attached Agenda.

Yours sincerely

A handwritten signature in black ink that reads 'DBarnes'.

Debbie Barnes OBE  
Head of Paid Service

**Membership of the Children and Young People Scrutiny Committee**  
**(11 Members of the Council and 4 Added Members)**

Councillors R J Kendrick (Chairman), A P Maughan (Vice-Chairman), M D Boles, Mrs W Bowkett, M T Fido, R L Foulkes, C Matthews, S R Parkin, M A Whittington, L Wootten and R Wootten

**Added Members**

Church Representatives: Reverend P A Johnson and Mr S C Rudman

Parent Governor Representatives: Mrs P J Barnett and Miss A E I Sayer



**CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE AGENDA  
FRIDAY, 22 NOVEMBER 2019**

<b>Item</b>	<b>Title</b>	<b>Pages</b>
<b>1</b>	<b>Apologies for Absence / Replacement Members</b>	
<b>2</b>	<b>Declarations of Members' Interest</b>	
<b>3</b>	<b>Minutes of the meeting of the Children and Young People Scrutiny Committee held on 18 October 2019</b>	5 - 14
<b>4</b>	<b>Announcements by the Chairman, Executive Councillor for Adult Care, Health and Children's Services and Chief Officers</b>	Verbal Report
<b>5</b>	<b>Progress Report on Transitions Scrutiny Review Recommendations</b> <i>(To receive a joint report from Justin Hackney, Assistant Director for Specialist Adult Services and Sheridan Dodsworth, Head of Special Educational Needs and Disability, which provides the Committee with an update on the progress made on the recommendations from the Transitions Scrutiny Review Final Report – April 2019)</i>	15 - 26
<b>6</b>	<b>Child in Employment and Entertainment Prosecution Policy</b> <i>(To receive a report from Jill Chandair-Nair, Inclusion and Attendance Manager, which provides an update to the Committee on the work being carried out by the Inclusion and Attendance Team; and the strategies used to enforce the relevant laws around children working and performing)</i>	27 - 40
<b>7</b>	<b>Children and Young People Scrutiny Committee Work Programme</b> <i>(To receive a report from Tracy Johnson, Senior Scrutiny Officer, which provides the Committee with an opportunity to consider and comment on its work programme for the coming months)</i>	41 - 44

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**Please note:** for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
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**CHILDREN AND YOUNG PEOPLE  
SCRUTINY COMMITTEE  
18 OCTOBER 2019**

**PRESENT: COUNCILLOR R J KENDRICK (CHAIRMAN)**

Councillors A P Maughan (Vice-Chairman), M T Fido, R L Foulkes, C Matthews, S R Parkin, M A Whittington, L Wootten, R Wootten and S P Roe.

**Added Members**

Parent Governor Representative: Miss A E I Sayer.

Councillor: D Brailsford (Executive Support Councillor for Children's Services) was also in attendance.

Officers in attendance:-

Michelle Andrews (Head of Early Years), Matthew Clayton (Admissions and Education Provision Manager), Katrina Cope (Senior Democratic Services Officer), Roz Cordy (Interim Assistant Director of Safeguarding), Sheridan Dodsworth (Head of SEND), Simon Evans (Health Scrutiny Officer), Jo Kavanagh (Assistant Director Early Help), Dave Pennington (Service Manager Property Development), Heather Sandy (Interim Director of Education), Martin Smith (Interim Assistant Director of Education), Viki Thomas (Principal Advisor Early Education and Childcare) and Carolyn Knight (Quality and Standards Manager).

**26 APOLOGIES FOR ABSENCE / REPLACEMENT MEMBERS**

Apologies for absence were received from Councillor Mrs W Bowkett, Mr S C Rudman (Church Representative) and Mrs P J Barnett (Parent Governor Representative).

It was noted that the Head of Paid Service, having received notice under Regulation 13 of the Local Government (Committee and Political Groups) Regulations 1990, had appointed Councillor S R Roe to replace Councillor Mrs W Bowkett for this meeting only.

An apology was also received from Councillor Mrs P A Bradwell (Executive Councillor Adult Care, Health and Children's Services).

**27 DECLARATIONS OF MEMBERS' INTEREST**

Councillor A P Maughan wished it to be noted that in relation to agenda item seven – Update on the Building Communities of Specialist Provision Strategy, that the

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schools mentioned in the report were clients of the Accountancy firm he was an employee of.

Councillor M A Whittington also wished it to be noted that he had an adopted son who was in receipt of services from Barnardo's.

**28 MINUTES OF THE MEETING OF THE CHILDREN AND YOUNG PEOPLE  
SCRUTINY COMMITTEE HELD ON 6 SEPTEMBER 2019****RESOLVED**

That the minutes of the Children and Young People Scrutiny Committee meeting held on 6 September 2019 be agreed and signed by the Vice-Chairman as a correct record.

**29 ANNOUNCEMENTS BY THE CHAIRMAN, EXECUTIVE COUNCILLOR  
FOR ADULT CARE, HEALTH AND CHILDREN'S SERVICES AND CHIEF  
OFFICERS**

The Executive Support Councillor for Children's Services welcomed the newly appointed Vice-Chairman to his first meeting in the role.

**30 CHILDREN'S SERVICES INSPECTION BY OFSTED - REPORT AND  
ACTION PLAN**

The Committee gave consideration to a report from the Roz Cordy, Interim Assistant Director Safeguarding, which presented the action plan that had been developed in response to the inspection of Children's Services under the Ofsted Inspecting Local Authority Children's Services (ILAC's) Framework in April 2019.

The Committee was advised that the Ofsted inspection under the ILAC's framework conducted in April 2019 had resulted in an overall judgement of 'Outstanding' for the services, which Lincolnshire Children's Social Care Services provide for children and families in Lincolnshire.

Attached at Appendix A to the report was a copy of the Ofsted report; and Appendix B provided a copy of the action plan which ensured that the areas highlighted for potential development or improvement in the Ofsted report were addressed.

During discussion, the Committee raised the following points:-

- Page 20 - Paragraph 10 - The comment in relation to child protection minutes being overly detailed. The Committee was advised that work had been carried out with all parties, and that the concerns raised had now been rectified;
- Page 21 – Paragraph 16 – Clarification was given that Ofsted were happy with the support provided by the district councils. Their issue related to legal and to how they were assessed. It was noted that Futures4Me were engaging better with this particular group;

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- Page 27 – Paragraph 44 – Reference was made to positive nature of staff and their commitment for Lincolnshire; and to the fact that staff turnover was low. The Committee expressed their thanks to all staff involved. The Committee agreed that a letter should be sent to all staff congratulating them for their commitment; and
- Feedback from the Peer Review which highlighted that more needed to be invested in back office functions. The Committee noted that investment had been made within Children's Services and Adult Services and that other directorates should be able to have the same development opportunities. The Corporate Plan was to have a one council approach.

In conclusion, the Committee was advised that being selected to be a Partner in Practice had changed the way Children's Services worked. The Committee was advised further that Partners in Practice had changed the ethos of Children's Services and encouraged the service to work more innovatively.

**RESOLVED**

1. That the progress on the action plan in response to the inspection of Children's Services under the Ofsted Inspecting Local Authority Services Framework be noted.
2. That a letter be sent from the Children and Young People Scrutiny Committee thanking Children's Social Care staff for their enthusiasm and commitment.

31 PROPOSAL TO EXPAND THE CAPACITY AT ATHENA SCHOOL, LINCOLN FROM 72 TO 104 (FINAL DECISION)

Consideration was given to a report from Heather Sandy, Interim Director, Education, which invited the Committee to consider the proposal to expand the capacity at Athena School, Lincoln from 72 to 104 (final decision), which was due to be considered by the Executive Councillor for Adult Care, Health and Children's Services on 1 November 2019.

The Chairman welcomed to the meeting Sheridan Dodsworth, Head of Special Educational Needs and Disability and Matthew Clayton, Admission and Education Provision Manager.

Attached at Appendix 1 to the report was a copy of the Executive report and associated Appendices.

The Committee noted that the Local Authority (LA) was co-ordinating the process following statutory guidelines published in the Department for Education (DfE) guide 'Making prescribed alterations' to maintained schools. The Committee noted further that on the 5 June 2019, a four week period of consultation had commenced, which had closed on 3 July 2019, details of which were shown in Appendix A to Appendix 1 of the report. It was highlighted that following consultation, a decision had been taken on 22 July 2019 to publish a Statutory Notice on 8 August 2019, which had

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initiated a four week Representation Period up to 5 September 2019. It was highlighted further that the process was now entering the final stage when the LA as decision maker, had to take the final decision regarding the proposal within two months from the end of the Representation Period (by 5 November 2019).

It was highlighted to the Committee that in September 2018, Athena School was virtually at capacity at the beginning of the school term with 71 children on roll, and over-capacity with 75 on roll during the school year. It was highlighted further that the proposal being consulted on was to permanently expand the capacity of the school by incorporating the former St Christopher's Annex on the adjacent site with some remodelling and refurbishment of the existing buildings. Appendix E to Appendix 1 provided some indicative plans for the Committee to consider. The Committee noted that if the plans were to proceed, the school would be able to offer up to 32 additional places above their current capacity of 72, to a new capacity of 104. It was noted further that if the proposal was to be approved, it was proposed that building works would begin later in 2019.

The Committee was advised that the increase in numbers would ensure that the provision of school places was planned to promote high educational standards, enable fair access to educational opportunity for every child and promote the fulfilment of each child's potential. The proposal would also provide an opportunity to extend and enhance further the already excellent provision in place at Athena School to benefit more children, not just the additional pupils but the ones that were already on roll. It would also enable the LA to fulfil its statutory duty of ensuring that there were sufficient places to accommodate all pupils of statutory school age in Lincolnshire.

The Committee extended strong support for the recommendations on the basis that it represented a value for money solution to the demand for additional Social Emotional Mental Health (SEMH) places at key stages three and four in Lincolnshire area.

The Committee also noted that it was unlikely that a planning application would be required for the building works, with the exception of the planned installation of a three metre fence to safeguard pupils at the school, which was a particular requirement given that the site was adjacent to the A15 (South Park Avenue, Lincoln). The Committee also accepted the rationale for the height of the fencing and agreed to highlight to the Executive Councillor the need for sensitivity over its installation.

During discussion, the Committee sought clarification on several points, which included:-

- Phasing of the Building Works – That some internal works were likely to be undertaken during 2019, but most of the building works would be undertaken in early 2020;
- Transition Planning – Most, but not all, primary aged pupils at the Fortuna School would transfer to Athena School at secondary age; this was dependent on their needs; and that transition planning for all pupils would begin in year 5; and

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- Admission of Additional Pupils – It was noted that additional pupils would be admitted to the Athena School over a period of time, probably two terms.

In conclusion, the Committee strongly supported the planned expansion of Athena School, but sought further information on several specific details, such as the capital funding required; and on how much would be saved by placing pupils locally as opposed to independent or out-of-county placements. It was agreed that a briefing paper would be prepared for consideration at a later date.

**RESOLVED**

1. That the Children and Young People Scrutiny Committee strongly supported the recommendations as detailed in the report, on the basis that they represented a value for money solution to the demand for additional SEMH places at key stages three and four in the Lincoln area.
2. That the comments as detailed above be passed to the Executive Councillor Adult Care, Health and Children's Services to take into consideration prior to making a decision on 1 November 2019.

**32     UPDATE ON THE BUILDING COMMUNITIES OF SPECIALIST PROVISION STRATEGY**

The Committee gave consideration to a report from Sheridan Dodsworth, Head of Special Educational Needs and Disability, which provided an update on the implementation of the Building Communities of Specialist Provision Strategy.

The Chairman welcomed to the meeting Sheridan Dodsworth, Head of Special Educational Needs and Disability, Eileen McMorrow, Senior Project Officer, Special Educational Needs and Disability and Dave Pennington, Head of Property Development.

The Committee was advised that implementation of the strategy had commenced in January 2019 and that work would continue for the next five years with final school changes being made in September 2024.

The report presented provided an update on the first ten months of delivery on the capital programme. Appendix A to the report provided the Committee with an overview of the SEND schools outline programme. Details of the progress made were shown on pages 60 to 64 of the report.

Appendices B to F provided design plans of some of the schools for the Committee to view.

The Committee noted that Social Emotional and Mental Health Needs (SEMH) groups had been tasked to produce Lincolnshire's SEMH strategic vision for Lincolnshire County Council approval by September 2020.

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It was noted further that the proposed model for satellite provision was being developed within the design work stream. Representatives from mainstream and special education and Local Authority officers had collaborated to develop an aspirational model for satellite provision, which would enable children and young people attending special schools to have access to a wider curriculum and greater mainstream opportunities. It was reported that 14 mainstream schools had expressed an interest to host a satellite; and the Local Authority (LA) anticipated further expressions of interest from mainstream partners.

Other workstreams that were being developed were Community Led Panels, Health, Specialist Equipment Contract; and Workforce Development.

Councillor S P Roe wished it to be noted that as the location of St Christopher's School was opposite his mother's farm, he left the meeting during discussion and voting thereon.

In conclusion, the Committee was advised that significant progress had been made across the capital investment programme with eight out of the fourteen schools being actively engaged in feasibility and design of their planned development. It was noted that in accordance with the outlined programme, six schools would be needs operational by the autumn term 2021, with at least two more coming on line in 2022. Despite the delay identified to the final delivery on St Christopher's School due to the unsuccessful special free school bid, the whole strategic vision would still be implemented in five years from approval as set out in the original strategy.

During discussion, the Committee raised the following points:-

- A question was asked as to why the Free School Bid had been unsuccessful. The Committee was advised that the LA had been very disappointed at being unsuccessful in the last round of government free school applications, mainly due to other areas being able to demonstrate a greater need; as nationally other LA's were either at or nearing crisis point;
- Confirmation was sought as to whether there was sufficient capacity within the LA to ensure that projects were being overseen. Assurance was given that there was capacity; and that a corporate approach was being implemented between Children's Services and Property to ensure better oversight and monitoring of the projects. It was reported that for each project, milestones were assessed on a weekly basis; and that there was no concerns regarding timescales or slippage; and that each project had contingency built in to it;
- A request was made for further information relating to the satellite provision;
- Workforce issues – The Committee was advised that special schools had fewer problems with recruitment; and
- The need to ensure that parents were aware of the advantages of the satellite scheme; and the advantages for young people being able to stay within their communities.

The Committee expressed their support for the Building Communities of Specialist Provision Strategy and the update received; and a request was made by some

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members of the Committee to visit some of the sites. Officers welcomed visits by members of the Committee.

RESOLVED

That progress on the Building Communities of Specialist Provision Strategy be noted.

33     IMPROVEMENT PLAN - SCHOOL READINESS

Councillor S R Roe re-joined the meeting.

The Committee gave consideration to a report from Jo Kavanagh, Assistant Director, Early Help, which invited the Committee to review the improvement plan – school readiness.

The Chairman welcomed to the meeting Jo Kavanagh, Assistant Director, Early Help, Michelle Andrews, Head of Early Years and Viki Thomas, Principal Adviser for Early Education & Child Care.

The Committee was advised that the statutory framework for early years foundation stage set the standards for learning development and care for children from 3-5 years. The Committee was advised further that Lincolnshire had compared well to national figures, however, in the last two years Lincolnshire had in recent years seen a data fall below the national average.

The Committee was advised that there were seven headings within the plan.

These were:-

- Raising a good level of development;
- Ensuring sufficiency of good quality provision;
- Focusing of effective transitions;
- Accessing children centres services;
- More effective early identification of need;
- Raising the aspirations of providers; and
- Ambition 1 – Social Mobility.

Appendix A to the report provided a copy of the Improvement Plan. It was noted that the improvement plan included working in partnership with Early Years Providers, and schools both directly and through the work commissioned to Lincolnshire Teaching School's Together (LTT). In addition, it included working with other service areas including Special Education Needs and Disabilities Team (SEND), Ethnic Minority and Traveller Education Team (EMTET), Children's Health Teams, and external agencies commissioned nationally to work with Local Authorities.

The Committee noted that there were almost 700 providers registered to deliver early years entitlement places to children across Lincolnshire.

The report also made reference to Children's Centres, Health Visiting and Community based maternity hubs, details of which were shown on page 87 and 88 of the report.

The Committee was advised that there had been many changes across the early years and Children's Centre sector in the last three years in Lincolnshire, all of which would have a positive impact on families and children's outcomes both from a health and wellbeing perspective. The Committee was advised further that Lincolnshire's overarching approach would be set out in a strategy along with the Local Authority's (LA's) ambitions later in the year. It was noted that the strategy would ensure the foundations were in place to enable Lincolnshire children to succeed.

In conclusion, the Committee was advised that the improvement plan allowed the LA to focus on areas of learning that needed to be improved; and enabled resources to be geographically targeted. It was noted that the improvement plan had been developed to set out how working collaboratively would improve the early educational experiences and outcomes.

During discussion, the Committee raised the following points:-

- Home Learning Environment – The Committee was advised that there was a realisation that more could be done to encourage and support parents; and that lots of work was being done to support school readiness;
- Good Level of Development (GLD) – Details for the 2018 academic year were shown on pages 82 to 84 of the report; and Table B provided further analysis at a district level, some concern was expressed that some district councils were below the national average. It was highlighted that from the data provided there was early signs that progress was being made to improve children's outcomes. It was highlighted further that 'writing' was the Early Learning Goal in which Lincolnshire children did less well. Table C on page 85 provided details of the 17 Early Learning Goals and the percentage of children expected or exceeding judgements and the areas of learning achieved;
- Page 83 – Children where English was an additional language. The Committee noted that the gap had widened in Lincolnshire in 2018 by 1%. The Committee noted that in Lincolnshire there had been a lot of newly arrived non-English speaking residents; and that work was on-going to respond to the increase. One member enquired whether more detailed information could be obtained to identify specific areas to target resources. Officers advised that the Local Authority could obtain information at postcode level; which then enabled the school and areas of need to be identified; to enable resources to be targeted. The Committee noted there was not an easy solution to the problem; and that the 2019 data would not be available until later in the year. One member felt that Councillors would benefit from seeing the wider data;
- The complexity of deprivation and the need for more work with families;
- Gender gap between boys and girls – The Committee was advised that this was part of Children's Services core business; and not a theme for the current year; and

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- Children's Centres – Some members expressed their support to the range of services provided by Children's Centres. Members of the Committee were encouraged to visit their local Children's Centre.

RESOLVED

That the Improvement Plan – School Readiness be received and the comments raised above be noted by officers.

34 ANNUAL REVIEW OF COMPLAINTS FOR CHILDREN'S SERVICES

Consideration was given to a report from Jo Kavanagh, Assistant Director of Early Help, which updated the Committee on the performance of Children's Services in relation to complaints relating to Social Care in line with statutory requirements.

A copy of the Annual Complaints Report for 2018/19 was attached at Appendix A to the report.

The Chairman welcomed to the meeting Carolyn Knight, Quality and Standards Manager. The Committee was advised that during 2018/19 there had been significant changes in relation to how complaints within Children's Services were managed. As a result complaints in 2018/19 were at the lowest they had been in ten years, down from 158 (2017/18) to 119, of which only seven had been substantiated.

The Committee noted that the restorative way of working had made an impact on the numbers.

During a short discussion, the Committee raised the following points:-

- The complaints process – Reassurance was given that the restorative practice was having an impact. Confirmation was given that complaints could be made on-line via the web, or by telephone, or by letter. The Committee was advised that every complaint was responded to; and that a statutory process was followed. The Committee noted that the Complaints Manager was positioned within the Customer Services Team;
- Confirmation was given that complaints just related to social care. Reassurance was given that complaints were investigated; and officers were spoken to accordingly;
- Looked After Children Complaints – The Committee was advised that there were no young people persistently making complaints. If a LAC made a complaint; processes were in place and the young person had access to the advocacy service;
- The need to ensure that learning was gained when mistakes were made. Reassurance was given that this was the case;
- Confirmation was given that any complaints made concerning Barnardo's would be picked up through contract management; and
- Corporate Risk Assessment for Social Workers – The Committee was advised that processes were in place to protect social workers; with telephone calls to

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practice supervisors; and each social worker was equipped with a personal alarm.

RESOLVED

That the Annual Report of Complaints for Children's Services be received and that the priorities for 2019/20 be endorsed.

35 CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE WORK PROGRAMME

Consideration was given to a report which enabled the Committee to comment on the content of its work programme, to ensure that its scrutiny activity was focussed where it could be of greatest benefit.

The Health Scrutiny Officer advised the Committee that there was one amendment to the work programme presented. The Special Education Needs and Disability Transport would not be considered by the Committee now on 22 November 2019, as the issues relating to this item were wider than the scope of the Children and Young People Scrutiny Committee.

RESOLVED

That the Children and Young People Scrutiny Committee Work programme presented be agreed with the addition of the amendment detailed above.

The meeting closed at 12.50 pm

**Open Report on behalf of Justin Hackney, Assistant Director - Specialist Adult Services and Safeguarding**

Report to:	<b>Children and Young People Scrutiny Committee</b>
Date:	<b>22 November 2019</b>
Subject:	<b>Progress Report on Transitions Scrutiny Review Recommendations</b>

**Summary:**

The purpose of this report is to provide a progress update on the recommendations made within the Transitions Scrutiny Review final report in April 2019.

A review of the individual experiences of young people with Special Educational Needs and Disability (SEND) transitioning into Adult Services was undertaken by the Transitions Scrutiny Panel. Three key recommendations were presented and instructions were given to Local Authority (LA) Officers to respond to these recommendations in order to improve the already good practices currently in place.

The Transitions Scrutiny Panel identified the need to undertake improvements in the following areas of transition:

1. Information and advice through the Local Offer,
2. Improve Health Outcomes, and
3. Review Pathway Plans for Care Leavers.

Each recommendation has been allocated to the relevant service area to progress and this report provides an update on activity to date.

**Actions Required:**

The Children and Young People Scrutiny Committee is requested to review the progress made against the recommendations and to make comment.

## **1. Background**

### **Establishment of the Scrutiny Panel**

On 29 March 2018, the County Council's Overview and Scrutiny Management Board approved a scrutiny review to give consideration to the individual experiences of those young people with more complex educational needs who

receive support through an Education, Health and Care (EHC) plan and their journey transitioning into adulthood.

The review also considered the preparations being made towards implementing the Children and Social Work Act 2017 and the impact on transition arrangements for those young people in the care of the Local Authority. On 30 August 2018 the Overview and Scrutiny Management Board endorsed the terms of reference for the 'Transitions Scrutiny Review' as per Article 6.10 of the County Council's Constitution.

The Scrutiny Panel met seven times over the course of the review and undertook a number of visits to special schools and engaged with County Council staff as well as individual service users.

### **Scope of the review**

The purpose of the review was to consider best practice, areas for better working and to identify key findings and recommendations to aid continued improvement of these services in Lincolnshire.

1. To consider and review the experiences of those young people with more complex educational needs who receive support through an Education, Health and Care (EHC) plan and their journey transitioning into adulthood. Including the following:
  - To review the experience of young people and their families/carers, and the overarching principles for good transition,
  - Ensuring that arrangements for transition services are robust,
  - To consider processes which are in place to ensure all young people who require transition services are identified and receive services and
  - The planning of transition, support before and after transfer and the supporting infrastructure for transitions.
2. To review the preparations being made towards the implementation of the Children and Social Work Act 2017, increasing the age of eligibility for support to care leavers from the age of 21 to 25.

### **Outcome of the Review**

On 30 May 2019, the Scrutiny Panel presented its findings to the Overview and Scrutiny Management Board.

The Scrutiny Panel made three key recommendations to seek to improve what was already deemed to be a good process.

#### **Recommendation 1 – Information and Advice Local Offer**

**The Scrutiny Panel recommends that Children's Services and Adult Care continue to develop, promote and deliver consistent and clear communications through greater promotion of the local offer. It is envisaged**

**this will be achieved as part of delivering the outcomes of the recent Joint local area SEND inspection.**

The Scrutiny Panel highlighted the following themes as part of this recommendation:

1. Promoting early engagement with families/young people and an individualised approach to communication.
2. Ensure information on the local offer is sent out to all those involved in the transitions process as part of a clearly developed communications strategy to ensure a clear and consistent message.
3. Enhancing collaborative working with wider stakeholders so that information about criteria and processes is available to all (families and professionals).
4. Support the role of the intake team working within schools to promote the opportunity for parents to discuss options through early engagement.
5. Managing expectations effectively in a supportive and engaging way in order to promote positive outcomes as part of a 'life time journey'.
6. Continuing to ensure families are at the heart of a decision making process.
7. Targeted promotion of Advocacy and Advice services such as the Parent Carer Forum and 'Liaise' the Special Educational Needs and Disability (SEND) Information Advice and Support Service.
8. Ensure the information included in the Local Offer is effectively promoted to families not directly involved with Children's Services.
9. Support the development of a 'Progression to Adulthood' section of the local offer.

## **Recommendation 2 – Improved Health Outcomes**

**The Scrutiny Panel recommends that Lincolnshire County Council continues to strengthen positive relationships with CCGs, to develop a proactive approach and to support the implementation of the SEND action plan.**

The Scrutiny Panel highlighted the following themes as part of this recommendation:

1. To improve the quality of Education, Health and Care Plans by promoting more outcome focused recommendations.
2. Establish systems of leadership that are effective in ensuring that all managers are held to account for improvements to services and for promoting effective practice.
3. Increase understanding of health data to better plan future services to meet children and young people's health needs.
4. Improve the health offer to include a clear pathway for Autism Spectrum Disorder and neurodevelopment conditions.
5. Developing and promoting an effective and more consistent level of good practice across the County through the SEND steering group.

### **Recommendation 3 – Pathway Plan Review**

**The Scrutiny Panel supports reviewing the format and structure of the current Pathway Plan document for Care Leavers. The Panel recognises that the current document meets the requirements of a Pathway Plan and contains everything required, but believes that the structure of the document needs to be reviewed in order to be more useful to better meet the needs of young people.**

The final report from the Transitions Scrutiny Review was presented to the Executive on 9 July 2019 where it was agreed to respond to the report indicating which recommendations had been accepted and where recommendations were accepted, to bring forward an Action Plan for their implementation.

## **2. Conclusion**

In response to the Transitions Scrutiny Review, an Action Plan was formally adopted to summarise the Executive response and monitor progress against the three key recommendations. This Action Plan can be viewed at Appendix A.

### **Recommendation 1 – Information and Advice Local Offer**

The need to develop, promote and deliver consistent and clear communications through greater promotion of the Local Offer has been identified as a key priority following the LA's self-assessment in readiness for the Local Area SEND Inspection and in the final report produced by Ofsted and the Care Quality Commission, in addition to the Transitions Scrutiny Review.

A range of actions have been undertaken to actively promote the Local Offer and ensure all information is clear, concise and accessible. A working group led by Caroline Jackson, Commissioning Manager – Performance Services has been established and a Project Plan developed to oversee the tasks relating to this recommendation.

To ensure the Local Offer is designed to meet the needs of all service users, engagement activities have been undertaken with families, service user groups and schools. These engagement activities have provided useful feedback regarding content and accessibility and suggestions on how to make the site more informative.

This working group has overseen the review of all Local Offer content and structure which concluded the need to refresh existing SEND information and layout to ensure it was streamlined and accessible. A new navigation system has been put in place to improve the service user experience and a new pathway and content specifically for transitions has been implemented. The Local Offer booklet and the Moving On brochure have both been reviewed and refreshed, with the latter being available both online and in print.

Promotional events have also been held with parent groups, schools and other key professionals and further promotion of the Local Offer is planned.

The working group is also overseeing the mapping and review of individual pages within the Local Offer to ensure any link errors are rectified and content is appropriately targeted. This task will have been completed by January 2020.

It is projected that this working group will have completed all tasks relating to the recommendation by 31 March 2020.

## **Recommendation 2 – Improved Health Outcomes**

As it is acknowledged that health outcomes for children and young people are not always clear in statutory plans, there is a need to address this to ensure their health needs are not overlooked. The SEND Steering Group and SEND Health Committee have accepted responsibility for this recommendation and are overseeing the required changes. Organisational Leads from LCC and the Clinical Commissioning Groups (CCG) have been identified to take responsibility for implementing the changes.

Work to address this recommendation is underway and a range of actions undertaken to ensure that children and young people with SEND achieve their health outcomes.

The Designated Clinical Officer (DCO) for SEND, employed by the CCG, has appointed an Associate DCO who will have responsibility for reviewing clinical report writing in order to improve quality of reports and provide clarity on health needs and health outcomes.

An independent audit of the health elements of EHC Plans has been completed and the final report is due to go to the SEND Health Committee. This provides useful evidence of where and how improvements can be made to support clinicians to provide reports that are outcome focused.

The use of the electronic Hub for all EHC needs assessments and Annual Reviews continues to progress; this will provide a clear report/assessment format for all contributors to the needs assessment and review. This is likely to be implemented in September 2020 following an initial pilot.

It is projected that the tasks relating to this recommendation will be completed by September 2020.

## **Recommendation 3 – Pathway Plan Review**

In order to ensure Pathway Plan documentation better meets the needs of Care Leavers, a task and finish group was established to review the related planning processes and paperwork, led by Andrew Morris, Corporate Parenting Manager, Children's Services. This review included a refresh of all documents utilised by LCC staff, young people and the Mosaic team. Pathway assessment tools and planning documents have been redesigned and tested with young people to

ensure they fully meet the needs of Care Leavers. The refreshed documentation was approved by Directorate Leadership Team in September 2019 and a full training package for all practitioners, Mosaic staff and young people completed by the beginning of November 2019. The revised pathway and associated documentation is due to go live on 12 December 2019, ensuring the plan of implementation and this recommendation will be achieved.

### 3. Consultation

#### a) Have Risks and Impact Analysis been carried out?

No

#### b) Risks and Impact Analysis

Not required.

### 4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Executive Response to Transitions Scrutiny Review - Action Plan arising from Recommendations

### 5. Background Papers

Document title	Where the document can be viewed
Transitions Scrutiny Review April 2019	Draft report to Overview and Scrutiny Management Board on 30 May 2019 <a href="http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=553&amp;MId=5304&amp;Ver=4">http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=553&amp;MId=5304&amp;Ver=4</a>
	Final report to Executive on 9 July 2019 <a href="http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&amp;MId=5284&amp;Ver=4">http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&amp;MId=5284&amp;Ver=4</a>

This report was written by Eileen McMorrow, who can be contacted on 01522 552632 or [Eileen.mcmorrow@lincolnshire.gov.uk](mailto:Eileen.mcmorrow@lincolnshire.gov.uk).

**EXECUTIVE RESPONSE TO TRANSITIONS SCRUTINY REVIEW –  
ACTION PLAN ARISING FROM RECOMMENDATIONS**

Recommendation	Recommendation Accepted? Yes/No	Initial Response	Action	Timescale	Lead Officer
<p>1) Information and Advice Local Offer</p> <p>The Scrutiny Panel recommends that Children's Services and Adult Care continue to develop, promote and deliver consistent and clear communications through greater promotion of the local offer. It is envisaged this will be achieved as part of delivering the outcomes of the recent Joint local area SEND inspection.</p>	<p>Yes</p>	<p>This is an area of work that the Local Authority and its partners identified in the Self-Evaluation completed for the Joint Area SEND Inspection and work is well underway.</p>	<p>Project Plan and working group established.</p> <p>All content and structure has been reviewed and through engagement it was agreed to refresh both SEND content and the structure, to streamline sections and to have a single entry point.</p> <p>New navigation system in place making it easier to move around the offer. In addition new pathway model and content for Transitions.</p> <p>Local Offer Booklet has been reviewed and refreshed.</p>	<p>31.03.20</p>	<p>Caroline Jackson</p>

			<p>The Moving On brochure, providing young adults and families with information about options at Transition, has been revised and is on the Local Offer as well as in print.</p> <p>Undertaking the mapping of individual pages to ensure these pages are correctly linked to others. The pages are also being rewritten to target the correct people. This is expected to be completed by 31.12.19.</p> <p>Engagement has been undertaken with families at Parent Carer Forum meetings and school promotion events. Their feedback is being used to make the pages and the site more informative. More written documentation is also being created for those without internet access.</p>		
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			Communication and promotion has been undertaken with parent groups and schools. Also presented at SENCO training and at other professional meetings. More promotion is planned over the coming months.		
<p>2) Improved Health Outcomes</p> <p>The Scrutiny Panel recommends that Lincolnshire County Council continues to strengthen positive relationships with CCGs, to develop a proactive approach and to support the implementation of the SEND action plan.</p>	Yes	<p>It is acknowledged that the identified health outcomes for children and young people are not always clear in their statutory plans and therefore there is concern that needs could be overlooked and outcomes for young people may not be achieved.</p> <p>The SEND Steering Group and SEND Health Committee is overseeing the changes required to ensure that the importance of accurate identification of health needs and clear</p>	<p>The Designated Clinical Officer (DCO) for SEND, employed by the CCG, has appointed an Associate DCO. This role will provide critique/commentary/ challenge on clinical report writing in order to improve quality of report writing and provide clarity on health needs and health outcomes.</p> <p>An independent audit of the health elements of EHC Plans has been completed and the final report is due to go to the SEND Health Committee. This provides useful</p>	31.08.20	Kate Capel, LCC / Russell Outen-Coe, CCG

		<p>outcomes are being included in young people's plans to ensure that their health outcomes are improved.</p>	<p>evidence of where and how improvements can be made to support clinicians to provide reports that are outcome focused.</p> <p>The use of the electronic Hub for all EHC needs assessments and annual reviews continues to progress; this will provide a clear report/ assessment format for all contributors to the needs assessment and review. This is likely to be implemented in September 2020 following an initial pilot.</p>		
<p>3) Pathway Plan Review</p> <p>The Scrutiny Panel supports reviewing the format and structure of the current Pathway Plan document for Care Leavers. The Panel recognises that the current document meets the requirements of a Pathway Plan and contains everything</p>	Yes	<p>It is acknowledged that the format and content of the Pathway planning document requires a refresh and update in order to make it more engaging and to meet the needs of young people.</p>	<p>A task and finish group was established to undertake a review of the Pathway planning process and all documentation.</p> <p>The process of refreshing the documents has included all grades of staff from all the relevant</p>	12/2019	Andrew Morris

<p>required, but believes that the structure of the document needs to be reviewed in order to be more useful to better meet the needs of young people.</p>			<p>teams, young people and the Mosaic team. The team has redesigned the Pathway assessment and the Pathway plan.</p> <p>The final documents have been developed and tested with young people.</p> <p>Directorate Leadership Team approved the revised documentation in September 2019.</p> <p>Training all practitioners, young people and Mosaic staff was completed by November 2019.</p> <p>The revised pathway and associated documentation is due to be launched on 12 December 2019.</p> <p>Presentation and discussion with Corporate Parenting Panel will be undertaken in 2020.</p>		
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**Open Report on behalf of Heather Sandy, Interim Director of Education**

Report to:	<b>Children and Young People Scrutiny Committee</b>
Date:	<b>22 November 2019</b>
Subject:	<b>Child In Employment and Entertainment Prosecution Policy</b>

**Summary:**

The purpose of this report is to present information in relation to the Child in Employment and Entertainment (CEE) function carried out by the Lincolnshire County Council's Inclusion and Attendance team, Children's Services. The team is responsible for ensuring that children who work and perform do so safely and legally. The report outlines the work carried out by the team and the strategies used to enforce the relevant laws around children working and performing. It outlines the power of the local authority to prosecute an employer or organisation if there is a breach of the law and presents the new prosecution policy for Children in Employment and Entertainment to the Committee for scrutiny.

**Actions Required:**

The Children and Young People Scrutiny Committee is invited to note the report and the attached Policy and make comments to the Executive Director of Children's Services.

## **1. Background**

The Child in Employment and Entertainment function (CEE) is part of the Lincolnshire County Council's Inclusion & Attendance team, Children's Services. The dedicated officer and business support is responsible for ensuring that the safeguarding responsibilities placed upon the local authority are met in respect of children who are involved in entertainment and employment across Lincolnshire.

The service area is responsible for the licensing of all Lincolnshire children from birth until they cease to be of compulsory school age who appear in a performance either on the stage or on television, take part in certain sporting activities, work as models, or engaged in part time work. It is also responsible for issuing Chaperone Licences to adults who support, safeguard and oversee performances and activities.

In 2018/19 Lincolnshire local authority issued 293 work permits for children, 346 performance licences, 143 Body of Persons Approvals (involving 6913 children)

and 483 Chaperone licences. The table below shows the comparison for the last four years.

	2015/2016	2016/2017	2017/2018	2018/2019
Employment permits	336	280	288	293
Chaperone Licences	285	475	547	483
Performance Licences	337	427	307	346
Body of Persons Approval (BOPA)	37	73	104	143
No. of children in BOPA	1399	n/a	4400	6913

The most popular jobs are paper rounds, waiting on tables in cafés, restaurants & pubs serving food, retail shop work and office work. The current legislation dictates that a child cannot work after 7pm or for more than 2 hours on a Sunday. This can result in a child not seeking employment or an employer illegally employing a child during these hours. There is a suggestion from the National Network for Children in Employment and Entertainment body (NNCEE) that there may be changes to the law in relation to Sunday working hours.

The last amendment to the law in relation to child performance was in 2015. This included changes to the earliest and latest times a child may be in a place of rehearsal or performance, an increase in the number of breaks a child must have and permission to amalgamate hours of education over a four week period, as an example. As the promotion and awareness of the need for performance licences and chaperones has increased, so has the number of requests to issue, particularly as a body of persons (group approval).

The CEE processes are underpinned by legislation that dictate what actions can and should be taken by local authorities. The acts include: The Children and Young Persons Act 1933 and 1963, The Children (Performances and Activities) Regulations (England) 2014, Lincolnshire County Council Byelaws, The Children Act 1989 and The Education Act 1996.

The team provide guidance to officers of the County Council, employers, organisations involved in entertainment i.e. theatres, broadcasting etc., educational settings, young people and parents on the enforcement practices of the County Council relating to child employment and children in entertainment legislation. The purpose of enforcement is to ensure that legislation is complied with and children have every opportunity to work and perform in an environment that will not be detrimental to their health, welfare and education.

The local authority enforces these laws by using an appropriate mix of:

- advice to employers and entertainment groups
- specific, targeted enforcement campaigns (workshop in schools)
- general inspection of employment and entertainment premises
- investigation of the most serious complaints (referrals from school, police, parents)

It is recognised that prosecution is only a means to an end, the desired outcome being compliance with all legal requirements by all employers and entertainment groups and that this end may be achieved by means other than prosecution.

Employers and entertainment groups may fail to comply with legal requirements for a number of reasons, including:

- lack of awareness of legislation
- erroneous interpretation of legislation / failure to appreciate its practical implications
- inadequate implementation of measures necessary to comply
- accident / oversight / mistake

These may occur despite best efforts, or may occur because an employer/entertainment group does not make sufficient effort. Alternatively, there may be a deliberate attempt to exploit a legal ambiguity or a 'margin of tolerance', or an employer/entertainment group may consciously break the law. In these cases the decision to prosecute rests with this authority.

There is an expectation in terms of best practice and the ability to show a fair process in line with Article 6 (Human Rights UK), that the local authority has a prosecution policy to refer to. Also as a public prosecutions authority we are bound to comply with the Code for Crown Prosecutors and apply the evidential and public interest tests to all cases. Whilst some authorities have a generic prosecution policy as an umbrella policy, Lincolnshire does not and therefore all Prosecution policies are tailored to the area of work.

The power to licence the employment of children rests with the Executive Director of Children's Services with the power to authorise, in writing, any named officer or officers of the Council to carry out a specific or general function on their behalf. Therefore it is the Executive Director who can authorise officers within the Inclusion and Attendance Team, and also Trading Standards Officers should joint prosecution take place, to enforce all legislation and by-laws relating to the licencing of child employment.

In doing so the Executive Director is exercising non-executive functions of the Council.

It is important that those functions be exercised against a published policy and the draft Policy attached at Appendix A will be presented to the Executive Director of Children's Services for approval. The comments of the Scrutiny Committee are sought on the Policy before it is submitted for decision.

The powers in respect of child employment permits are contained in the Lincolnshire County Council Bye-Laws. They state that within one week of employing a child, the employer must send the local authority written notification containing certain information to satisfy the local authority that the proposed employment is lawful in terms of the age of the child, the hours worked, the work itself and that the child's health, welfare and ability to take full advantage of their

education will not be jeopardised. Only if these conditions are not met or at risk, would the local authority refused to issue a work permit.

**2. Conclusion**

The recommendation is that the Committee notes the report and the attached Policy and makes comments to the Executive Director of Children's Services.

**3. Consultation**

**a) Have Risks and Impact Analysis been carried out?**

Yes

**b) Risks and Impact Analysis**

No impact.

**4. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Children in Employment and Entertainment: Prosecution Policy

**5. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Jill Chandar-Nair, who can be contacted on 07717 320089 or [jill.chandar-nair@lincolnshire.gov.uk](mailto:jill.chandar-nair@lincolnshire.gov.uk).

**APPENDIX A**

**Children in Employment and  
Entertainment  
Prosecution Policy**

**May 2019**

## 1. Aim

- To set out the prosecution policy of Lincolnshire County Council as the Enforcing Authority for breaches of the law in respect of children in employment and entertainment.
- To make clear the areas of responsibility for those engaging children in entertainment or employment.
- To ensure that safeguarding is at the centre of our approach to enforcement.

**NOTE:** This policy should be read in conjunction with the Council's Guidance for Licence Holders and Chaperones and the Lincolnshire County Council Guide to Child Employment. There is also a "Child Employment - A Guide for Young People". All relevant applications for permits and licences in respect of participation in entertainment and employment by young people can be found on the Council's website

## 2. The Law

### 2.1 Who is a child for the purposes of participation in entertainment?

Legally this refers to any child from birth until they cease to be of compulsory school age. This will be the last Friday in June of their 16<sup>th</sup> Year. Where a child attains the age of 16 between the 1<sup>st</sup> September and the 31<sup>st</sup> August that child is deemed to remain of compulsory school age until the last Friday in June.

### 2.2 Children Participating in Entertainment:

The law in this area is contained in the **Children and Young Persons Act 1963** which provides at section 37 that (1) "*subject to the provisions of this section, a child shall not –*

- (a) Take part in a performance to which subsection (2) of this section applies, or*
- (b) Otherwise take part in a sport, or work as a model, where payment in respect of his doing so, other than for defraying expenses, is made to him or another person,*

*Except under the authority of a licence granted by the local authority in whose area he resides or, if he does not reside in Great Britain, by the local authority in whose*

area the applicant or one of the applicants for the licence resides or has his place of business.

(2) This subsection applies to:

(a) any performance in connection with which a charge is made (whether for admission or otherwise);

(b) any performance in premises which by virtue of an authorisation (within the meaning of section 136 of the Licensing Act 2003) may be used to serve alcohol.

(c) any broadcasting performance

(d) any performance not falling within paragraph (c) above but included in a programme service (within the meaning of the Broadcasting Act 1990)

(e) any performance recorded (by whatever means) with a view to its use in a broadcast or such service or in a film intended for public exhibition.

A child shall be treated for the purposes of this section as taking part in a performance if he takes the place of a performer in any rehearsal or in any preparation for the recording of the performance".

(3) a licence under this section shall not be required for any child to take part in a performance to which subsection (2) of this section applies if no payment in respect of his taking part in the performance, other than for defraying expenses, is made to him or another person and –

(a) in the six months preceding the performance he has not taken part in other performances to which subsection (2) of this section applies for more than 3 days; or

(b) the performance is given under arrangements made by a school (within the meaning of the Education Act 1996 or made by a body of persons approved for the purpose by the Secretary of State or by the local authority in whose area the performance takes place.

The Act then makes provision for further regulations in respect of children in entertainment to be made under this act. The most recent regulations in this area containing substantive rules around children in entertainment is **The Children**

**Performance and Activities (England) Regulations 2014** which sets out the manner in which a licence can be applied for and the form of that licence together with the general requirements applicable to all licenses in terms of the requirements for education, earnings, a chaperone, accommodation, and travel arrangements.

In particular, the regulations provided for the records, that must be kept by the licence holder under section 39(5) of the Children and Young Persons Act 1963 which are in relation to such matters as the date, times of arrival and departure to rehearsals and performances and record of intervals taken etc. to ensure that the licence holder is complying with the general requirements of the licence under the Regulations and must be retained for 6 months

### **2.3 Offences**

Under section 40 of the 1963 Act *"If any person – (1)*

- (a) causes or procures any child, or being his parent or guardian, allows him to do anything in contravention of section 37 of this Act or*
- (b) fails to observe any condition subject to which a licence under that section is granted, or any condition prescribed under subsection (3) of that section; or*
- (c) knowingly or recklessly makes any false statement in or in connection with an application for a licence under that section:*

*he shall be liable on summary conviction to a fine not exceeding level 3 (currently £1000) on the standard scale or imprisonment for a term not exceeding three months or both.*

*(2) If any person fails to keep or produce any record which he is required to keep or produce under section 39 of this Act, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.*

*(3) The court by which the holder or one of the holders of a licence under section 37 of this Act is convicted of an offence under this section may revoke the licence.*

*(4) In any proceedings for an offence under this section alleged to have been committed by causing, procuring or allowing a child to take part in a performance without a licence under section 37 of this Act, it shall be a defence to prove that the*

*accused believed that the condition specified in paragraph (a) of subsection (3) of that section was satisfied and he had reasonable for that belief.*

## **2.4 Children in Employment**

Children of compulsory school age may only work if they are over 13 years of age and have a work permit issued by the Local Authority and can only work full time once they have officially left school.

The main restrictions on the employment of children are set out in section 18 of the Children and Young Persons Act 1933 but the provisions made under the act are subject to those changes made by local byelaws. Lincolnshire has adopted the standard byelaw in this area which provides as follows:-

### **2.4.1 Areas of work that are prohibited employment for ALL children**

- in cinemas, theatres, discotheques, dance halls, or night clubs except to the extent that they are engaged in entertainment which only involves children or under a performance licence.
- to sell or deliver alcohol except in sealed containers
- to deliver milk or fuel oil.
- in a commercial kitchen
- collecting or sorting refuse
- in any work which is three metres above ground or floor level.
- employment involving harmful exposure to physical, biological or chemical agents
- to collect money or sell or canvass door-to-door unless supervised by an adult.
- in work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children.
- in telephone sales
- in any slaughter house or any part of a butchers shop or other premises connected with the killing of livestock, butchery, or in the preparation of carcasses or meat for sale.

- as an attendant or assistant in a fairground or amusement arcade or in any other premises used for the purpose of public amusement by means of automatic machines, games of chance or skill or similar devices.
- in the personal care of residents of any residential care home or nursing home unless under the supervision of a responsible adult.

**Note** These restrictions are in addition to separate legislation which relates to the employment of children in factories, workshops, mines or quarries or to give effect to international conventions.

### **2.4.2 Street Trading**

No child under the age of 14 shall engage in street trading and no child over the age of 14 may engage in street trading unless they are employed to do so by a parent in connection with the parent's retail business and they are under their parents direct supervision and the child has been granted a street trading licence by this authority.

**2.4.3 Children aged 13** must **not** be employed unless it is in light work in one of the categories below:

- agricultural or horticultural work on an occasional basis and under the direct supervision of a parent.
- delivering and/or collecting payment for delivery of newspapers, journals and other printed material.
- shop work including shelf stacking
- hairdressing salons
- office work
- car washing by hand in a private residential setting
- in a café or restaurant
- in a riding stable
- domestic work in hotels and other establishments offering accommodation.

**2.4.4 Children 14 and over** may only be engaged in light work. This is work which is not likely to be harmful to the safety, health or development of children and will not impact negatively on their attendance at school, their participation in work

experience or their capacity to benefit from the instruction received, or as the case may be, the experience gained.

#### 2.4.5 Other requirements:

- when working outdoors children must be provided with suitable clothing and footwear
- an employer must obtain the relevant working permit for a child by providing the information required within one week of employing the child.

#### 2.4.6 Working Hours for Children

	13 – 14 Years	15 – 16 Years
School days	2hr (to a maximum of 12 hours in a school week)	2hrs(to a maximum of 12 hours in a school week)
Saturdays	5hrs	8hrs
Sunday	2hrs	2hrs
School holidays	Maximum 25 hours a week	Maximum 35 hours a week

- children may only work out of school hours
- this can include 1 hour before school
- children must not work before 7am or after 7 pm
- children must have a rest break for 1 hour for every 4 hours worked
- additionally children must have 2 consecutive weeks off during school holidays

### 3.0 Offences

Section 21 of the Children and Young Persons Act 1933 provides that:

1. *"If a person is employed in contravention of any of the forgoing provision of this part of this Act (provisions on the employment of children), or of the provisions of any by-law or regulation made thereunder, the employer and any person (other than the person employed) to whose act or default the*

*contravention is attributable shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale".*

2. *"A child, who engages in street trading in contravention of the provision of the foregoing section or of any byelaw made thereunder, shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale".*

### **3.1 The Code for Crown Prosecutors**

This authority recognises that the basis of any sensible prosecution policy is that it follows the principles set down in the Code for Crown Prosecutors. In doing so, the authority will follow the format of applying both the evidential test and then the public interest test to each case that is investigated by this authority and subsequently considered for a criminal prosecution.

**Evidential Test** Each case must first pass this test. It requires there to be sufficient cogent and admissible evidence upon which the prosecuting authority can rely which makes a finding of guilt more likely than not. Only if this test is passed can the second test be applied.

**Public Interest Test** This test asks the question as to whether it is in the public interest to pursue a case against the defendants in all the circumstances of the case. In considering this test such issues as the likelihood of a nominal penalty, the age and health of the defendant, their antecedent history including the case work already done by the local authority to address the issue or where there is a clear issue and any formal warnings and other factors personal to these defendants are taken into account.

### **3.2 The Decision to Prosecute:**

The decision to prosecute in relation to the offences referred to in this policy rests solely with the local authority. This means that the decision to prosecute and the cost of that subsequent prosecution and the responsibility for the decision to prosecute rest with this authority. This also means that only those cases which meet the criteria for prosecution set by the authority will be pursued by way of a prosecution. Each case must of course be judged on its individual merits but clearly there are particular factors which may impact the decision to prosecute.

### 3.3 Specific Prosecution Policy Guidance

1. **Safeguarding** – is the paramount consideration when considering whether to prosecute in respect of breaches of the law in relation to children partaking in entertainment and employment. Clearly where these activities potentially place children and young people in hazardous situations in terms of the hours, location or lack of supervision under which they are working or being involved in entertainment or where the child or young person is exposed to a potential for such physical or moral harm, this will always be an important aspect of any decision to prosecute.
2. **Impact on Education:** Another important consideration will be the impact the employment/entertainment activity is having on their education not just in terms of attendance but also where the child is tired or failing to complete homework or take part in educational activities because of work commitments.
3. **Proper use of resources** – The policy of this authority is to ensure that the funding available for the prosecution of persons in respect of the breaking of the law concerning child employment and children in entertainment is targeted at those cases which are the ones where the interests of the child are paramount.
4. **Level of Seriousness of the breach**– In the case of a minor breaching of the rules where no real harm has been done and the defendants have worked with the authority to put right the situation, then it may be the case that a warning rather than a prosecution would be appropriate.

### 3.4 Specific Evidential Issues

Whilst there is no requirement to prove that the defendant knowingly breached the law, other than in the case of false statements, the level of knowledge around their legal responsibility, the age of the child/young person and any attempt to cover up the offence will have a clear impact on the seriousness of the case. Where it can be evidenced that the defendant was aware of the illegality of their actions, the case is likely to be viewed more seriously by the court and therefore any evidence of knowledge should be included in the case.

Clearly any evidence of aggravating features of the case such as hours worked over those permitted by law, working outside of permitted hours or without supervision should also be evidenced.

### **3.5 Specific Public Interest Issues:**

This is a non-exhaustive list of factors that may point towards prosecution.

- **Previous convictions/cautions/warnings** – if the defendant has prior knowledge of their legal responsibility and despite previous convictions, caution or formal warning, continues to offend, this will sway the public interest in favour of prosecution.
- **Serious safeguarding issues** – where the breach has placed the child/young person at risk of moral or physical harm or left them vulnerable to being in a position of moral or physical harm, then this will also predispose the public interest towards prosecution.
- **Impact on education** – where the employment or entertainment activity has caused unauthorised absence from school or persistent lateness then prosecution would again be in the public interest.

**Open Report on behalf of Andrew Crookham, Executive Director - Resources**

Report to:	<b>Children and Young People Scrutiny Committee</b>
Date:	<b>22 November 2019</b>
Subject:	<b>Children and Young People Scrutiny Committee Work Programme</b>

**Summary:**

This item enables the Committee to consider and comment on the content of its work programme to ensure that its scrutiny activity is focused where it can be of greatest benefit. The Committee is encouraged to highlight items that could be included for consideration in the work programme.

**Actions Required:**

- (1) To review and agree the Committee's work programme as set out in this report.
- (2) To highlight for discussion any additional scrutiny activity which could be considered for inclusion in the work programme.

**1. Background**

Current Items

For reference, the Committee's items for this meeting are set out below: -

22 November 2019		
Item	Contributor	Purpose
Progress Report on Transitions Scrutiny Review Recommendations	Councillor Mrs P A Bradwell OBE, Executive Councillor for Adult Care, Health and Children's Services Sheridan Dodsworth, Head of Special Educational Needs and Disability Justin Hackney, Assistant Director for Specialist Adult Services	Scrutiny Review Activity

<b>22 November 2019</b>		
<b>Item</b>	<b>Contributor</b>	<b>Purpose</b>
Child in Employment and Entertainment Prosecution Policy	Jill Chandar-Nair, Inclusion and Attendance Manager	Policy Development (Executive Director Decision)

Planned Items

The Committee's planned items are listed below:

<b>17 January 2020</b>		
<b>Item</b>	<b>Contributor</b>	<b>Purpose</b>
Revenue and Capital Budget Proposals 2020/21	Heather Sandy, Interim Director for Education  Janice Spencer OBE, Interim Director for Children's Services	Budget Scrutiny
Proposed Expansion of The Lincoln St Christopher's School	Matthew Clayton, Admissions and Education Provision Manager	Pre-Decision Scrutiny (Executive Decision on 4 February 2020)
Inclusive Lincolnshire Strategy Progress Report	Mary Meredith, Head of Inclusion	Policy Review
Children Missing Out of Education Annual Report 2018/19	Jill Chandar-Nair, Inclusion and Attendance Manager	Policy Review

<b>6 March 2020</b>		
<b>Item</b>	<b>Contributor</b>	<b>Purpose</b>
Lincolnshire Local Authority School Performance 2018-19	Martin Smith, Interim Assistant Director of Education	Performance Scrutiny
Lincolnshire Learning Partnership Strategic Review Outcome	Martin Smith, Interim Assistant Director of Education	Policy Review

Local Area Special Educational Needs and Disability Inspection by Ofsted and Care Quality Commission – Action Plan Progress Report	Sheridan Dodsworth, Head of Special Educational Needs and Disability	Performance Scrutiny
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24 April 2020		
Item	Contributor	Purpose

### **Items to be Scheduled**

- Restorative Practice - Lincolnshire Joint Diversionary Panels (JDP) – Position Report and Evaluation Report from University of Lincoln (4 September 2020)
- Sustainable Modes of Transport to School (SMOTS) Strategy (Pre-Decision Scrutiny (Executive Councillor Decision))

## **2. Conclusion**

The Committee is invited to review, consider and comment on the work programme as set out above and highlight for discussion any additional scrutiny activity which could be included for consideration in the work programme.

A list of all upcoming Forward Plan decisions relating to the Committee is also attached at Appendix A.

## **3. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Forward Plan of Decisions relating to the Children and Young People Scrutiny Committee

## **4. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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**FORWARD PLAN OF DECISIONS RELATING TO CHILDREN'S SERVICES FROM 2 DECEMBER 2019**

DEC REF	MATTERS FOR DECISION	REPORT STATUS	DECISION MAKER AND DATE OF DECISION	PEOPLE/GROUPS CONSULTED PRIOR TO DECISION	DOCUMENTS TO BE SUBMITTED FOR DECISION	OFFICER(S) FROM WHOM FURTHER INFORMATION CAN BE OBTAINED AND REPRESENTATIONS MADE	KEY DECISION YES/NO	DIVISIONS AFFECTED
I019057	Proposal to expand capacity at The Lincoln St Christopher's School (Final Decision)	Open	Executive 4 February 2020	Interested parties as DfE guidance including parents, school staff, neighbouring schools, County, Parish and District Councils, MPs, Trade Unions and Diocese	Report	Education Provision Planning Officer Tel: 01522 553392 Email: <a href="mailto:jessica.stevens@lincolnshire.gov.uk">jessica.stevens@lincolnshire.gov.uk</a>	Yes	Birchwood; Boultham; Carholme; Ermine and Cathedral; Hartsholme; Park; St Giles; Swallow Beck and Witham