

**CHILDREN AND YOUNG PEOPLE
 SCRUTINY COMMITTEE
 9 OCTOBER 2020**

PRESENT: COUNCILLOR R J KENDRICK (CHAIRMAN)

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

Added Members

Church Representative: Reverend P A Johnson.

Parent Governor Representative: Mrs M R Machin.

Councillors: Mrs P A Bradwell OBE and D Brailsford (Executive Support Councillor for Children's Services) were also in attendance.

Officers in attendance:-

Katrina Cope (Senior Democratic Services Officer), Sheridan Dodsworth (Head of SEND), Charlotte Gray (Acting Head of Service Children's Strategic Commissioning), Tracy Johnson (Senior Scrutiny Officer), Jo Kavanagh (Assistant Director of Early Help), Eileen McMorrow (Programme Manager, Special Schools Strategy), Mary Meredith (Service Manager - Inclusion and High Needs Strategy), Dave Pennington (Head of Property Development), Heather Sandy (Executive Director of Children's Services) and Martin Smith (Interim Assistant Director of Education).

22 APOLOGIES FOR ABSENCE / REPLACEMENT MEMBERS

Apologies for absence were received from Councillors R L Foulkes and Mrs J E Killey, and Miss A E I Sayer (Parent Governor Representative).

23 DECLARATIONS OF MEMBERS' INTEREST

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

Councillor A P Maughan also declared an interest in agenda item 6 as his employers, Streets Chartered Accountants, acted as independent auditors for some academy schools included within the strategy. He advised that he would not be taking part in the discussion on this item.

**24 MINUTES OF THE CHILDREN AND YOUNG PEOPLE SCRUTINY
 COMMITTEE MEETING HELD ON 4 SEPTEMBER 2020**

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RESOLVED

That the minutes of the Children and Young People Scrutiny Committee meeting held on 4 September 2020 be agreed and signed by the Chairman as a correct record.

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

The Chairman reminded members of the informal briefing session scheduled for 1.30pm, relating to the High Needs Transformation Strategy.

Members also noted that it was planned to have a short break at the end of Item 6 on the agenda.

The Chairman invited the Executive Councillor for Adult Care, Health and Children's Services to update the Committee with any announcements. The Committee was informed that 33 schools out of 355 had, or were having part of their bubbles affected by the virus. Overall, it was highlighted schools were managing and coping with the virus very well.

The Executive Director of Children's Services confirmed that there were no announcements at this time.

26 EXPANSION OF THE ERESBY SCHOOL, SPILSBY

The Chairman advised the Committee that this item was for pre-decision scrutiny prior to a decision being made by the Leader of the Council between 19 and 23 October 2020. Attached at Appendix 1 to the report was a copy of the Executive Councillor report for the Committee's consideration.

The Chairman invited Dave Pennington, Head of Property Development to present the report. The Committee was also advised that Sheridan Dodsworth, Head of Special Educational Needs and Disabilities (SEND) and Eileen McMorrow, Programme Manager, Special Schools Strategy were also in attendance for this item.

The Committee was advised that this was the third scheme within the overall programme to start construction, the first being the Boston Endeavour which had been approved in January 2020 and the second being The Willoughby Academy, Bourne, which had been approved in August 2020.

The Committee was reminded that the strategy would provide a locality-based sector-wide approach to special education which would enable all special schools to meet the wide range of pupils needs in their local community. The strategy would enable the special school estate to increase by over 500 places to help address the growing demand, enabling each school to offer places to pupils from within their local communities with all needs.

The Committee noted that the contractor Willmott Dixon had experience of delivering a number of SEND related building projects for other local authorities and were already delivering the Willoughby Academy scheme.

The Committee noted further that this project and others in the programme had been future proofed to allow for an increase in demand for SEND places. This had been achieved by building in an additional ten per cent capacity beyond the immediate need.

It was reported that the existing school would undergo extensive remodelling work to provide a design/technology and art room, a physiotherapy space, a visiting professional/therapy space, a parent's room, a hygiene suite, a disabled WC and staff/administration spaces. It was also highlighted that the car park would be extended to provide an improved drop off and pick up area, and further parking for the increased staff numbers.

The Committee noted that the new building block would be a modular design; which meant that it would be constructed in a factory and assembled and finished on site. It was highlighted that the benefit of this approach was that there would be less disruption to the school.

The Committee was advised that the total budget for the project was £6.59m, with £0.800m of the cost being funded from the Basic Need Allocation, £0.445m from the Department for Education (DfE) SEN Capital Grant, with the remaining balance of £5.335m coming from a Capital Maintenance Grant. A breakdown of the project budget was provided on page 24 of the report for the Committee to consider.

The Committee was reassured that by using technical expertise via the partnership with Kier, all costs were able to be compared with industry averages. The Committee noted that Corporate Property referred to the Building Cost Information Service (BCIS). Details of BSIS comparison information was tabled on page 25 of the report.

The Committee noted that the final schedule of accommodation was based on the DfE guidance Building Bulletin 104, with input from representatives from Children's Services, Corporate Property and Special School Head teachers to discuss and identify what types of spaces were essential, which has ensured that the local authority was building schools based on the needs of children and young people with SEND, and the education leaders involved were able to provide specialist knowledge regarding accommodation requirements.

Section 8 of the report provided the Committee with information relating to the effect of Covid-19 on the construction industry. It was highlighted that social distancing had increased costs on site (due to increased cleaning and more facilities being required). The Committee noted that £40,000 had been set aside in the risk budget specifically to cater for Covid-19 related items. The Committee noted further that there was an overall risk budget for the budget of £560,000 to cater for unforeseen design and abnormalities.

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It was also highlighted that Brexit might have a bearing on the project budget. It was not known at this stage how much this would impact the project.

Members of the Committee asked a number of questions, when the following points were confirmed:

- The Committee was pleased to see that the Strategy and individual schemes were progressing despite the Covid-19 pandemic and the challenges that this posed, and that the additional information on the Building Cost Information Service (BCIS) that was recommended by the Committee when it considered the scheme for Willoughby Academy, Bourne in July had been included;
- The school was part of a large Multi Academy Trust which the Council was working collaboratively with. The school was being asked to expand at the request of the Council but the school did not have any capital funding in its budget for the expansion and the school was not entitled to receive any funding from the CIF (Condition Improvement Fund) bids. Schools were being asked for a contribution where they had capital funding, but that was not possible in this case;
- The £40,000 risk budget for Covid-19 related items was part of a wider £560,000 risk budget. Some of the Covid-19 costs were already being incurred, such as for the site operating procedures which had already changed to include the social distancing measures and additional welfare facilities which were now in place, so these costs were already part of the baseline in the gross budget of £6.5M. The £40,000 risk budget was to cover any eventualities above and beyond what had already been costed, such as a shutdown in the supply chain due to a positive case impacting on a whole team. As it was part of a wider budget which was sliced up to cover different unforeseen costs, there was some flexibility to move money around if required to cover any additional Covid-19 costs as some of the other anticipated costs may not materialise. Approximately 10% of the budget provided a good indicator of the amount required for a risk budget but a detailed risk register was fully costed out for each scheme;
- Post Brexit, it was not anticipated that there would be a massive change to the procurement regulations, but that a UK procurement framework would be put in place which would potentially still follow the EU procurement regulations. The UK had been one of the main contributors to the EU Procurement Framework;
- In terms of the environmental impact and carbon reduction, the building regulation standards were very high and had tightened over the past few years. The school would meet these standards and would be very energy efficient. There would also be a carbon reduction as children would not be transported long distances to get to school on a daily basis as their local school would be able to meet their needs. With regards to the carbon footprint of transporting the modular building from the factory to the site, it was suggested that this information was included in future reports where a modular building was proposed to be built; and
- The future capacity of the school was a concern for the Committee as the site was limited which impacted on how much the school could expand. The

school would fill over time, but it was anticipated that there would be enough provision at the current time as people moved in and out of the area, and it was not seen as an area of pressure. In addition, mainstream schools were being supported to keep SEND children in their schools where appropriate, so that the places were only taken by those needing it.

RESOLVED

1. That the Children and Young People Scrutiny Committee unanimously agreed to support the recommendations to the Leader of the Council as detailed on page 19 of the agenda.
2. The Children and Young People Scrutiny Committee agreed that the points listed above should be forwarded on to the Leader of the Council in relation to this item.

27 UPDATE ON THE BUILDING COMMUNITIES OF SPECIALIST PROVISION STRATEGY

The Chairman advised the Committee that this item provided an update on the implementation of the Building Communities of Specialist Provision Strategy and on the progress made in Year two. The Chairman invited Eileen McMorow, Programme Manager, Special Schools Strategy to present the report to the Committee. The Committee noted that Sheridan Dodsworth, Head of SEND and Dave Pennington, Head of Property Development were also in attendance for this item.

The Committee was advised that the impact of Covid-19 had been felt within the programme. It was noted that uncertainty and low confidence had been evident in the construction industry, particularly within the supply chain. Schools also had experienced unprecedented challenges, as they had been required to provide a quality education to children in their home settings and at school.

Despite the challenges, the implementation of the strategy including the capital build programme had continued with the same impetus and drive as it had in pre-lockdown, although Covid-19 had brought about delays to the schemes.

It was noted that works on the Boston Endeavour Academy which had commenced on site in March 2020 had continued on site throughout; and had made good progress with a forecasted two week delay to date.

It was noted further that all other schemes which were in pre-construction were forecasting a delay to commencing on site or for feasibility activities. However, all schemes continued to progress and were in line for completion before the end of the five year strategic implementation period. Appendix A to the report provided the Committee with the revised timeline of scheme completions.

Section 2.2 of the report provided the Committee with updates on each of the schemes under the capital programme. Appendix B provided the Committee with

details of progress relating to the Boston Endeavour Academy and Appendix C provided details relating to the Bourne Willoughby Archaeology.

In conclusion, the Committee noted that despite unexpected challenges which had impacted the implementation of the multi-faceted and complex strategy, significant progress had been made across all aspect of the programme. It was reported that twelve of the fourteen schools were actively engaged in the pre-construction phase of their planned development in accordance with the projected timeline for the programme. The Boston Endeavour Academy was now a live construction project; and construction at The Willoughby Academy was commencing next month. Whilst some delays had been inevitable as the local authority, schools and construction partners adapted to new ways of working, the whole strategic vision was on track to be implemented in five years from approval as set out in the original strategy.

During discussion, the following points were raised:

- How the Sandon School and the Ambergate Sports College operating as one school from two sites would deliver provision. The Committee was advised that this was an internal management issue and as such was the responsibility of the Academy Trust;
- A request was made for the next report to contain a financial schedule, of the £50m budget to show the financial position for the strategy. The Committee was advised that this would be included in the capital budget monitoring reports to the Executive, but this could also be included in the next update that would be considered by the Committee next year; and
- Whether archaeology finds at The Willoughby Academy, Bourne had incurred increased costs as a result of the archaeology finds. A further question was asked whether the finds were being used as a learning resource for the school. The Committee was advised that the finds in Bourne had been of national significance, and that it was expected that risks would covered, but until digging was completed it was difficult to make a judgement. There was however an expectation that the risk would be low and could be managed within existing budgets. Confirmation was given that the finds would be used as a learning resource.

RESOLVED

1. That the update on the progress made in year two of the Building Communities of Specialist Provision Strategy be received.
2. That a further update on year three implementation be received by the Committee in October 2021.

The Committee had a ten minute break from 11.03am.

At 11.13am a roll call was undertaken to confirm members' attendance at the meeting.

The Chairman advised that this item was to advise the Committee about the impact of the Covid-19 pandemic on schools and education in Lincolnshire. The Chairman invited Martin Smith, Interim Assistant Director – Education to introduce the report. The Committee noted that Charlotte Gray, Acting Head of Service – Children's Strategic Commissioning was also in attendance to explain about the impact on school transport.

The Committee was advised that to assist schools with planning for phased re-opening, the local authority had provided schools with 'School Recovery Guidance in response to Covid-19'. A copy of the guidance was attached at Appendix A to the report for the Committee to consider. Page 52 of the report provided a table which detailed communication made to meet the needs of the sector.

The Committee was advised that at the start of the autumn term, the vast majority of schools had reopened in September; and that attendance in Lincolnshire schools was above the East Midlands and national comparisons, with 91.5 % of pupils in school on average. Of the 33 schools with positive Covid-19 cases, 24 schools no longer had any pupils self-isolating.

Appendix B to the report provided guidance for supporting quality school and remote education; and Appendix C highlighted managing behaviour and challenges in response to Covid -19 – Primary Setting Guidance.

The Committee was advised that contact was made on a daily basis with the Department for Education (DfE) and Ofsted, which was very positive.

The Committee noted that Ofsted inspections would be resuming in January 2021.

In conclusion, the Committee noted that feedback and appreciation from the system had been very positive and that relationships were strong to sustain the recovery in the forthcoming year. It was noted further that there needed to be an awareness of the consequences of the implications of the return to school, as it was likely there would be an increased demand on local authority services and statutory functions, as well as transport demands.

The Acting Head of Service – Children's Strategic Commissioning advised that the Education Transport Team had been working closely with the Transport Services Group (TSG) to ensure that entitled pupils had their school transport in place ahead of the new term. The Team had processed many thousands of new applications in an unprecedented short space of time.

The Committee was advised that TSG operators had been well briefed on government guidance and had been awarded small grants to ensure school transport was regularly cleaned and was as safe as possible for children and young people to travel on. It was noted that bespoke arrangements had also been put in place for a very small number of the most clinically vulnerable children to allow them to return to school with their peers.

It was reported that the Council had received £712k of short term government funding up to October half-term to increase dedicated school transport capacity. It was noted that this funding had been used to ensure that as many children as possible had not had to travel on the public transport network. It was noted further that so far nearly 30 additional vehicles had been commissioned just for use by school children and almost 100 public transport services had been converted to dedicated schools transport services.

During discussion, the Committee raised the following points:

- How many children the 91.5% represented. The Committee was advised that in the current cohort there was 110,000 children in Lincolnshire of statutory age for education; and that represented between 96/97,000 children in Lincolnshire being back to school. In comparison to normal attendance figures, the Committee noted that there was attendance data, but this was not comparable data, on an annual average there would be between 93/94,000 children in attendance. It was highlighted that it was up to schools to encourage their pupils to attend school, and that the local authority only administered the process once referred for a fine;
- Whether there would be any cost pressures for the £712,000 extra funding from the base budgets. The Committee was advised the additional transport provision would not impact on the normal transport budget; and that capacity would be managed within the amount;
- Wearing of face masks outside of schools in public places. The Committee was advised that the message of communication of such issues was discussed at leadership briefings; the issue for schools was enforcement when pupils were out of school. It was noted that where operators had instances with children travelling with them had removed their face masks, these concerns would be raised with the school and the school would then raise the matter with the parents and the child, reminding them to wear their face masks. It was noted that schools were working together with the authority to make sure this happened;
- Whether home schooling was on the increase – The Committee noted that elective home schooling had increased. The Committee noted that this item was due to be discussed further at the next meeting;
- Social distancing on buses. The Committee was advised that social distance guidelines did not apply in the same way, as on public transport, but where ever possible it was adhered to. Children were encouraged to sit in bubbles or in same school groups i.e. a double decker bus separating two schools by having one school on the lower deck and the other on the higher deck. Confirmation was given that operators did maintain a supply of face masks should a child forget their mask;
- A couple of members extended their thanks to the team for their promptness in getting extra transport sorted within their areas, once issues had been highlighted; and
- One member enquired whether the extra funding would be continuing after October. The Committee was advised that the Council was waiting to hear from the DfE about an extension of the grant funding until December 2020.

The Executive Director of Children's Services extended her thanks to all teams that had worked hard through unprecedented times to make sure that children and young were able to return to school. This sentiment was echoed by all members of the Committee.

RESOLVED

1. That the update on the re-opening of schools in September 2020 be received.
2. That the Committee extends its thanks to all teams within the Council, who had worked hard through unprecedented times to ensure that children and young people in Lincolnshire were able to return to school.

29 INCLUSIVE LINCOLNSHIRE STRATEGY - POLICY REVIEW

The Chairman advised the Committee that this item provided an update on the progress of the Inclusive Lincolnshire Strategy. The Chairman invited Mary Meredith, Service Manager – Inclusion and High Needs Strategy to present the report.

The Committee was reminded that at the heart of the Strategy was the Lincolnshire Ladder of Behavioural Intervention, which had been designed to support schools in focussing on the underlying drivers of challenging behaviour. Details of the three main steps were shown on page 113 of the report.

It was noted that the core strategy had developed additional branches which had enriched the offer to schools and families.

It was reported that the Inclusive Lincolnshire Strategy continued to drive down the rate of permanent exclusion from Lincolnshire schools. This was demonstrated in figure 1 on page 115 of the report.

It was highlighted that whilst the response from the primary sector had been the most emphatic, there had been a significant reduction from secondary schools prior to lockdown. Figure 2 provided permanent exclusion comparison information for terms 1 to 4.

It was noted that there was a projected unprecedented low rate of permanent exclusion for 2020/21 of 0.06%. It was noted further that Lincolnshire would be in the lowest band for the first-time ever.

Pages 117 and 118 of the report provided the Committee with up to date information in relation to the progress being made by Lincolnshire in reducing permanent exclusions. It was reported that the sector was making effective use of resources available through the Lincolnshire Inclusive Strategy and that this could be demonstrated by the number of referral rates. It was highlighted that BOSS had received some 444 referrals from September 2019 to March 2020; and that 131 training sessions had been delivered within schools over that period.

It was highlighted that the post-lockdown period presented significant challenges and that the most important factor was making sure that children and young people who had experienced the most difficult time out of school did not have that disadvantage compounded through exclusion upon return.

In conclusion, it was reported that the Inclusive Lincolnshire Strategy would continue to be embedded and strengthened as long as there was close collaboration with the sector and recognition that the work was 'never' complete, it was an on-going campaign.

During discussion, the Committee raised the following points:

- The positive direction of travel for Lincolnshire in reducing the number of permanent exclusions. Congratulations were extended by the Committee to the teams involved;
- What provision was provided for the 63 pupils that had been excluded? The Committee was advised that the pupils would access intervention places at either Springwell, or Build a Future. The Committee noted further that Springwell had four brand new sites and these were in the following locations: Spalding, Mablethorpe, Grantham and Lincoln. It was noted that these sites offered a wonderful learning environment to help get the children and young people back into mainstream school. It was suggested that a small group of Committee members should visit a Springwell site to see the work they were doing with troubled young people, as it was a very positive story. Members agreed that this would be welcomed and something to look forward to.

The Chairman, on behalf of the Committee extended his thanks to all teams involved in successfully reducing the number of permanent exclusions.

RESOLVED

That the update on the Inclusive Lincolnshire Strategy be received.

30 LOCAL AREA SEND INSPECTION BY OFSTED AND CARE QUALITY COMMISSION - UPDATE ON ACTION PLAN

The Chairman invited Sheridan Dodsworth, Head of SEND to present the report to the Committee.

The Committee was invited to review and comment on the updated Action Plan, which had previously been reported to the Committee in July 2019. A copy of the Action Plan was attached at Appendix A for the Committee to consider.

It was highlighted that from the 10 actions arising from the Local Area SEND Inspection by Ofsted and the Care Quality Commission, six were now green; and four were still amber, as there were still on-going pieces of work taking place. It was noted that most of the four elements were still amber, as a result of the impact of

Covid-19. The Committee received an update on the four elements, details of which were shown within the Appendix.

During discussion, the Committee raised the following points:

- The potential problem caused by children not attending schools for six months and how they affected the children with moderate learning difficulties being identified. The Committee was advised that schools were making sure there was a distinction between those that needed to catch up as a result of Covid-19 and those waiting for a formal diagnosis of moderate learning difficulties; and that this was an area that needed to be differentiated, as a delay as the result of Covid-19 should not be confused with learning difficulties;
- Concern was expressed to the delay in Autism diagnosis. The Committee was advised that there had been a delay in the pathway and that these concerns had been escalated. It was noted that work was on-going with health colleagues to find a suitable solution; and
- A question was asked whether an assessment could be carried out virtually. The Committee noted that in order to understand the needs of a child, actually hearing and seeing a child with special needs face to face was very important. There obviously were restrictions, but it was important to keep children safe, but also it was important to progress, so that waiting times were not increased.

RESOLVED

That the progress on the updated Action Plan of the Local Area SEND Inspection be received.

31 CHILDREN'S SERVICES ANNUAL STATUTORY COMPLAINTS REPORT 2019-20

The Chairman advised that this item introduced the statutory Annual Complaints report for Children's Services for 2019/20. The Chairman invited Jo Kavanagh, Assistant Director – Early Help to present the report to the Committee.

The Committee was advised that this was a good news story, as progress was continuing to be made to reduce the number of complaints being made and a proactive effort was being made to resolve any contact early which had been successful. Appendix A provided the Committee with a copy of the Annual Complaints report for 2019/20. It was highlighted that of the 111 complaints, only 10 had been substantiated. Of these five had been as a result of lack of communication by staff, and two had been data breaches. It was highlighted further that 24 of the 111 complaints had been partially substantiated; nine had been due to staff conduct and attitude; six due to lack of communication; six due to delay in service; and three due to errors in assessment. It was noted that 69% of all complaints had been unsubstantiated.

The Committee noted that one complaint had escalated to stage two and was then resolved; and that no complaints had reached stage three.

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The Committee noted further of the nine referrals made to the Local Ombudsman, no faults had been found in relation to LCC.

It was reported that there was support from the Customer Services Team of the service in attempting to achieve early resolution.

There was an acknowledgement of concern that the main causes of complaints had been staff conduct and attitude and poor communication. It was reported the annual report was shared with staff to raise awareness around the causes of complaints and actions that staff could take to prevent complaints being made. It was noted that an e-learning training package was also in the process of being developed which will endeavour to address the issues.

During discussion, the Committee extended its thanks to officers for the report and to the mechanism in place for Looked After Children. A request was also made for the inclusion in future reports of comparable data from other authorities.

RESOLVED

That the Children's Services Annual Statutory Complaints report 2019/20 presented be received.

32 CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE WORK PROGRAMME

The Chairman invited Tracy Johnson, Senior Scrutiny Officer to present the report to the Committee.

The Committee was advised that Service Level Performance against the Corporate Performance Framework – Quarters 1 and 2 was being added as an additional item to the work programme for the 20 November 2020 meeting.

The Committee was advised further that the 0-19 Health Services progress report and the 30 Hours 'free' Childcare provision update had been removed from the agenda for the 20 November 2020 meeting and would now be circulated as briefing papers by email to members of the Committee.

Other changes to the work programme included:

- 15 January 2021 meeting an additional item would now be included relating to the Expansion of St Bernards School, Louth;
- 5 March 2021 meeting an additional item was to be included relating to the Expansion of The Priory School, Spalding;
- 5 March 2021 an additional item on Service Level Performance against the Corporate Performance Framework – Quarter 3; and
- The progress on the Transitions Scrutiny Review Recommendations report would now be circulated as a briefing paper by email to all members the Committee.

RESOLVED

That the Work Programme presented be agreed, subject to the amendments as detailed above.

The meeting closed at 12.30 pm