

# Minutes of Children's Services and Education Scrutiny Board

**Monday 11 November 2024 at 6.00pm  
in the Council Chamber, Sandwell Council House, Oldbury**

- Present:** Councillor Hinchliff (Chair)  
Councillors Ashraf, Choudhry, J Giles, Haq, Khan, Kordala  
and Mayo.  
Co-opted member - Barrie Scott (Church of England  
Representative).
- Officers:** Sally Giles (Director of Children and Education Services); Sue  
Moore (Assistant Director for Education Support Services);  
Mandip Chahal (Interim Assistant Director Commissioning,  
Partnerships and Improvement); Louise Morris (School  
Attendance Support Service Manager); Jessica Juon (SEND  
Commissioning Manager); Rosa Da Silva (Corporate  
Parenting project Officer); Jevon Levy (Chair - Forum for  
Independent Young Adults); and Connor Robinson  
(Democratic Services Officer).

29/24 **Apologies for Absence**

No apologies for absence were received.

30/24 **Declarations of Interest**

There were no declarations of interest.

31/24 **Minutes**

**Resolved** that the minutes of the meeting held on 9  
September 2024 are approved as a correct record

32/24 **Additional Item of Business**

There were no additional items of business to consider.

33/24 **Introduction of 'Care Experience' as a protected characteristic**

The Board considered the Introduction of 'Care Experience' as a protected characteristic, the report had been presented to the Board prior to it being considered by Cabinet on 15 January 2025. Jevon Levy, the Chair of the Forum for Independent Young Adults was in attendance at the meeting to address the Board. The Independent Review of Social Care, published in May 2022, recommended that the government should consult with care experienced individuals and devolved administrations to make care experience a protected characteristic. The recommendation was aimed to enhance the protection and support for individuals with care experience.

However, in its response to the Independent Care Review the Government declined the recommendation to make care experience a protected characteristic. Councils however, had the option to implement it locally. As of September 2024, 92 Councils had chosen to make care experience a protected characteristic.

Implementing care experience as a protected characteristic would enable the Council to:

- identify and reduce discrimination that may occur due to a person's previous care status;
- increase understanding and awareness of the impact that care experience may have on an individual to reduce the stigma faced by care experienced individuals and improve their ability to access opportunities including, but not limited to education, employment, training, and housing.

Recognising care experience as a protected characteristic was championed by young people through the Forum for Independent Young Adults, which was a forum for care experienced young people from Sandwell to share their views and co-produce services. The Forum was of the view that it would support care experienced individuals in the long term as services would better understand their needs when formulating policy and undertaking recruitment.

A review would be conducted in 12 and 18 months to evaluate the impact of making care experience a protected characteristic.

The Children's Act 2004 defined a care experienced person as someone who had been in the care of the Local Authority for at least 13 non-consecutive weeks before the age of 15 years and 9 months, looked after by someone other than their parents or wider family, and emphasised the responsibility of ensuring their basic needs were met while in care.

By acknowledging the unique identities and experiences of care experienced people, the Council would be in a position to create a supportive environment that promoted equality and inclusivity. The approach would help care experienced individuals overcome immediate obstacles but also provide them with opportunities for their personal growth throughout their lives.

Care experienced young people faced significant challenges:

- education: only 14% of care experienced young people attended university compared to 47% of their peers;
- employment: care experienced young people were over ten times more likely to be unemployed by age 21;
- mental health: higher rates of adverse childhood experiences and a life expectancy 20 years shorter than their peers;
- housing: a 33% rise in homeless care experienced young people aged 18-20 between 2018-2023;
- isolation and finances: 20% of care experienced young people felt lonely most or all of the time, and nearly a 25% had low life satisfaction.

Targeted educational support, mental health services, stable housing and anti-discrimination policies were crucial in supporting care experienced young people to overcome barriers and lead healthier, happier lives.

Care experienced young people had been consulted and supported the proposal, recognising its potential to address their unique circumstances and reduce discrimination and assist the Council in delivering on its commitments as their 'corporate parents.'

Overall, recognising care experience as a protected characteristic aimed to create a more equitable and supportive environment for care experienced individuals, helping them to thrive in their lives.

Following comments and questions from members of the Board, the following responses were provided and issues highlighted:-

- the implementation of the Introduction of 'Care Experience' as a protected characteristic had been discussed by leadership across the Council, it was anticipated that the practice would be imbedded across local authority policy and procedures. Conversations at Corporate Parenting Board demonstrated a good level of support across partner organisations;
- there were two strands to the implementation and success of the programme – one in terms of care experienced individuals applying for jobs and being successful at the same rate as those with no care experience, the second strand was ensuring officers took account of those with care experience when they formulated policy, across housing and skills for example;
- training had been and would continue to be provided to leaders and officers across the Council;
- Human Resources and the Equality Diversity and Inclusion team were on board with the proposal and the implementation of care experience as a protected characteristic would be embedded across policy and practices. Enhanced training would focus on how care experienced young people were approached, that officers had empathy for their experience and that Council Policy and Procedure reflected the change;
- there had been a recent refresh in training which had been rolled out to all staff setting out what care experience was. It was acknowledged that Children's Services needed to do more to address gaps in knowledge and understanding;
- there was potential for ward councillors to be a point of contact for those with care experience, to enable them to have a link to the Council and support where necessary;
- plans were being developed around offering opportunities to care experienced young people within the Council, mentoring care experienced young people had been initiated, which had allowed young people to gain experience and understanding across housing, education and employment;

- Children's Services had worked with the Housing Team to ensure they understood the policy changes around care experienced individuals;
- care experienced young people were provided with a personal advisor to support them over the 5-year transition period into adulthood. There was a Housing Project to support young people accessing independent living and developing life skills;
- work was underway with headteachers to embed changes in practice and communication was ongoing across partnership organisations.

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## **SEND Transformation Programme**

The Board considered the developments around the Sandwell Special Educational Needs and Disabilities (SEND) Transformation Programme. There was a SEND Transformation Programme underway across the Sandwell SEND Local Area Partnership. The SEND system improvements were in train or planned as a consequence of the Ofsted/CQC inspection which had taken place in July 2023 and improvements related to SEND Home to School Transport.

Sandwell had been awarded a category two outcome, the middle of three possible outcomes, following the inspection in July 2023. This meant that the area partnership's arrangements facilitated 'good, yet inconsistent experiences and outcomes for local Children and Young People with SEND.' The Local Area Partnership would therefore be subject to routine monitoring through six monthly visits, led by Senior Officials from the Department for Education (DfE) and NHS England. Sandwell Local Area Partnership was required to work jointly, to make improvements, with support from the DfE, within agreed timeframes, and to publish these in a local area inclusion plan.

The growth of in Education, Health and Care Plans (EHCP) nationwide was a growing trend and the National Audit Office had stated that the SEND system nationally had reached breaking point and was in urgent need of reform.

Nationally, there were more Children and Young People than ever whose needs were not being met in mainstream education. A 60% increase in the number of students placed in state funded special schools and 132% increase in Independent Non-Maintained Special

Schools placements, meant that expenditure had outstripped increases in funding. The national high needs deficit has risen from £300m in 2018/19 to £3.16bn in November 2024. The recent increased expenditure had failed to deliver better outcomes, attainment, or family experiences; it had however led to a more adversarial SEND system. The number of Tribunal appeals rose by 334% between 2014/15 and 2022/23.

Alongside capital investment for the DfE, the Chancellor of the Exchequer had pledged a funding uplift of £1bn for SEND services as part of the 2024 Autumn Budget. Improvements for Alternative Provision were also in scope, which suggested that the government would push forwards proposals made in the previous government's SEND and AP Improvement Plan.

System leads from Sandwell Local Area Partnership, including representatives from Education, Health, the Children's Trust, and the Parent Carer Forum, attended the DfE and the NHS's most recent routine monitoring visit on 8 October 2024. The purpose of the visit was to review the progress the partnership had made on the three areas of improvement, identified at the Ofsted/CQC inspection in July 2023. Progress had been made over the proceeding 6-months noting:

- the establishment of a new SEND leadership team across the partnership;
- transformational work, including a range of improvements facilitated by an external improvement partner (Newton Europe);
- political commitment had been galvanised and remained an ongoing commitment;
- school colleagues had clear lines of communication with the Council;
- a SEND Strategic Alliance had been established to drive forward the improvements identified by Ofsted/CQC and enable stronger partnership working;
- Sandwell had been accepted into the UNICEF Child Friendly programme.

In addition, the ongoing review of SEND Home to School Transport had already introduced several improvements to support delivery of the service and established key actions for short- and medium-term attention.

On 29 May 2024, Cabinet resolved to extend any contracts under the previous Dynamic Purchasing System which continued to provide value for money for the Council, to close the Dynamic Purchasing System to any future contract opportunities: and establish a new Flexible Purchasing System for all new SEND transport work from 1 September 2024.

Following comments and questions from members of the Board, the following responses were provided and issues highlighted:-

- it was difficult to give an exact figure on the money saved through the introduction of the Flexible Purchasing System for SEND Transport work but it was within the overall budget, this was at the same time that there was an increase in numbers using the service;
- it was important that places available for those with SEND were matched to their need rather than just focusing on the creation of additional places;
- there was a commitment to reducing the need on out of borough places and a range of options were being discussed including additional places across schools to opening a new focused provision school, any provision would be based around need;
- the development of the sufficiency strategy would be a continued focus for the Board;
- headteachers and the wider school community would be able to feed into any sufficiency strategy;
- the development of the sufficiency strategy was a focus for Children's Services and work was progressing to enhance the service provided;
- a dashboard was in the final stages of development which would bring together information from across partners, using Microsoft Power Bi data would be amalgamated and enabled a more fully and focused understanding of individuals;
- a further software development around monitoring EHCPs had been developed which would enable staff to monitor the number of EHCPs;

- the Council had been in conversation with Leicester City Council to understand best practice, collaboration also continued with other Black Country local authorities;
- the dashboard would allow schools to request ECP assessments; a lot of work had gone into ensuring the data within the dashboard would be robust, it would not be launched until fully tested and it worked as intended;
- the leadership team was committed to inclusive education and improving outcomes for all children and young people. It was important to bring people together and ensure the data available was being used to increase positive and successful outcomes;
- improvements were being made to service provision and it was recognised that there were and had been some challenges in delivery of services, there was a commitment to improve service access and delivery and it was hoped the introduction of the dashboard would facilitate this change;
- there was a 12-month plan to demonstrate how changes within the service were delivering results, the dashboard would allow for measurable outcomes;
- co-production was a continued aim across the partnership;
- place planning across schools would be informed by the need of children and young people, there was no intention to move children currently placed and parental preference was important and considered;
- the Board would receive a future update on the needs assessment and sufficiency strategy outcomes;
- the Board would also receive feedback on what work was being done to address the challenges around EHCP timeframes and workload.



## Local Government and Social Care Ombudsman Findings

The Board received a statement on the measures that would be taken by the Inclusive Learning Services and the Children and Education Directorate as a result of the Local Government and Social Care Ombudsman recommendations to strengthen the EHCP processes and improve the support for families of children with SEND. The Education and Health Care Team within Inclusive Learning Services had begun to implement a series of measures in direct response to this.

The SEND tribunal provided a written record of decisions after any appeal hearing, detailing the outcome and reasons for the decision. This decision was shared with the parents and the Council and served as the official documentation for the hearing's result and rationale. However, following the Local Government and Social Care Ombudsman findings, it had been recognised that it was essential for the Council to keep its own records or minutes of pre-tribunal meetings, appeals, and any case-related discussions to ensure transparency and consistency in decision-making. Therefore, a protocol had been put in place to ensure that clear and comprehensive minutes were kept for all appeals hearings. Additionally, case management and documentation procedures were being reviewed to enhance better accuracy, transparency, and accountability in every stage of the EHCP process.

These improvements included:

- working with staff on immediate training surrounding EHCP management and appeals, focusing on best practices in documentation and record-keeping;
- developing updated procedural guidelines to standardise record-keeping across all EHCP and SEND-related processes, including appeals. This included regular senior management discussions and a whole service training day on 29 November 2024;
- implementation of a system which would allow the Director of Children and Education Services and the Assistant Director for Inclusive Learning Services to monitor adherence of timely communications and identify any areas for ongoing improvement.

The service was to have these actions fully implemented by December 2024. Updates would be provided to families and stakeholders to ensure full transparency. The Council valued the opportunity to learn from this process and would continue to work to ensure that practices are aligned with best standards and meet the needs of the families it serves.

Following comments and questions from members of the Board, the following responses were provided and issues highlighted:-

- issues that had been identified in the Local Government and Social Care Ombudsman report had been rectified and best practice had been applied across the service;
- the issue identified was not widespread and had been addressed where necessary;
- the service was committed to ensuring the quality of all ECP assessments and processes were in place to assure this;
- it was important that parents and carers had confidence in the service and that the information was available to them to ensure they did not need to resort to the complaints process;
- staff training had taken place and the quality of reports would continue to be monitored to ensure all necessary requirements were met.

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### **Schools Attendance Support Service**

The Board considered recent successes and challenges in relation to the Schools Attendance Support Service and in light of this were presented with strategies being used to support schools to improve attendance.

The main aim of the Schools Attendance Support Service was to improve school attendance in Sandwell. It undertook its duties as follows:

- the focus of the offer to schools was to support them to be able to support families and so improve school attendance. Through improved school attendance, the children of Sandwell had better life chances;

- schools had an allocated officer from the team. There were nine officers, and they supported approximately 15 schools each across Sandwell;
- officers visited their schools on a regular basis to look at any children where attendance was a cause for concern, to offer strategies and support to improve attendance;
- the 'Working Together to Improve School Attendance' guidance from the Department for Education, became statutory on the 19 August 2024 and this had far-reaching implications for schools and the Local Authority;
- due to the number of changes, the team had provided training sessions which had been attended by 72% of schools;
- the team produced a 'Schools Attendance Support Pack' for schools, which contained help and guidance on every area covered within the team;
- the team worked closely with partner agencies to ensure everyone was supported with the attendance agenda;
- the team offered a multi-agency Attendance Solutions Panel which was attended by partners, including Strengthening Families, Housing, School Health Nursing, Youth Service and Police. Cases could be referred into this panel where it was felt all other offers of support have not been successful. A multi-agency approach to improving attendance was then put in place.
- there were two court officers who prepared cases to send to Legal Services for prosecution if all other offers of support had been ineffective.

The Board were presented with a video which demonstrated how measures to increase school attendance had a positive impact across school attendance.

Following comments and questions from members of the Board, the following responses were provided and issues highlighted:-

- work was undertaken with schools to support attendance; however, the local authority was able to utilise the penalty notice system;
- the penalty notice system was a deterrent, but other strategies were also considered and utilised. It was recognised that the cost for family holidays during term time was significantly cheaper, and as such encouraged families to take holiday during this time;

- the penalty applied to parents had recently changed; the local authority was able to give each parent a fine of £80, rising to £160 if this was not paid within 21 days, during the 2024 to 2025 school year, each parent would only get up to two fines for the same child in a three-year period, if parents received a second fine in 3 years it would be £160. If parents did not pay the fine in 28 days court action could be sought, in addition if a child was off school three or more times within the three years there may not be fined but instead may be taken to court;
- work was undertaken to understand families and their difficulties and what barriers were preventing them from engaging with education;
- over 700 penalty notices had been issued in relation to term time holidays, all money raised went towards the funding of the administration of the service;
- safeguarding was a concern for those who did not attend education and all efforts were made to keep children safe;
- persistent absence was often caused by other factors and where these were identified help was offered and provided to families to support children in education.

#### 37/24 **Tracking and Monitoring of Scrutiny Recommendations**

The Board noted progress on actions and recommendations from previous meetings.

#### 38/24 **Cabinet Forward Plan**

The Board noted the Cabinet Forward Plan as it related to Children, Young People and Education.

#### 39/24 **Children's Services and Education Scrutiny Board Work Programme 2024/25**

The Board noted the Children's Services and Education Scrutiny Board Work Programme 2024/25.

Meeting ended at 9.44pm

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