

Lancashire County Council

Education Scrutiny Committee

Minutes of the Meeting held on Tuesday, 21st June, 2011 at 10.00 am in Cabinet Room 'C' - County Hall, Preston

Present:

County Councillor Clive Grunshaw (Chair)

County Councillors

K Bailey	A Kay
Mrs R Blow	A Knox
S Chapman	P Malpas
C Coates	Y Motala
C Evans	C Wells
P Evans	T Winder
A Jones	M Younis

Co-opted members

T Charnock	Representing RC Schools
Mrs J Hamid	Representing Parent Governors (Secondary)
K Wales	Representing Free Church Schools
J Withington	Representing Parent Governors (Primary)

County Councillor P Malpas replaced County Councillor K Brown
County Councillor T Winder replaced County Councillor S Derwent
County Councillor S Chapman replaced County Councillor S Fishwick
County Councillor C Coates replaced County Councillor S Riches

Apologies for absence were received from County Councillor Mrs Case and Mr F Kershaw (Coopted Member representing CE schools)

1. Appointment of Chair

Resolved: That the appointment by full County Council on the 26th May 2011 of County Councillor C Grunshaw as Chair of the Committee be noted.

2. Appointment of Deputy Chair

Resolved: That the appointment by the full County Council on the 26th May 2011 of County Councillor Mrs Case as Deputy Chair of the Committee be noted.

3. Membership, Terms of Reference and Programme of Meetings.

The Committee received a report regarding the above and was informed that in May the full County Council had agreed the constitution of the Committee on the basis of 16 County Councillors plus 5 voting Coopted members and the following County Councillors/Coopted members had been nominated to serve on the Committee:

K Bailey	C Grunshaw
RN Blow	A Jones
K Brown	AD Kay
P Case	A Knox
S Derwent	Y Motala
C Evans	S Riches
P Evans	C Wells
S Fishwick	M Younis

Mr T Charnock – Representing RC Schools

Mr F Kershaw - Representing CE Schools

Mr K Wales - Representing Free Church Schools

Mrs J Hamid - Representing Parent Governors (Secondary)

Mr J Withington - Representing Parent Governors (Primary)

Resolved:

1. That the current membership of the Committee as set out above be noted.
2. That the Terms of Reference of the Committee as set out below be noted.
 1. To review decisions made, or other action taken, in connection with the discharge of any relevant functions undertaken by the Cabinet collectively, or the relevant Cabinet Members or Cabinet Committee.
 2. To make reports or recommendations to the Full Council, the Cabinet or the relevant Cabinet Members or Cabinet Committee with respect to the discharge of any functions undertaken by the Cabinet collectively or the relevant Cabinet Members or Cabinet Committee.
 3. In reviewing decisions (other than decisions designated as urgent under Standing Order 34(3)) made in connection with the discharge of any relevant functions undertaken by the Cabinet collectively or the relevant Cabinet Members or Cabinet Committee, but which have not been implemented, the Committee may recommend that the decision be reconsidered by the person who made it or to refer the decision to the Full Council for it to decide whether it wishes it to be reconsidered by the decision taker.
 4. To consider at its discretion as appropriate Forward Plans prepared by the Leader with a view to determining which, if any, of the proposed decisions it wishes to scrutinise.

5. To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council, the Cabinet, the relevant Cabinet Members, Cabinet Committee or decided by the Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to either the Cabinet, the relevant Cabinet Members, Cabinet Committee or to the Full Council as appropriate.
6. To fulfil all the statutory functions of an Overview and Scrutiny Committee as they relate to education functions of a Children's Services Authority
7. To undertake reviews (whether requested by the Full Council, the Cabinet, the relevant Cabinet Members, Cabinet Committee or decided by the Committee itself) and make recommendations to the Full Council, the Cabinet, Cabinet committee or the relevant Cabinet Members, as appropriate, on relevant services or activities carried out by external organisations which affect Lancashire or its inhabitants.
8. To consider any relevant matter referred to the Committee by the Scrutiny Committee following a request by a County Councillor or a Co-optee of the Committee who wishes the issue to be considered.
9. To request that the Scrutiny Committee establish sub-committees, task groups and other working groups and panels as necessary.
10. To invite to any meeting of the Committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor whom the Committee considers would assist it in carrying out its functions.
11. To require any Councillor who is a member of the Cabinet, the appropriate Executive Director or a senior officer nominated by him/her, or the Director of the Lancashire County Commercial Group to attend any meeting of the Committee to answer questions and discuss issues.
12. To review and scrutinise relevant aspects of the Local Area Agreement in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007
13. To recommend the Full Council to co-opt on to the Committee persons with appropriate expertise in the relevant education matters, without voting rights
14. To recommend to the Scrutiny Committee appropriate training for members of the Committee on education related issues.

3. That future meetings of the Committee be held in accordance with the following programme of meetings, with all meetings being held at 10am in Cabinet Room 'C' at County Hall, Preston.

1st November 2011

13th March 2012

4. Disclosure of Personal/Prejudicial Interests.

County Councillor Wells declared a personal non-prejudicial interest in relation to item 6 on the agenda as he is an employee within the Special Educational Needs Department of a United Learning Trust School (Accrington Academy).

5. Minutes of the meeting held on the 15th March 2011

Resolved: That the Minutes of the meeting held on the 15th March 2011 be confirmed as an accurate record and signed by the Chair.

6. SEND Green Paper Consultation - Support and aspiration: A new approach to Special Educational Needs and Disability

The Chair welcomed Sally Riley, the Head of Inclusion and Disability Support and Mr Stott, Director for Universal and Prevention Services to the meeting.

Ms Riley gave a detailed presentation on the implications of the SEND Green Paper to the Committee, a copy of which is attached to these Minutes as an Annex and identified the following key points:

- Around two million children and young people are identified as having a special education need or disability (SEND) which is equivalent to 1% of the education population nationally and internationally.
- The life outcomes for those young people (compared to those without SEND) are disproportionately poor with them being seven times more likely to be excluded from school than non disabled young people.
- Post-16, young people with SEND are more than twice as likely not to be in education, employment or training as those without and that situation is worsening
- Young people with SEND can feel frustrated by a lack of the right help at school and from other services. Often the response would be to allocate some form of one to one support and whilst that could be the right approach in some cases in others it may be viewed as being restrictive and isolating for the young person concerned. Instead support provided across a range of services was considered to be the better option in the majority of cases.

- The need for support is sometimes identified late either due to diagnosis, though this was less likely in Lancashire due to the early intervention strategies which had been introduced.
- Parents often feel that the current system is bureaucratic and adversarial and the Parent Carer Forum had been a useful means of identifying problem areas. It was noted that in some cases the difficulties arose out of the complex nature of the legislation associated with SEND.
- Parents also feel they have limited choices about the best schools and care available and having expressing a preference for a particular school they may not be made to feel welcome.

Ms Riley also outlined the proposals within each of the five chapters in the Green Paper and drew attention to any associated work which was already underway within the County.

1. Early Identification and Assessment.

- Lancashire has a good record of early identification and assessment with 3.1 years being the average age of children identified as having some form of SEN which was well above the national average.
- The proposed reformed assessment process would involve a single multi-agency approach and produce an 'Education, Health and Care Plan' for children/young people aged 0-25, which would focus on positive outcomes and give parents the same statutory protection as the more process driven Statement of SEN which it would replace. However, there was concern about a lack of clarity as to the intended position with regard to funding for young people aged 19-25.
- It was intended to speed up the process in relation to statutory assessments which was currently 26 weeks. Ms Riley informed the Committee that Lancashire had already made improvements in this area with 99.8% of Statements being completed with the 26 week period compared to 85% two years ago.
- The County Council was currently preparing a bid to be one of the local pathfinder authorities that would test the planned reforms to the single assessment process. It was noted that the intention was to produce a less bureaucratic approach than at present where families were often required to undertake similar assessments from the various agencies involved.
- Ms Riley reported that historically Lancashire had been generous in providing funding for SEN compared with other authorities and the banding system used for the assessment of children, whereby the identified need was linked to an amount of funding, was an example of good practice.

2. Giving Parents Control.

- The proposal to make services more transparent for families through the publication of a 'local offer' was welcomed. Through the Aiming High for Disabled Children Programme a range of services had been developed in Lancashire so that parents had a greater choice and were able in many cases to self book short breaks. It was reported that through the Programme services had been provided to 2,900 children with complex SEN who had not previously been in receipt of services. The Programme had also introduced 100 new providers into the market place and let over 400 contracts.
- The proposal that by 2014 all families with children with a statement of SEN or a new assessment would have the option of having a personal budget was welcomed, though it was noted that in some cases parents may prefer the local service provision in order to meet their children's needs.
- In Lancashire there had already been moves to transfer power to front line professionals and local communities through the District Childrens Trusts and the delegation of funding to schools in order that they can work directly with families. With regard to the assessment of needs by Educational Psychologists it was noted that in Lancashire any assessment would be on the basis of educational need and not what services were available in order to avoid 'fettering discretion'. It was also reported that whilst the government's intention had been for Voluntary and Community Sector organisations to become involved in the assessment process to date there had been little interest.
- In response to the concerns of parents that the system was bureaucratic and confusing it was intended to provide more support for families through the system. It was noted that in Lancashire Parent Partnership Officers, Parent Care Development Workers and Carer Forums all provided support to families, though it was acknowledged that this should be reviewed to avoid the system becoming more complex and the duplication of services.
- With regard to the proposal that parents and local authorities make greater use of mediation before making an appeal to the Tribunal Ms Riley reported that in Lancashire there had been a significant improvement over the last two years resulting in a 60% reduction in the use of Tribunals.

3. Learning and Achieving

- The proposal to address the over-identification of SEN by the introduction of a new single early years- setting and school based SEN category to replace School Action, School Action Plus and a Statement was welcomed.
- In relation to the proposed increased accountability for schools regarding the progress of the lowest attainers Ms Riley reported that the County Council would continue to focus attention on the lowest 20-25% in terms of attainment, regardless of whether those pupils had SEN or not.

- With regard to behaviour the County Council would continue to work with schools in order to maintain the current good record of addressing bullying early. Ms Riley informed the meeting that the County Council had also been successful in becoming a pathfinder partner in relation to the alternative forms of provision for tackling exclusions.

It was also noted that Lancashire had a good record with regard to reducing the rate of permanent and fixed term exclusions and the County Council would be more active in challenging schools in relation to 'grey' exclusion rates.

4. Preparing for Adulthood

- It was proposed to improve joint working across paediatric and adult health services, with GPs providing annual health checks for young people over 16. However, Ms Riley cautioned the Committee that there could be problems implementing the proposal as many children and young people with SEN and disabilities were not registered with their local GP as they were under the care of a paediatric consultant. It was noted that this situation had implications with regard to future commissioning by GPs.

5. Services working together for families

- With regard to the proposed greater collaboration between local authorities and services in local areas Ms Riley informed the meeting that six services within the County Council had previously been merged to form the Inclusion and Disability and Support Service (IDSS) which would provide a more efficient, coordinated service. It was also noted that the IDSS and local PCTs had made improvements in relation to joint working.
- The proposed reduction of bureaucratic burdens was welcomed. The importance of the work of educational psychologists was also noted and Ms Riley reported that the County Council would continue to ensure the best use of this valuable resource. It was also reported that the previous time allocation model was to be replaced with a more simplified approach based on:
 - a) those services which **must** be delivered in accordance with statutory requirements
 - b) those services which **should** be delivered, for example linked to early support/intervention, and
 - c) those services that **could** be provided by signposting users to traded work.

With regard to the next steps Ms Riley informed the meeting that the County Council was in the process of preparing a response to the consultation. The bid to the Department for Education regarding the County Council acting as a local pathfinder authority would also be submitted shortly and Ms Riley informed the meeting that messages in support of the bid had been received from the Primary Care Trusts, the Childrens Trust and the Parent Carers Forum.

Following the consultation and outcomes of the pathfinder work the government was expected to produce detailed plans which would form the basis of any necessary changes to legislation from May 2012 at the earliest.

The Chair thanked Ms Riley for her presentation and invited the members of the Committee to comment on the proposals set out in the consultation.

1. There was general agreement amongst the members of the Committee that the government's consultation document was confusing as questions relating to a particular issue were not necessarily grouped together. It was felt that a clearer, more logical approach to how the document was presented would have been easier for respondents to understand and would produce more useful information.

It was hoped that by giving the presentation to various bodies in Lancashire, including Childrens Trusts, PCTs and schools, Officers would be able to identify all the key issues and present the information clearly in any response to the consultation.

2. The proposed introduction of personal budgets was welcomed as it would provide greater flexibility and enable users to tailor the services they receive to their specific needs. It was felt that experience gained from the use of personal budgets in social care would be helpful when developing budgets for SEN. However, some services would still need to be provided by the authority as the act of caring for a child with SEN was enough of a challenge for some families. It was also felt that there was a need for clarity as to what a personal budget could be used to purchase.
3. It was suggested that in a very small number of cases the parents of children with SEN may feel that the education system had failed them and as a result could choose to educate their children at home. Whilst the County Council had the power to make special educational need provision outside of schools in order to assist parents it was acknowledged that in some circumstances home education may not be the best approach as it could limit a child's interaction with others and limit the development of socialisation skills.

Whilst elected home education was considered to be a parental right it was felt that further information was needed in relation to the amount of funding to be made available and how it could be used in order that the County Council would be better able to work with individual families to achieve a mutually satisfactory outcome.

4. Whilst welcoming many of the proposals set out in the consultation document the Committee felt that there was a need for clarity from the Department for Education with regard to the associated levels of funding.
5. In view of the increasing emphasis on performance and targets, particularly in relation to schools, concern was expressed about the potential impact this may have in relation to the inclusion of children with

SEND. It was suggested that one of the key roles of the local authority was to ensure fair access and schools should be challenged regarding admissions procedures in order to ensure equality.

Whilst recognising the importance of attainment it was also felt that greater emphasis should be placed on the individual progress made by a child during their education, particularly in relation to those with SEND.

6. Given the current economic climate concern was expressed regarding the ability of the VCS to engage in the proposed changes. It was noted that in Lancashire many VCS organisations had responded to the consultation via the Childrens Trusts and through the Aiming High for Disabled Children Programme it had been possible to bring 100 new providers into the market place from the VCS, many of which would be commissioned in the future.
7. Concern was expressed regarding the capacity of the County Council to deliver on the reforms outlined in the consultation document in view of the economic climate and the absence of any clarity about funding or a commitment from partner organisations regarding resources. In response it was suggested that there were a number of drivers behind the proposals including plurality, parental choice and joined up services. Whilst it was recognised that some efficiencies would result from the changes it was felt that the final outcomes for young people was of more significance.
8. That in order for many of the proposals set out in the consultation document to be achieved it was vital that the County Council, as the champion of families and vulnerable people, be accountable for monitoring the process and given the authority to hold partner organisations to account in the event that commitments are not met.

Resolved.

1. That the views of the Committee as outlined above be incorporated into the County Council's response to the SEND Green Paper consultation 'Support and aspiration: A new approach to Special Educational Needs and Disability'.
2. That a copy of the County Councils response to the consultation be made available to the members of the Committee

7. Urgent Business

There were no items of urgent business presented for consideration at the meeting.

8. Date of the Next Meeting

It was noted that the next scheduled meeting of the Committee would be held at 10.00am on the 1st November 2011 in Cabinet Room 'C' at County Hall, Preston.

I M Fisher
County Secretary and Solicitor

County Hall
Preston