

# **CHILDREN'S SERVICES COMMITTEE**

## **MINUTES AND DECISION RECORD**

12 December 2017

The meeting commenced at 4.30 pm in the Civic Centre, Hartlepool

**Present:**

Councillor: Alan Clark (In the Chair)

Councillors: Brenda Harrison, John Lauderdale, Shane Moore and Kaylee Sirs

In accordance with Council Procedure Rule 5.2 (ii), Councillor Allan Barclay was in attendance as substitute for Councillor Marjorie James

Councillor Stephen Thomas, Chair of Adult Services Committee (Observer)

**Co-opted members:**

Jo Heaton, C of E Diocesan Representative  
Mark Tilling, Secondary Schools Head Representative  
David Turner, Primary Schools Head Representative  
Alan Chapman, Special Schools Head Representative

**Healthwatch representatives:**

Ruby Marshall

**Young people's representatives:**

Callum Reed

**Also present:**

Zoe Westley, Nicola Hodgson, Mark Hillan and Julie Holdcroft - Springwell School

Officers: Sally Robinson, Director of Children's and Joint Commissioning Services

Mark Patton, Assistant Director, Education

Sandra Shears, Head of Finance (Corporate and Schools)

Angela Armstrong, Principal Democratic Services Officer

### **59. Apologies for Absence**

Apologies for absence were received from Councillors Marjorie James and George Morris and Healthwatch representative Evelyn Leck.

**60. Declarations of Interest**

The Headteachers reiterated personal interests declared at previous meetings.

**61. Minutes of the meeting held on 14 November 2017**

Received.

**62. Emotional Wellbeing and Mental Health Support for Vulnerable Children and Parents** *(Director of Children's and Joint Commissioning Services)*

**Type of decision**

Key Decision Test (i) – General Exception Applies.

**Purpose of report**

To seek approval to commission an emotional wellbeing service for vulnerable children and parents.

**Issue(s) for consideration**

The report provided the background to the current contracts undertaken by CAMHS for looked after children along with the emotional and wellbeing support for parents through Mindful NE. It was noted that the contract with CAMHS ended at the end of March 2018 and the contract with Mind NE ended on 31 December 2017. It was proposed that a new service specification be developed to include emotional and wellbeing and mental health support for vulnerable children and parents. It was intended to extend the contract with Mindful NE to the end of March to bring both services in line to enable a new service to commence from April 2018. It was expected that the new service would cost in the region of £130,000 and the commissioning process for the new service will take place between January and March 2018.

Members were supportive of the proposal to bring these two services together. It was noted that a piece of work undertaken by Healthwatch had highlighted the extent to which mental health and mental wellbeing were issues for young people in Hartlepool. The Director of Children's and Joint Commissioning Services indicated that the Health and Wellbeing Board will be looking at the review currently being undertaken by the Clinical Commissioning Group (CCG) of mental health support for children and young people.

## **Decision**

The proposals to support looked after children's emotional wellbeing were approved.

## **63. High Needs Block – Funding for Top Up Ranges**

*(Director of Children's and Joint Commissioning Services)*

### **Type of decision**

Key Decision Test (ii) applies – Forward Plan Reference CAS 67/17.

### **Purpose of report**

To provide a summary of the outcomes from a review of the High Needs Block (HNB) of funding within the Dedicated Schools Grant (DSG). This report requires Committee to make decisions around a recommended funding model for the HNB, effective from 2018/19 financial year.

### **Issue(s) for consideration**

The report provided the background to the provision of the High Needs Block funding within the Dedicated Schools Grant that supports the provision of education to children with special educational needs and disabilities. Due to the complexity of the situation, it was agreed that an external expert would support Hartlepool schools and local authority officers to undertake a review of the current funding arrangements and this has taken place from September 2016. The following were the outcomes from the review:

- a) a revised set of 'bands' and associated descriptors, developed with the external expert, school staff and local authority officers;
- b) a series of events which enabled schools to determine which of the new bands their children with SEN would be placed within;
- c) a financial model, developed by the local authority, which places a range of funding on each band. This range of funding allows for some flexibility within each range to reflect the specific needs of individual children.

The revised banding was attached at Appendix 2 and further detail on the funding ranges was provided within the report. It was proposed that the above funding model be introduced for all schools at the start of the 2018/19 financial year. However, it was noted that it could prove difficult to manage for those Additional Resourced Provisions that were full and it was proposed that the model be phased in over two financial years 2018/19 and 2019/20. Further detail on the risk implications and financial considerations were included within the report.

A consultation exercise had been undertaken with school representatives and the results of this were attached at Appendix A. The Schools' Forum

had agreed with the principles and approach to the draft banding descriptors within the proposed model on the understanding that the final version would be submitted to the Forum for consideration before the end of the Autumn term. The Schools' Forum met on 8 December for further consideration of the proposed funding model and the outcome was 10 in favour and 3 against. The Chair of the Schools' Forum commented that the Forum had a difficult discussion but did recognise the need for reform and change in the funding and descriptors. With this in mind, the Forum had recommended that the proposed model be reviewed annually with the first review to commence in Spring 2018. One of the Headteacher representatives added that schools were facing additional financial pressures in view of the potential increase in the Local Government Pension Scheme and recent pay awards announced by the government which will increase the salary commitment required by schools for support staff. In addition, it was noted that work was ongoing with health colleagues to explore ways of maximising available funding for children within schools with medical needs.

A discussion ensued on the effects any reduction in funding would have on individual children, especially children with special educational needs. The Assistant Director, Education indicated that this was a difficult question to answer but that a report would be submitted to a future meeting of the Committee on the allocation of children to the revised ranges in provision. The Chair indicated that a motion was being considered at Council on 14 December 2017 which proposed that the Council write to the Secretary of State for Education in relation to the unsustainable cuts to education funding and the uncertainty in education funding from 2019/2020 onwards. It was proposed that this Committee ensure the 'Minimum Funding Guarantee' arrangements limit the annual reduction in funding to a 1.5% reduction for both special schools. The Chair added that should this be approved, the only way for this to be changed in the future would be by this Committee.

The Headteacher from Catcote Academy expressed concern that should the 1.5% funding guarantee not be approved, special schools in Hartlepool would be unable to function correctly and the safety of the children and staff may be put at risk through a lack of support. The Chair commented that Members shared all the concerns expressed and reiterated the concern at the lack of uncertainty over the funding of education in the future. It was noted that should the motion be approved by Council, the letter to the Secretary of State for Education will be shared with Members of this Committee.

In response to a Member question about additional funding being diverted to special schools, the Director of Children's and Joint Commissioning Services indicated that whilst she appreciated the concerns expressed, the Council were in an extremely challenging situation with the Council's budget facing a £1.3m deficit which needed to be bridged. The Headteacher from Springwell Special School expressed some concerns at the impact on the children attending the school as well

as staff. In view of the uncertainty over the funding of the school, a number of staff have secured alternative employment which was already having a major impact on the school. The Assistant Director, Education added that all schools were already affected and some mainstream schools provided Additionally Resourced Provision (ARP) and it was important to ensure that children and young people were supported and not disenfranchised from education.

In response to a question from a Member about phasing in the funding reductions as new children's needs were assessed, the Assistant Director, Education confirmed that any changes to allocations would be in place for all children and that anything other than that could be considered discriminatory.

The Chair concluded that the proposals sought the 'Minimum Funding Guarantee' for High Needs Block funding should limit the annual reduction to 1.5% for both special schools in the town which would provide those schools with some relative certainty in relation to future funding.

### **Decision**

- (1) The report was noted.
- (2) It was noted that the 'Minimum Funding Guarantee' arrangements would limit the annual reduction in High Needs Block funding to a 1.5% reduction for both special schools.
- (3) The funding model described in the Schools' Forum report at 4.3 be adopted from the start of the 2018/19 financial year.
- (4) That the outcome of Council's consideration of the motion to write to the Secretary of State in relation to the future of funding of Education in Hartlepool be shared with the Committee.

## **64. Education Services – General Duties Rates for Maintained Schools Update** *(Director of Children's and Joint Commissioning Services and Director of Finance and Policy)*

### **Type of decision**

Non key.

### **Purpose of report**

To provide an update on the outcome of the Council's disapplication request to the Secretary of State for 2017/18 regarding the Education Services General Duties rates for maintained schools.

To inform Members of the outcome of the School's Forum held on 14 November 2017 and their decision in relation to the 2018/19 Education Services General Duties Rates.

### **Issue(s) for consideration**

The report provided the background to the national change in funding for statutory services provided by the local authority to maintained schools. The Education and Skills Funding Agency (ESFA) had initially proposed an ESG general duties rate of £25 for maintained schools which was 35% lower than the national rates they had set. The Council challenged this position and over the period of January 2017 to August 2017 had responded to a number of additional requests from the ESFA for supplementary information. On 19 September 2017 the application was formally approved and the response from the Secretary of State was as follows:

*'This request is fully approved as we have now received full justification that the £35 rate is required for essential services provided to schools. The level of cuts required by a £25 rate would result in the authority being unable to maintain services at the level required by its statutory responsibilities.'*

It was also confirmed that the pro rata rates for Special Schools and the Pupil Referral Unit have also been agreed, ie the Council's rates 9% below the national rates had been approved.

In view of the recommendations and the number of schools which had converted to academy status against the 2017/18 planning assumption, it was noted that there would be sufficient funding available in the current year to reduce the per pupil rates for the special school and the PRU to £35. It was noted that this would not significantly impact upon the sustainability of the Council's statutory responsibilities in future years. The proposed rate for 2018/19 was set at £60 per pupil/place.

At the meeting of the Schools' Forum on 14 November 2017, the maintained schools did not agree with the transfer of £60 per pupil/place. The regulations state that if agreement could not be reached with maintained schools, the matter would need referring to the Secretary of State for decision.

The conclusions for 2017/18 and 2018/19 were outlined in the report.

A Headteachers' representative reiterated earlier concerns that the education funding cuts and other financial pressures faced by schools were unsustainable and would result in difficulties in balancing school budgets. The Chair added that this was symptomatic of the financial challenges all local authorities and schools were facing. The Assistant Director, Education indicated that the local authority provided statutory services to their maintained schools and unless there were changes to the current funding regime, the Committee would be considering similar reports each year. The Assistant Director commented that work was ongoing with the Department for Education, Ofsted, other professional associations and the Local Government Association to put pressure on

the Government to review the future funding of education. The Chair added that in addition to this, he was in discussion with Hartlepool's MP, Mike Hill, with a view to lobbying Government on this issue. It was suggested that the Chair and Vice Chair of the Children's Services Committee meet representatives of Schools' Forum on a quarterly basis to discuss issues throughout the year and maintain the current working relationship.

## **Decision**

### **(1) 2017/18 Issues**

(i) The successful outcome of the Council's disapplication request regarding the funding rate for Education Services General duties for maintained schools at £35 per pupil for mainstream schools, £148.74 for Special School places and £131.24 for Pupil Referral Unit Places was noted.

(ii) The proposal to set the 2017/18 funding rate at £35.00 per pupil/place for all schools with the understanding that this can be managed within the current income budget was approved.

### **(2) 2018/19**

(i) The 2018/19 funding rate at £60 per pupil/place subject to the agreement of (ii) above was approved.

(ii) The submission of the disapplication request to the Secretary of State to set the Education Services General Duties rate at £60 per pupil/place for 2018/19 was approved.

(3) That quarterly meetings be set up for the Chair and Vice Chair of the Children's Services Committee to meet with representatives of Schools' Forum to consider any ongoing issues.

## **65. To Nominate Local Authority Representatives to Serve on School Governing Bodies** *(Director of Children's and Joint Commissioning Services)*

### **Type of decision**

Non key.

### **Purpose of report**

To update the Committee in respect of a vacancy that currently exists for a local authority representative governor, and to request that Members recommend the nominee to the governing body where a vacancy currently exists.

**Issue(s) for consideration**

A schedule was submitted with the report setting out details of vacancies which existed, together with applications received. The individual applications were set out in a confidential appendix to the report which contained exempt information under Schedule 12A of the Local Government Act 1972 (as amended by the Local Government), (Access to Information), (Variations Order 2006) namely, information relating to any individual (Para 1).

**Decision**

That the applicant as set out in confidential Appendix B in respect of local authority nomination be considered by the governing body where the vacancy exists.

**66. Strategic Financial Management Report – as at 30 September 2017** *(Director of Children's and Joint Commissioning Services and Director of Finance and Policy)*

**Type of decision**

For information.

**Purpose of report**

To inform the Committee of the 2017/18 Forecast General Fund Outturn, 2017/18 Capital Programme Monitoring and provide details for the specific budget areas that this Committee was responsible for.

**Issue(s) for consideration**

The report provided the background and financial reporting arrangements for 2017/18 as well as a summary of the overall Council financial position and General Fund outturn information in relation to the areas this Committee has responsibility for.

Details of the overall budget position for the Children's and Joint Commissioning Services Department was summarised in a table included in the report together with the reasons for the forecast outturn. Further details of specific budget areas were outlined at Appendix A. The report included details of recommended reserves together with planned capital expenditure.

The Director of Children's and Joint Commissioning Services indicated that the Chair had written to Hartlepool's MP, Mike Hill in relation to the £2billion national funding gap for children's services. It was noted that the one-off Looked After Children Reserve could be utilised with the aim of providing a longer lead time to manage demand to reduce costs back down to the level of the recurring budget. However, the Director of



Children's and Joint Commissioning Services was not optimistic that this could be achieved in view of the changes in the demographic of children in care.

The Chair reiterated that this was a totally unsustainable way of funding children's services in the future and it was hoped that the Government's forthcoming local government finance settlement may provide the opportunity to address the current crisis in the funding of children's social care.

### **Decision**

The report was noted.

## **67. SEND (Children with Special Educational Needs and Disabilities) Update Report** *(Director of Children's and Joint Commissioning Services)*

### **Type of decision**

For information.

### **Purpose of report**

To update the Committee in relation to SEND (Special Educational Needs and Disabilities).

### **Issue(s) for consideration**

The report provided the background to the Special Educational Needs and Disability (SEND) Reforms. Further details were included in the report which showed that 2.4% of children in Hartlepool schools have a statutory EHC Plan and the current national figure was 2.8%. It was noted that the number of EHC plans had increased due to a number of influencing factors and projections for further increase were noted in the report. The areas of need identified within the EHC cohort were listed in the report.

Measures were in place to monitor the outcomes of SEND children and the outcome of this monitoring would ensure that children's needs were being met and they were reaching their potential. It was also noted that monitoring would ensure services were commissioned appropriately. Work was also ongoing to provide advice and interventions to prevent or reduce the incidence of exclusions for SEND children.

Attached at Appendix A were the recommendations from the local area SEND inspection which had taken place in October 2016.

The Chair sought clarification on the increase in the number of EHC

plans in place in 2018/19. The Assistant Director, Education indicated that this was partly due to the growing confidence in identifying SEND children earlier as well as around the social upbringing of some children. The Headteacher of Catcote Academy commented that there had been a huge increase in the number of children diagnosed with autism and more complex needs, including the area of social, emotional and mental health (SEMH) which was affecting the youngest children.

In response to the rising number of exclusions, one of the Headteachers' representatives confirmed that decisions to invoke fixed term exclusions were not taken lightly and schools worked with young people to make adjustments wherever practicable.

### **Decision**

The report was noted.

## **68. Full Ofsted Inspection of Exmoor Grove Children's Homes** *(Director of Children's and Joint Commissioning Services)*

### **Type of decision**

For information.

### **Purpose of report**

To present to the Committee the recent full inspection report of Exmoor Grove Children's Home by OFSTED which took place on 11 and 12 September 2017 and for Members to note the report (attached at Appendix A).

### **Issue(s) for consideration**

The report provided the background to Ofsted inspections of children's homes under the Children's Home regulations. The inspection report was attached at Appendix A which showed that the home was judged Outstanding overall and there were no areas of development identified within the Inspection.

The Chair indicated that he would be visiting Exmoor Grove Children's Home later this week and would ensure the congratulations and thanks of the Committee be passed on to all those involved in the achievement of the most recent Outstanding judgement.

### **Decision**

The report was noted and the Chair to pass on the congratulations and thanks of the Committee to all those involved in the achievement of the most recent Outstanding judgement during his forthcoming visit.

**69. Full Ofsted Inspection of Stockton Road Children's Homes** (*Director of Children's and Joint Commissioning Services*)

**Type of decision**

For information.

**Purpose of report**

To present to the Committee the recent full inspection report of Stockton Road Children's Home by OFSTED which took place on 17 and 18 July 2017 and for Members to note the report (attached at Appendix A).

**Issue(s) for consideration**

The report provided the background to Ofsted inspections of children's homes under the Children's Home regulations. The inspection report was attached at Appendix A which showed that the home was judged as Good overall. The Inspection had made two recommendations for development and the Manager had started to review these recommendations and changes had been put into place.

The Chair indicated that he had recently visited Stockton Road Children's Home with the Vice Chair of the Committee and was pleased to report back that they had spoken to some of the young people who reside there and they had indicated that they were delighted with the staff and the facilities provided within the home. The Vice Chair added that it was a joy to visit and was pleased to meet the young people who reside there.

**Decision**

That the report was noted.

**70. Postcards to the Director** (*Director of Children's and Joint Commissioning Services*)

**Type of decision**

For information.

**Purpose of report**

To present to the Committee the report produced as a result of the responses to the "Postcards to the Director" activity that took place in July 2017 as part of Children's Week.

**Issue(s) for consideration**

It was noted that a total of 2128 postcards were completed by children

and young people and attached at Appendix 1 was a report that summarised the findings of the postcards. It was proposed that the report be shared with Headteachers and then made available across the schools for young people. In addition, it was suggested that the report be shared with all the Directors to enable them to explore how they will use the information gathered from children and young people to inform their future plans.

The Chair commented that this exercise had been very worthwhile, especially given the number of responses received. The responses from the young people will be forwarded to the relevant people including Directors, and schools, so that the comments can be considered. This follows on from the Young Futures' presentation in relation to children's mental health. The thanks of the Committee were passed onto the Participation Team and Youth Council on how well they worked on this, especially by collating all the data received. The Director of Children's and Joint Commissioning Services added that local schools had also been very supportive in undertaking this exercise. The young people's representative echoed the above comments adding that the work undertaken was extensive and impressive and showed that the Council did care about young people's views.

The Director of Children's and Joint Commissioning Services indicated that this exercise will be undertaken again next year as part of a week of events to recognise young people's achievements in July 2018, and a further report outlining the plan for this celebration week will be brought to Committee in February 2018.

### **Decision**

The report was noted.

## **71. Any Other Items which the Chairman Considers are Urgent**

There were no items the Chair considered urgent.

The Committee noted that the next meeting would be held on Tuesday 16 January 2018 at 4.30pm in the Civic Centre, Hartlepool.

The meeting concluded at 6.00 pm

**P J DEVLIN**

**CHIEF SOLICITOR**

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