

AT A MEETING of the Children and Young People Select Committee of
HAMPSHIRE COUNTY COUNCIL held at The Castle, Winchester on
Wednesday, 8th November, 2017

PRESENT

Chairman:

p Councillor Ray Bolton

Vice Chairman:

p Councillor Roz Chadd

p Councillor Jackie Branson
p Councillor Zilliah Brooks
a Councillor Fran Carpenter
a Councillor Steve Forster
p Councillor Marge Harvey
p Councillor Wayne Irish
p Councillor Gavin James
p Councillor Kirsty Locke

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p Councillor Russell Oppenheimer
a Councillor Neville Penman
p Councillor Jackie Porter
p Councillor Robert Taylor
p Councillor Malcolm Wade
p Councillor Michael Westbrook

Co-opted Members:

p Ian Brewerton, Secondary School Parent Governor Representative
p Jane Longman, Special School Parent Governor Representative
VACANT, Primary School Parent Governor Representative
VACANT, Church of England Schools Representative
VACANT Roman Catholic Schools Representative

In attendance at the invitation of the Chairman:

p Councillor Peter Edgar – Executive Member for Education
p Councillor Keith Mans – Executive Lead Member for Children’s Services
p Rob Sanders, Deputy Director of Education, Church of England

24. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Fran Carpenter, Steve Forster, and Neville Penman.

25. DECLARATIONS OF INTEREST

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the

meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

Councillor Jackie Branson declared a personal interest in Item 6, as she is the Chair of Governors at Crookhorn College, which receives Special Education Needs funding.

Councillor Jackie Porter declared a personal interest in Item 6, as she is the Chair of a Pre-School that receives special educational needs funding.

26. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 20 September 2017 were confirmed as a correct record and signed by the Chairman.

27. DEPUTATIONS

The Committee did not receive any deputations.

28. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made one announcement to the meeting:

New Parent Governor Co-opted Members

Further to the Chairman's announcement at the last meeting, two new parent governor co-opted members had been recruited and were in attendance at the meeting:

- Ian Brewerton – representing Secondary Schools
- Jane Longman - representing Special Schools

In addition, the Chairman noted that Caroline Edmondson had stepped down from her role as parent governor, and therefore the Committee would be seeking nominations for a new parent governor representing primary schools. The Chairman noted his thanks to Caroline for her contribution to the Committee.

The Chairman also noted that the Church of England had nominated Rob Sanders, Deputy Director of Education, who was in attendance as an observer with speaking rights, to be the new representative on the Committee, replacing Rev. Jeff Williams. This would be forwarded to the next Council meeting for formal appointment.

29. SPECIAL EDUCATIONAL NEEDS AND DISABILITY REFORMS - HAMPSHIRE AREA POST-IMPLEMENTATION UPDATE

The Committee received a report from the Director of Children's Services and his representatives, alongside NHS colleagues, providing a post-implementation update on the Special Educational Needs and Disability (SEND) reforms (Item 6 in the Minute Book).

Members heard an overview of the report from the presenters. Currently the Department were still waiting for OFSTED/the Care Quality Commission to announce a review of the local area's response to the SEND reforms. This could happen at any point in the next three years. The previous inspection was a pilot inspection.

The data from the 20 week indicator showed that Education, Health and Care Plans (EHCPs) were not being completed quickly enough, and the Department had resultantly implemented a recovery plan to improve the waiting time to completion. Previously 4.5% of EHCPs were being issued within the 20 week deadline against a 60% national figure. This was in part due to the shortened time for completion compared to SEND statements, which allowed 26 weeks overall. The Department had improved the EHCP figure to 45.8%, but there was much further to go to get to the previously achieved compliance rate of 90%+, which was the achieved level pre-reforms.

The report noted that just under 300 SEND statements had not yet started their journey to becoming EHCPs. Now just seven were yet to be started. The emphasis from Hampshire was that the document should be high quality, and not just a 'cut and paste' paper exercise, so some of these would go to the end of the March 2018 Government deadline for all statements to be transitioned.

There had been progress with the creation of the online EHCP hub, where the vision was that all parties could log in securely to track the progress of an EHCP assessment. This software was currently in the testing phase, as Hampshire had helped to shape the product as an early adopter. It was hoped that this self-service product would be available for use by September 2018.

A significant piece of work was on-going with schools to reinforce the need for them to 'assess, plan, do, review' with children who are identified with having potential SEND needs. The aim of this work was to help schools to aid children and work with their needs locally, with a referral to the EHCP process being only for those whose needs were severe, long term and complex.

The NHS SEND Designated Clinical Officer for 0-25 years provided a brief update to Members on the areas being progressed by the five Hampshire CCGs in relation to this area. Specifically, projects were currently on-going in relation to reviewing the pre-school advisory groups working with services for young children, and working with communication and language specialist teacher advisors. The children and maternity commissioning team were now co-located in Winchester with Hampshire County Council's Children's Services in Winchester, which aided joint working and cemented the commitment to working in partnership.

The Committee had previously heard about the early years offer during their previous meeting, and as part of this had understood that additional monies had not been received to expand the SEND offer from 15 to 30 free hours. There were also issues with capacity in the County for SEND specialist early years provision. The mixture of these two issues had resulted in the need for a SEND provision early years strategy, and the outcome of this had been the agreement to provide the additional 15 hours of free entitlement from mainstream early

years placements, with plans put in place to support children's specialist needs. For this year, the approach had worked well, but for future the strategy would be subject to the early years review, in order to explore how parents and providers are being supported, and to develop good practice.

Hampshire had been successful in securing through a bidding process a new 125 place special free school. It was hoped that, with the relevant planning permissions, this facility would be open by September 2020. In further good news, the Samuel Cody special school in Farnborough was being supported to have an additional 50 places for children of primary school age with moderate learning disabilities. The SEND Special School Place Planning strategy would also be looking at provision and designation across the County, considering how existing provision can be adapted to meet growing demand.

In response to questions, Members heard:

- That planning for the additional 15 hours of free early years provision had taken place with parents and carers as part of the natural review process for EHCPs. For children with autism, any changes to their provision will be agreed on an individual case-by-case basis, trying to avoid movement if possible.
- There were a number of EHCP cases going to tribunal, with approximately 70 live cases currently, which the Director agreed was too high. However, within the context of 7,500 EHCPs, this was not a large percentage, but it was in all parties interest to avoid cases from getting to this stage. The Department were committed to working better with families so that the tribunal route was the absolute last resort. Part of the idea of the EHCP hub would be to free up staff capacity from dealing with general queries on the status of EHCPs, in order to spend more time one-to-one with families and carers on EHCP planning.
- In some cases, tribunal may be unavoidable, as the view families take on the support required to meet their child's needs may not be the most appropriate or cost effective support for the needs identified through the EHCP. The tribunal process is open to any family or carer who does not agree with the support offered to meet an EHCP by the County Council or its partners, and therefore individuals are entitled to use it. The Department does its best to negotiate with families in order to avoid cases getting to this point.
- That part of the aim of the education inclusion service was to help those children who were house or bed bound by the nature of their disability or health issue to be supported to access education, if this was appropriate.
- The outcome being worked towards by the SEND team through EHCPs was for every young person to be supported to take their place in society, and if appropriate, to take up employment and / or further training. Many young people on EHCPs are supported to go on to further education and supported internships, with the choice being theirs to determine what best suited their ambitions.
- For those who have the most profound level of need, the reality was that lifelong access to support would be needed, and therefore a transitional team existed with the aim to transfer care into adult services, and to make this period as seamless for the young person as possible. This is a main focus of EHCP support now extended to those aged up to 25 years.

- The annual review of the EHCP was intended to be a safety net, with an expectation that this document should be reviewed by the relevant professional whenever most suitable, to ensure that the provision was still appropriate.
- That teacher's abilities to identify needs in children represented a mixed picture across the County; as not every teacher is skilled at identifying children who may be on the autistic spectrum, or have another SEND need. What the Department wanted to do was build pathways for professionals to use that allowed them to highlight when a child may need help, which puts them on the right course to diagnosis and support, if this is appropriate.

The Chairman thanked the presenters for their presentation, and agreed that any further questions from Members could be sent to the officers via the scrutiny officer.

RESOLVED:

That Members:

1. **Note the overview provided.**
2. **Request a further update in May 2018.**

30. CHILDREN WITH DISABILITIES SERVICE

The Committee received a report from the Director of Children's Services and representatives, which provided an overview of services for children with disabilities (Item 7 in the Minute Book).

Members heard highlights from the report. An outline of the important work undertaken with partners, including the Hampshire Parent Carer Network, and closer alignment with adult services and health, was given.

The savings made as part of Transformation to 2017 were recapped and the overnight respite consultation was discussed. It was noted that the consultation had recently closed, and the outcomes from this would be considered in January 2018.

The benefits of telecare were highlighted to members, building on work undertaken by Adults' Health and Care and the County Council's telecare provider, examples of which had led to improved quality of life for service users and their carers.

In response to questions, Members heard:

- That children's services were currently evaluating the feedback from the overnight respite consultation, and would be reporting these to the Executive Lead Member for Children's Services in January 2018.
- Part of the work on overnight respite was whether Hampshire County Council could assist the market to create capacity for this type of service,

so that those in receipt of personal budgets could find services with capacity that met their needs.

- That the overnight respite consultation affected 43 families directly, all of whom had been offered individual conversations with the children with disabilities services, in order to record their needs and requirements of any future service.
- That telecare was an exciting innovation for children with disabilities, as it allowed greater independence whilst still maintaining peace of mind, and was leading to improvements in the quality of life for all affected. An example was given of a young adult with epilepsy who had a sensor mat fitted to his bed, which allowed his breathing and sleeping pattern to be monitored by his mother from her own bedside, so that she didn't need to regularly wake throughout the night to check his condition.
- That it was positive that three children with disabilities were being adopted. The Department were keen to increase this number in future.

The Chairman agreed that any further questions from Members could be sent to the officers via the scrutiny officer.

RESOLVED:

That Members:

- 1. Note the overview provided.**
- 2. Request a further item to consider the overnight respite proposals, and a general update on Transformation to 2019, in January 2018.**

31. CHANGES TO THE SCHOOL FUNDING FORMULA

The Committee received a presentation from the Director of Children's Services and his representatives providing an overview of the changes to school funding formula (Item 8 in the Minute Book).

Members heard that the presentation was a shortened version of that being provided to all school heads and governors across a number of events in the coming weeks. It was important that school representatives had a good grasp of what the changes to the national funding formula meant for the education sector in Hampshire, how the local formula would be applied, and where the gaps in funding and challenges remained.

There continued to be a projected overspend across all blocks of school funding in Hampshire. In previous years the dedicated schools grant reserves had been meet any shortfalls, but this had now been depleted, so the variance in spend must be met by the allocations of funding from 2018/19. These variances did not relate to specific schools with overspends, but a number of different pressures within the system, combined with a formula which didn't meet the true cost of providing education in the County.

The total pressure on all school budgets was £8m, and this would likely to continue into 2019/20. For the early years block, the pressure on the budget was

in part due to accounting, based on the early years census, which was a technical issue but somewhat solvable. There was less pressure on the central block of funding for schools. For high needs, there were multiple causes of pressure on this budget, and this would sit in the system for the next few years, although some actions relating to procurement and efficiency reviews may help ease this amount. As Hampshire County Council manage the high needs budget, Children's Services have a significant role to play in finding ways to reduce this pressure. The ray of hope was that through the national formula funding, there was increased funding in the high needs block, without which the pressure would be significantly worse. Hampshire was not alone in facing this issue, as every local authority was similarly affected.

An overview of the new national funding formula was provided to Members, who heard that the allocation for schools, central funding, high needs and early years was received by Hampshire County Council in one designation from the Department for Education, who distributed funding in accordance with the national formula. Once divided into the four blocks, money (with small exceptions) could not transfer across these areas. The central budget for administering services on behalf of schools was retained by the Council. The high needs funding was distributed for placements and pupil top up. Both the early years and schools funding was determined by a locally applied formula, and this was agreed and applied by the Schools Forum. From this, funding was passed on to maintained schools and early years providers, and for academies, forwarded to the Education Funding Agency for directing on to academy schools. For those schools in a multi-academy trust, the pot of funding for all schools was received centrally by the administrators of the trust, who determined how much each school received in funding.

The long term ambition of the Department for Education was to move to a hard version of the national funding formula, which would see the national allocations transferred directly to schools without a local formula being applied. For the moment, the soft launch of the formula came with a promise that no school would lose funding (unless they had a reduced number of children on roll), and £1.2bn of recycled funding had been allocated nationally to increase the revenue funding available to schools over the next two years. Prior to the change in formula, Hampshire had received the third lowest combined budget per school aged pupil. Post-changes, it now received the second lowest allocation nationally, although it would positively receive an additional £37m by 2019/20, compared to the baseline for 2017/18.

For 2018/19, the Schools Forum were being asked to transfer £3.6m, the most possible given the ring-fencing of the schools budget, into the high needs block to alleviate some of the pressure in this area. Although this funding would transfer across prior to designation, it would be spent in mainstream schools through inclusion, EHCP and SEND support. The Schools Forum had previously agreed a set of principles for the schools block formula, and in this spirit were being asked at the next meeting to choose between three options for how the new funding would be applied for the next financial year. The three options would vary the distribution of gains across schools in each District and Borough area, but as the choice of how to apply the formula was purely a Schools Forum

decision, it would be for the representatives to determine which was preferable; Hampshire officers would play no part in voting on which option to adopt.

Looking to the future, a number of issues had been identified for which there would be significant pressures should the national funding formula be applied and allocated directly to schools, as the Hampshire Schools Forum have traditionally moved allocations around to meet the gap in the high needs block, and other pressures in the budget. Once agreed, the final proposals would be considered by the Executive Lead Member for Children's Services in January.

In response to questions, Members heard:

- That currently Hampshire County Council were running a pilot where schools can apply for funding to support any child who shows early indications of a SEND need. This had been incredibly popular, to the point where the funding had been overspent by 40% (from a total pot of £1.5m). The Department had not yet seen a parallel offset in the number of referrals for EHCPs, although it may be that the number of these would have grown more quickly without the pilot. The Department were committed to running the pilot for a further year, and would decide following the full analysis from this if it was something the Schools Forum supported.
- The Schools Forum is a statutory forum which is constituted with representatives from primary and secondary schools, including academies, early years, and special schools, and includes a mix of head teachers, governors and other representatives. The designation within the Forum is dependent on the split of schools in the County, and all decisions are made on the vote.
- There was a spectrum of opinion on whether the Schools Forum should continue to mitigate gaps in the budget, or should start allocating budget shares to the letter of the national funding formula. This would be determined in part by the December meeting of the Forum.
- The effect of pay rises hadn't yet been modelled within the future allocations for school funding.
- The slides did not pick up on individual deficits of schools, with the Department seeing more schools who are in, or are forecasting, deficit budgets. As the Local Authority pays this deficit on behalf of maintained schools, the school goes into debt with Hampshire County Council, and the number of these currently has led to the Department issuing notices to those in more severe situations. Work was on-going with these schools to undertake a root analysis review of overspend, and to agree actions plans for resolving these.

The Chairman noted his and the Committee's gratitude for the informative presentation, and agreed that any further questions from Members could be sent to the officers via the scrutiny officer.

RESOLVED:

That Members note the overview provided.

32. **WORK PROGRAMME**

The Director of Transformation and Governance presented the Committee's work programme (see Item 9 in the Minute Book).

The following timings for items were agreed on the work programme:

- School Attainment – to be heard in January 2018.

RESOLVED:

That the work programme, subject to any amendments made during the meeting, is agreed.

Chairman, 15 January 2018