



Leicester
City Council

Minutes of the Meeting of the
CHILDREN, YOUNG PEOPLE AND EDUCATION SCRUTINY COMMISSION

Held: TUESDAY, 26 MARCH 2024 at 5:30 pm

P R E S E N T:

Councillor Batool – Chair
Councillor Cole - Vice-Chair

Councillor Haq
Councillor Dr Moore
Councillor Pickering

Councillor Joshi
Councillor Pantling

In Attendance

Assistant City Mayor Councillor Dempster

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59. APOLOGIES FOR ABSENCE

Apologies for absence were received from Ms Carolyn Lewis – Church of England Representative and Ms Jenny Day – Teaching Unions Representative.

Trade Union Officer Janet McKenna joined the meeting remotely.

60. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have had in the business to be discussed.

Councillor Haq declared that his daughter had previously used the home-to school transport service.

During the item on the Fostering Service Annual Report, Councillor Pickering declared that she had a Special Guardianship Order (SGO).

61. MINUTES OF THE PREVIOUS MEETING

AGREED:

That the minutes of the meeting of the Children, Young People and Education Scrutiny Commission held on 16 January 2024 be confirmed as a correct record.

62. CHAIR'S ANNOUNCEMENTS

The Chair announced that there would be a short break in proceedings for those observing Ramadan to break their fast.

63. PETITIONS

The Monitoring Officer reported that none had been received.

64. QUESTIONS, REPRESENTATIONS, AND STATEMENTS OF CASE

The Monitoring Officer reported that none had been received.

Simon Thorpe asked:

“How have 'exceptional circumstances' been decided, with regards to whether a 16+ young person with SEND is entitled to their EHCP specified transport, where is the visibility of this policy and the criteria that are 'exceptional circumstances'?”

How have those young peoples' EHCPs where transport was or is now subsequently recorded as an 'exceptional circumstance' become as such? How is their 'exceptional circumstance' evidenced within the EHCP, under what section and via what instructions and by whom?

What is required in a young person's EHCP to evidence their transport need as an 'exceptional circumstance' and how is this need evidenced within the EHCP plan?

Under what criteria have some young people with physical, mental or social health need been offered either transport with a taxi or a personal transport budget, as opposed to others with similar or different physical, mental or social health need who have been refused transport with a taxi or a personal transport budget?

What are the criteria that some of the 'very few exceptional circumstances' will be offered either transport with a taxi or a personal transport budget, whereas some will be refused?

Finally, how is the 'capacity' of the young person to make an independent bus journey taken into account?”

Ruth Northey asked:

Appeals against post-16 SEND transport decisions for the academic year 2024/5 are currently being decided upon prior to the publication of the new policy and appeals process. How can you guarantee a transparent and fair appeals process, especially given that I and other parents have been denied a second stage appeal with an independent panel which is recommended in statutory guidance?

Local authorities have to adhere to Post-16 transport and travel support guidance. This guidance states that they should support the commissioning arrangements to make sure they maintain the requirements outlined in an EHCP. Distance to school must be considered. The council's website currently states that a school being "out of area" is not considered an exceptional circumstance. In light of this, what arrangements are being made to follow statutory guidance and facilitate a child's placement when this is some distance from the local area?

Esther Cameron asked:

We as a group we also represent parents whose young people use the council provided yellow buses which are available to all age groups. We understand that the cuts are a cost-saving exercise, but those buses will still be running now without our children on board. By changing the policy on SEND Post-16 travel to school or college, please can you clarify how the savings are calculated?

When setting out your Post-16 transport policy, you are supposed to take into account the local transport infrastructure. In cases in which the Post-16 course is an alternative education provider named by the EHCP and approved by Leicester City Council, but which is not served at all by public transport, can you give details of your transport arrangement for children where their school is not accessible by public transport and parents are unable to provide transport themselves?

Lisa Crabbe asked:

Local authorities have to adhere to Post-16 transport and travel support guidance. The guidance states that "the local authority must exercise its power to provide transport or financial support reasonably, taking into account all relevant matters". The council's website has a long list of individual circumstances which it states it will not consider when making transport decisions. There is no information on circumstances it will consider. How can the council demonstrate that in fact it is making reasonable decisions which take into account all relevant matters?

Recommendations have been made by the local authority to parents that their disabled post-16 children should travel independently to school. In some cases, the suggested public transport journeys involve 3-4 changes of transportation and take over the recommended maximum journey time. How is the local

authority making decisions about the suitability of independent travel for individual young people, and can they demonstrate that they are taking into account the statutory guidance which states that journeys should not involve multiple changes or be over 75 minutes?

Stephen Score asked:

The council says it has consulted on changes to Post-16 transport and travel support. Did that include parents/carers whose children are currently 16+ or will be 16-19 from the beginning of next term? How did you inform them of the consultation? How many responses did you get from parents/carers and how were the responses from parents considered as part of the decision-making process?

The Director of Education, SEND and Early Help gave the following response:

In response to the questions asked. I will be providing an overarching response to these questions.

The council's Barrister has advised that as part of the Council's Scrutiny Commission Constitution, information which could lead to the identification of individuals cannot be discussed in a public forum. Therefore, we are unable to provide answers relating to individuals.

The provision of transport of young people post-16 is not a statutory requirement. The ongoing pressures upon council budgets nationally has required us to review all our non-statutory services including the provision of travel support for young people over 16.

In 2021/22 (Oct-Jan) the council undertook a 3-month formal consultation exercise proposing changes to the home to college transport policy. This included withdrawing transport for young people over the statutory school age. A questionnaire was sent to all parents and carers with a young person over the age of 14 years with and Education an Health Care Plan. We also shared the proposal with the local Parent Carer Forum, Big Mouth Forum, and Head Teachers. All the responses received informed the final decision.

The report and outcome of the consultation exercise were shared with the Children and Young People's Scrutiny Commission on 8th March 2022. A formal decision notice, report and outcome of the consultation were published on 25th March 2022, agreeing to the changes to the policy, including the withdrawal of travel support for children and young people over the statutory age for education with effect from 1st April 2022. However, at the time it was agreed that a 2-year transition period would be given to enable families, parents, and carers to make alternative arrangements. This agreement was due to expire on 1st April 2024, however, to reduce the impact on individual students it was agreed the changes would be implemented at the end of the academic year 2024, which means 12th July 2024.

Some children and young people with SEND may have transport included

within their Education and Health Care Plan (EHCP) linked to their health condition, that requires a specialist school setting that cannot be provided locally. In these circumstances the council will honour the provision within the EHCP. For children and young people of statutory school age the council does have a duty to transport to school which is provided as required. For young people post-16 transport is not statutory and there is an expectation that parents/carers will support their young person to access their provision. Support for this is available through bursaries from Post-16 institutions and in addition Young People over the age of 16 may be eligible for a Personal Independence Payment (PIP).

Parents and carers with children and young people effected by the changes were written to at the beginning of February 2024 advising of the changes. The information also provided an email address to enable parents and carers to request exceptional circumstances if appropriate. The council has received a number of requests for exceptional circumstances, including a number from those who have submitted questions to this scrutiny commission. Due to the individual nature of each young person's special needs every request has been considered individually by an expert panel. This panel consists of experienced and qualified SEND officers, who consider a range of evidence including the young person's EHCP. The council has listed what is not exceptional circumstances on the council website. Time and distance from home to school is not an exceptional requirement for Post 16 travel. Where an exceptional circumstance has been granted the council will allocate a Personal Transport Budget.

The updated Post-16 Transport Policy Statement will be published by 1st April 2024, however the current Transport Policy Statement, available on the council website clearly states that the council intends to withdraw transport for Post-16 from the end of the academic year 2023/24. This policy will be used until the new policy is published. Post-16 transport policy appeals (requests for exceptional circumstances) as described earlier will be dealt with by the panel. For Post-16 as it is discretionary it is a single stage appeal process. The mainstream home to school transport policy, which contains a two-step appeal process, applies only to young people under the age of 16.

Currently there are a significant number of post-16 young people that are transported on the councils' yellow buses. Once this provision is withdrawn this will create additional space on the buses that can be allocated to children of statutory school age that are currently being transported to schools in expensive taxi provision.

The council is supportive of Post 16 education, and we work closely with all of the providers where we fund young people to ensure that they support their students to be prepared for adulthood including the provision of travel training.

Every request for an exceptional circumstance to date has already received a personalised response.

The Chair invited the members of the public to ask supplementary questions in which it was noted in response that:

- In the post-16 transport policy, it stated that exceptional circumstances would be considered by a panel.
- Regarding the publication of the policy surrounding the appeals process and the statutory guidance on post-16 transport, the guidance was decided at a local level and the policy was that exceptional circumstances would be considered by a panel of experts.
- The new policy would be published by 1st April 2024. The old policy was standing. The guidance contained Frequently Asked Questions which gave examples of what would and wouldn't be accepted as exceptional circumstances. All information was considered by the panel. Each child was considered individually, and each case was given due process.
- Re-opening the decision would be an extremely long process and there would be a series of obstacles to doing this. However, the process could be started with a new recommendation. However, funding would need to be found and at the moment there was not sufficient funding. The route of a judicial review was not available at this time as it needed to be based on the process in reaching the policy decision, which would need to happen within three months of the decision on the policy. However, the policy could be reconsidered if there was sufficient funding, however, there was not sufficient funding at this time.
- The budget for the next financial year had already been set and there had already been significant cuts to services. Within the scope of next year's budget, discretionary areas were at risk and needed to be considered. This was a very regrettable set of circumstances.

The Chair informed the questioners that if they were not satisfied with the answers given, they could contact the relevant officers outside the meeting via email.

65. EDUCATION PERFORMANCE REPORT

The Director of Education, SEND and Early Help submitted the Education Performance Report for 2023 for the Commission to consider areas of strength and concern.

The Assistant City Mayor for Education, Libraries and Community Centres introduced the report.

Key points included:

- Previously, the local authority had played a key role in school improvement, however, with the introduction of academies, there was not as much significance for the local authority in terms of school

improvement.

- The role of the local authority was now more about partnering and engaging with people in terms of practice and brokering relationships.
- The effects of poverty on children's learning were known. It was also acknowledged that issues surrounding housing impacted children.
- During the Covid-19 pandemic, Leicester was in lockdown for longer than any other part of the country and it was acknowledged that this would affect pupil performance in the coming years. Given the barriers such as this that Leicester schools had faced, the schools were doing well, but there was still progress to be made. However, the partnership was strong.

The Programme Manager (Business Change) for SEND Early Help and Education then presented the report.

Key points included:

- The education landscape had changed a lot with reduced local authority ownership.
- A national reporting style had been followed identifying different groups and compared them against national trends and other local authorities.
- The report started with Early Years which had shown a good level of development particularly regarding children's readiness for school.
- Phonics in Year 1 were looked at to assess if a child was on track to become a fluent reader.
- Key Stages 1 and 2 were looked at in terms of attainment and progress. The report also looked at Key Stage 4 and secondary education.
- There had been fluctuation in assessment during the Covid-19 pandemic, and it had been noted that Leicester outcomes had not recovered as quickly as they had nationally, however, the extended lockdown in Leicester was thought to account for this.
- There was a similar picture to 2021/22 in terms of children in Leicester City Primary and Secondary generally making better progress than the national average, however, the starting point on entering school was lower than nationally and in comparison to other local authorities.
- Children eligible for free school meals performed better than their peers at all key stages.
- Children of Asian heritage and those with English as an additional language often had better outcomes and made better progress than their peers, particularly by the end of Key Stage 2 and Key Stage 4.
- Only two thirds of Leicester children were ready for school. Teachers had looked at reasons behind this in a national survey and part of the reason, among other things, was attributed to less time at nursery due to the lockdown, parents not reading to children and more time at home with less access to interaction with other children, a lack of targeted state support for children, a lack of peer and community support for parents and the rising cost of childcare.

- Children of white background were outliers in terms of attainment, and boys made less progress than girls, however, the latter was a national trend.
- In terms of next steps, the Council were talking in partnership with schools and talking with SEND and alternative provision providers, around focusing on children with education and healthcare plans. Additionally, the Early Years Strategy was being considered, and attendance management was looked at in terms of strengthening it, particularly with regard to children missing education and exclusions.
- Leicester was not an outlier in terms of authorised absence, but it was in terms of unauthorised absence.
- SEND Children were high in non-attendance.

The Committee were invited to ask questions and make comments. Key points included:

- It was requested that since members had difficulty in accessing papers due to cyber issues, the report be brought back to the Commission to allow members to more fully analyse the findings.
- The wider issue of the decline of industry in Leicester was raised, and it was suggested that this, along with the Covid-19 pandemic and the cost-of-living crisis was said to have contributed to social deprivation in the city and in turn to a decline in parents reading with their children as parents had higher priorities such as providing food for their children. It was also said to be a reason as to why children of white backgrounds were performing badly.
- It was later suggested that it was unfair to blame parents for not reading with their children as there was very little support for under-5s, and this contributed to children not being ready for school.
- It was also suggested that if parents had not been read to as children, then they would find it difficult to read to their children. As such, it was highlighted that Leicester City Council libraries had staff who read to parents and children together and modelled how to read to children, although it was noted that this service had not been available during the Covid-19 pandemic.
- It was noted that as well as Leicester having an extended lockdown, Leicester had shut its schools at the beginning of the pandemic sooner than other authorities.
- Leicester had not been singled out for funding as it was not considered to be a special case. This showed that relatively speaking Leicester was not in as bad a situation as other authorities and progress that Leicester children were making was relatively good compared to national trends. Whilst the desired levels were not being achieved, the data showed that schools were working hard to help children and young people make improvements. However, it was necessary to think about the earliest years and help children in this cohort prepare for school, as children were starting school not ready, it meant a lot of progress was needed for

them to reach the desired level. Deprivation was also seen as an issue and the disadvantage gap was the highest it had been in 20 years.

- It was suggested that community groups could have been better supported during the Covid-19 pandemic.
- The closing gap from 2022 to 2023 was praised.
- In the context of the cost-of-living crisis, it was suggested that the increase in children on free school meals was good.
- Attention was drawn to the 'Educate Me Too' Campaign in which parents and carers of SEND Children had complied a report showing that overall, these children and young people fared worse. Further to this, while the children were waiting to be assessed, the children were not being educated well and parents were being plunged into poverty as they were needing to give up time to look after their children which could mean losing earnings.
- This was seen as a particular issue for parents of children with ADHD as it took a long time for children to get assessed, and it caused a lot of stress for parents when schools engaged them about their children's behaviour. ADHD Solutions was not seen to be properly funded and it was suggested that members and officers consider asking the NHS to help fund ADHD Solutions.
- A big impact had been seen around language development. The Covid-19 pandemic had caused children to be isolated in homes away from socialisation, additionally, mask wearing had impacted language development. There were a number of opportunities for recovery, but this would take a long time, and it would be a long time before the impact was fully known.
- It was suggested that the social contract between parents and schools had been affected. This had made attendance seem less important as parents had worked out that children could still learn without going to school. Further to this it was suggested that some children with behavioural issues fared better not attending school.
- A lack of diagnosis had led to a lack of support for people in need. The Strategic Director of Social Care and Education would speak with the Integrated Care Board (ICB) about solutions and approaches to neurodiversity issues.

AGREED:

- 1) That the report be noted.
- 2) That comments made by members of this commission to be taken into account by the lead officers.
- 3) That the report be brought back to the Commission early in the next municipal year.

66. FOSTERING SERVICE ANNUAL REPORT 2022/23

The Strategic Director of Social Care and Education submitted a report to provide an overview of the activity and performance of the Fostering Service during 2022 - 2023.

Key points included:

- Foster carers were a critical resource. Without them the Council would struggle to get good quality placements for Children Looked After (CLA).
- The Majority of CLA lived in family households with Leicester City foster carers looking after 65% of those in foster care.
- The majority of fostered children were placed locally, in Leicester, Leicestershire or Rutland.
- Over 130 families were supported in mainstream fostering and over 60 families were supported in kinship fostering.
- There was an experienced cohort of foster carers, with 63% of foster carers having more than five years' experience.
- 16 new mainstream fostering households had been recruited in 2022-23.
- 44% of foster carers approved this year were approved to care for sibling groups.
- Foster carers reflected the diverse community in Leicester.
- 20 Kinship Care Families had been approved, which were households who were closely related with the CLA.
- An enhanced foster care programme had been established for children with complex needs who received additional support.
- The private sector market had become very challenging.
- There was a Child Family Support Team (CFST) who worked with children who had experienced trauma. They had worked with 42 children during 2022/23 and their foster carers in managing behaviour and maintain relationships.
- The Marketing Strategy was being refreshed, a new officer had been recruited who had presented a draft strategy that would come to the Commission once complete.
- The CFST was being looked at in terms of how to enhance it to support a wider range of additional needs.

The Committee were invited to ask questions and make comments. Key points included:

- The CFS team had post-adoption support staff who could offer support to carers looking after children who had experienced trauma. Carers who believed that there were additional support needs could apply to the additional support fund. The Director of Childrens Social Care & Community Safety would reach out to SGO carers via the newsletter to help them become aware of the help on offer.
- Even when external markets were approached, it was not always possible to find the best match for the CLA. Additionally, costs were

higher in the private sector.

- Challenges included:
 - Historically, the foster carer cohort was an aging population. Within the Fostering UK charity, 40% were over 60 and would eventually get to an age where they could no longer foster.
 - Housing situations may mean that people are unable to foster.
 - There were system challenges around the competition between the private sector and the local authority. Increasingly, local authorities were seeing the return of CLA who had left private systems due to changes in organisations and the ethos of organisations changing their value base.
- The aim was to place every CLA in Leicester where safe to do so.
- Whilst the demographics of foster carers did not completely match the demographics of Leicester, they largely reflected of the children in foster care.
- It was a possibility that Asian families often had someone within the family to take responsibility for a child, however, it was also possible that the Council may not be aware of this if there had been no suggestion of abuse or neglect. This was the reason why the government released the Kinship Strategy.
- There had been a challenge that Kinship Carers had to go through the same level of assessment as foster carers, despite the fact that there was a fundamental difference as it involved a family member and not a stranger. The newly launched Kinship strategy aimed to make it easier for kinship carers to access support. There were challenges for the local authority with the strategy, as under these proposals they would administer the financial side.
- The overall goal was that families did not have to go through as rigorous governmental process as previously. There needed to be some level of support for the Family Network Support Plan. Once the policy was finalised it could be shared with members.
- Financial support existed for kinship carers who qualified, although the process was complicated. There was always more that could be done around family networks and around kinship and it was always aimed to achieve more where safe and appropriate.
- In terms of advertising for recruitment, the Council aimed to make the best use of limited resources and as such advertising was planned around the recruitment strategy, taking cohorts of children and young people and communities into account. Bus stops and lamp posts were used for advertising, additionally, targeted recruitment and marketing activity was carried out. Additionally, targeted social media could be made use of. Existing foster carers themselves were a good recruiting force as they could both recommend the experience to others and also take on more CLA when their initial ones left home. Therefore, it was important to give foster carers a good experience.
- The Customer Relationship Management (CRM) Tool which could include an automated admin process was still in procurement, however,

in procurement, security would be considered, and the Data Governance Officer would be consulted. Additionally, any software provider would need to follow national standards. Costs would be updated on next year.

- Regarding financial support provided through the Leisure Fund, Active Leicester membership was given to foster families. The Leisure Fund was a pot of money so that if young people who pursued a particular sport of activity they could be provided with lessons and/or equipment etc.

AGREED:

- 1) That the report be noted.
- 2) That comments made by members of this commission to be taken into account by the lead officers.
- 3) That the next report explain CRM accounts.

67. FAMILY ADOPTION LINKS REGIONAL ADOPTION AGENCY ANNUAL REPORT AND STATEMENT OF PURPOSE

The Strategic Director of Social Care and Education submitted a report providing an overview of the activity and performance of the Family Adoption Links Regional Adoption Agency incorporating Leicester City Adoption Service from 1st April 2022 to 31st March 2023.

Key points included:

- Local Authorities had a duty to become part of a regional adoption agency. Leicester City Council was in the Eastern part of the East Midlands, hosted by Lincolnshire County Council.
- In 2022/23 the number of adopters approved had increased.
- 25 children in Leicester were made subject of adoption orders. Placement orders matched CLA with adopters.
- Adopters could not apply for the adoption order until the child had been with them for 12 months.
- In 2022/23, 25 adoption orders were made, which was a reduction on previous years.
- Many cases had become stuck in the system, and many had come at once.
- 2021/22 was a year with an unusually high number of adoption orders.
- It was a goal of the Regional Adoption Agency to look to find a good match for a child's needs within the local region rather than further afield.
- Increasingly adoption arrangements have some kind of direct or indirect contact with the birth family, this was another reason why finding local

matches was important.

- A higher number of children from Leicester were placed in the Regional Adoption Agency area and fewer were placed in voluntary adoption agencies further afield.
- The Regional Adoption Agencies had only been in place for three years. Ofsted had done a thematic inspection and a report had been published which could be brought to the Commission. The report had looked at themes across six agencies. The feedback did not identify the agencies but looked at which models were most common, and the difference made and what could be done to improve locally.
- In local authority areas, often children were not placed in their home city due to safety concerns. In the majority of these cases it was due to concerns regarding birth parents unhappy with the outcome.

The Committee were invited to ask questions and make comments. Key points included:

- A reason that the fostering service was not regional in the same way was due to birth parents having a right to see fostered children.
- It was good to see regions working together and children being well-placed.
- It was thought that the Ofsted report was positive as it looked at six thematic areas and in four of them, they identified no areas for development, only strengths, so this was seen as very strong.
- It was always possible to learn from other agencies. Practice was led by outstanding local authority practitioners. This agency had a slightly different model to others where it played more of a coordination role, with overarching coordination and support, online advertising and coproduction of data. Local control over recruitment was maintained, so having local input and control gave the Council flexibility to meet its needs. There were also leaders on national panels who could share good practice.
- Family finding events were held all over the region. Large areas were targeted, but work was also done locally. More information could be provided in the next report.
- Targeted recruitment was also undertaken. Profiles were shared and if no matches came up in the region, more targeted recruitment was done for individual children and needs.

AGREED:

- 1) That the report be noted.
- 2) That comments made by members of this commission to be taken into account by the lead officers.

68. WORK PROGRAMME

It was noted that the Education Performance Report needed to come back to the Commission.

The Chair thanked members and officers for their work throughout the municipal year.

The work programme was noted.

Members of the Commission were invited to consider content of the work programme and were invited to make suggestions for additions as appropriate to be brought to future meetings.

69. ANY OTHER BUSINESS

There being no further items of urgent business, the meeting finished at 19:40.