

Medway Council
Meeting of Children and Young People Overview and
Scrutiny Committee

Thursday, 9 January 2020

6.34pm to 11.16pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

Present: Councillors: Kemp (Chairman), Aldous, Barrett, Carr, Cooper, Sylvia Griffin, Hackwell, Howcroft-Scott, Hubbard, Johnson, Mahil, Purdy, Thorne and Mrs Elizabeth Turpin

Co-opted Members with voting rights on educational issues only:

Fay Cordingley (Church of England Representative) and David Lane (Parent Governor Representative)

Added members without voting rights:

Anna McGovern (Medway Youth Council Chairman), Archibald Bean (Medway Youth Council), Nicola Forrest (Head Teacher Representative), Geoffrey Matthews (Teacher Representative) and Margaret Cane (Healthwatch Medway CIC Representative)

Substitutes: Councillor Bhutia (Substitute for Opara)
Keith Clear (substitute for Michelle Dewar – Medway Parent and Carer Forum)

In Attendance: Eleanor Brazil, Commissioner for Children's Social Care in Medway, Medway Safeguarding Children Board
Paul Clarke, Programme Lead - School Organisation and Capital Services
Rachael Horner, Partnership Commissioning Programme Lead for Looked After Children
Jean Imray, Interim Assistant Director of Children's Social Care
Sameera Khan, Assistant Head of Legal Services
Simon Plummer, MSCB Business Manager
Teri Reynolds, Democratic Services Officer
Lynn Sims, Inclusion Manager
Rebecca Smith, School Challenge and Improvement Lead
Ian Sutherland, Director of People - Children and Adults Services
Andrew Willetts, Head of Partnership Commissioning, Resources and Youth Justice

530 Apologies for absence

Apologies for absence were received from Councillors Ahmed and Opara and from Akinola Edun (Parent Governor Representative) and Clive Mailing (Roman Catholic Church representative).

531 Record of meeting

The record of the meeting held on 3 December was agreed and signed by the Chairman as correct.

532 Urgent matters by reason of special circumstances

The Chairman explained that he had accepted the Report to the Minister of State for children and families on ways forward for Children's Services in Medway as urgent in order for the Committee's comments to be forwarded to Cabinet when they consider the report on Tuesday 14 January 2020. The report had been added to the agenda as a late item as it had not been available at the time of despatch.

The Chairman explained that this item, for which it was necessary to exclude the press and public because the report was confidential at the time of the meeting, would be considered by the Committee first, ahead of the rest of the items on the agenda, which were then taken in order.

533 Disclosable Pecuniary Interests or Other Significant Interests and Whipping

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

Councillor Cooper declared that she was a governor at Rivermead School.

534 Outcomes of consultation on proposals to restructure Alternative Provision in Medway

Discussion:

The Programme Lead – School Organisation and Capital Services introduced the report which provided the outcomes of the consultation on the Council's proposals to restructure Alternative Provision (AP) in Medway. He explained that the proposals were to address some of the recommendations in the 2018 AP review, which was attached at Appendix 5 to the report. There had been

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158 responses to the consultation, with the majority supportive of a Centre of Excellence but with differing views in how that might be established.

The Executive Headteacher of the Inspiring Change Multi Academy Trust (ICMAT) then addressed the Committee, explaining that the Rowans AP was part of the ICMAT and was rated 'outstanding' and achieved positive outcomes. She also explained about the development of The Beeches, an AP free school which, when open, would offer early intervention support for children at Key Stage 1, 2 and 3. It would provide outreach support in mainstream schools to prevent exclusions and would be focused on reintegrating pupils back in to mainstream when appropriate and ready to do so. She gave examples of national projects and programmes The Rowans was involved in, which included working with the Department for Education. She welcomed a policy change in AP which would provide a cohesive, joined up approach, which she felt was needed to move AP forward.

Three people representing Will Adams AP then addressed the Committee. Firstly, an ex-student spoke about his experience at Will Adams. He explained that at 15 years old, he had a diagnosis of ADHD and anger management difficulties and had received multiple mainstream exclusions. He was involved in drugs, violence and crime and his parents, school and the police were struggling to find a solution to help him. He was then placed at Will Adams AP and he found the quiet, relaxed, close knit environment one in which he could thrive. He attended school every day and was willing to learn, eventually becoming Head Student. He was now 20, happy, healthy and with an ambition to join the Royal Engineers. He thanked Will Adams AP for turning his life and the life of others, around.

Secondly, a parent of two students at Will Adams explained how it had helped her children. She explained that both her children, who both had a diagnosis of ADHD and Autistic Spectrum Disorder, had attended mainstream school and because they were high-functioning, they had not met the criteria for an Educational Health and Care Plan (EHCP). Their mainstream school had tried to put strategies in place for both children but these had been unsuccessful. Her son was expelled after reacting to bullying behaviour that he had been experiencing for over three years and was moved to Will Adams where he received the right support, with access to in-school counselling and settled very well. Her daughter subsequently joined Will Adams and although she presented with challenging and aggressive behaviour on starting, this was managed well by the school as staff were well trained in this and had a great understanding of autism. She praised the support and communication from the school and its nurturing environment, which she believed had helped her children both go on to succeed and achieve.

The Headteacher of Will Adams AP then addressed the Committee. She explained that Will Adams was a Key Stage 4 specialist provision, which provided a holistic wrap around service for some of Medway's most vulnerable young people. She explained the school offered a bespoke curriculum, tailored to the pathway of each student and commented that students often returned for support, highlighting the need for a post 16 provision. She also explained that

the AP was graded consistently 'Good' by Ofsted and its results continued to be above the AP national averages. She commented on the AP's positive working relationship with mainstream schools and the sharing of best practice on matters such as understanding children in crisis and acknowledged the need for a clear strategy to develop consistent and good quality cohesive working across all provisions, welcoming the opportunity to establish Medway as a centre of excellence for AP. She expressed her concerns relating to combining two AP schools onto one site and the risks this could raise in relation to gang related issues and other social difficulties and urged the Council to support Will Adams in continuing to successfully educate some of the most vulnerable young people.

A short video, in support of retaining Will Adams AP, was then played to the Committee.

Members then raised a number of questions and comments, which included:

- **Mitigating risk relating to one site** – in response to questions about how the concerns relating to the amalgamation of the AP schools onto one site and the impact this may have in terms of gang rivalry and postcode wars, officers explained that the concerns around a single site had been raised during consultation and officers were adapting proposals moving forward to take into account the views expressed. Taking this and wider feedback received into account, it was more likely to move to a model which developed a centre of excellence with hubs or satellite sites to reduce this risk and also enable access to the provision by young people across Medway.
- **Inclusive environment** – comments were made that improvements were still needed to create an inclusive environment across Medway's mainstream schools and there was recognition that wherever possible, children should be supported to remain in mainstream settings or be supported to return to mainstream where possible and appropriate to do so. Improved partnership working with schools would enable staff to be trained in skills to identify new strategies to support young people in crisis.
- **Future model** – officers confirmed that there was a need to develop a centre of excellence, increase reintegration back into mainstream education, share best practice specifically within AP provision and provide more outreach support to prevent exclusions, where possible. Specifics of the model were still to be finalised but it would be more flexible to offer outreach and respite opportunities and would enable improved partnership working, sharing of best practice and knowledge. Officers undertook to provide an update to the Committee when available.
- **Support of Early Help** – officers explained that, as part of its children's services improvement journey, the authority would be working with Essex County Council in terms of strengthening its Early Help services which would also contribute to the partnership working of the AP centre of excellence model going forward.

- **Academisation of Will Adams** – officers confirmed that, as Will Adams was a Good school, the Council would not be looking to force academisation.

Decision:

The Committee noted the outcome of the consultation and welcomed a centre of excellence for Alternative Provision in Medway but recommended that this not be provided from one site and requested further updates to be reported to the Committee.

535 Medway Safeguarding Children Board (MSCB) Annual Report 2018-19

Discussion:

The Director of People – Children and Adults introduced the report and explained that both the Independent Chair and the Vice-Chair of the Medway Safeguarding Children Board (MSCB) were both unavailable to attend the meeting. The report was the last annual report from the Board, which had been replaced by the Medway Safeguarding Children Partnership (MSCP) in September 2019 and would continue to report to this Committee.

Members then raised a number of comments and questions, which included:

- **Improving approach to keep children safe** – reference was made to section 1.6 of the annual report which related to the outcome of audits showing that there needed to be a better approach to keep children safe. The Director explained that training was being provided on this issue, which was a priority for the MSCP going forward.
- **Engaging with the community and voluntary sector** – officers confirmed that Medway Voluntary Action had been part of the Board and were engaged with the MSCP going forward and work would be ongoing with them to reach a wider range of community and voluntary sector organisations.
- **Increase in children subject to a child protection plan** – questions were raised about the rise in children subject to a child protection plan (CPP). Officers explained that this could relate to a better identification of risk by social work staff although it was also not unusual to see a rise where a local authority has received an inadequate Ofsted judgement. It was also confirmed that the numbers in Medway were on par with national averages and when compared with statistical neighbours.
- **Medway Secure Training Centre (STC)** – concern was raised that lessons had not been learned from the serious case review into incidents at the STC, which had recently been judged to be inadequate. Officers confirmed that the judgement related to fundamental issues within the STC, which partner agencies had difficulty in influencing but confirmed that this was a

priority that the authority was working in strong partnership on, particularly taking forward when the STC closes to reopen as a secure school.

- **Identification of Private Fostering Arrangements** – the concern at 3.34 of the report relating to reduction in notifications of new private fostering arrangements was referred to and officers assured Members this was an area of focus for the MSCP to raise awareness around private fostering.
- **Increase in children subject to a child protection plan** – questions were raised about the rise in children subject to a child protection plan (CPP). Officers explained that this could relate to a better identification of risk by social work staff although it was also not unusual to see a rise where a local authority has received an inadequate Ofsted judgement. It was also confirmed that the numbers in Medway were slightly higher than national averages and when compared with statistical neighbours.
- **The Local Safeguarding Children Board (LSCB)'s awareness of the performance of children's social care** – in response to questions about whether the Board anticipated the recent Ofsted judgement, officers explained that the Board should have known. however since the 'Wood Review' of LSCBs, arrangements had now been strengthened and now firmly put the responsibility upon the three lead agencies (local authority, the Police and the Clinical Commissioning Group).
- **Attendance of secondary schools** – in response to a query about the attendance of Medway secondary schools at Board meetings, which had been poor, officers explained that there had been a named representative under the Board arrangements and due to work pressures, attendance had been difficult. The MSCP was therefore working with the primary and secondary headteacher forums to develop a network of participants, rather than relying on one individual. It was added that attendance at the Improvement Board by school representatives had been good.

Decision:

The Committee noted the report and thanked the Independent Chair for his work on the Board.

536 Review of the Old Vicarage Children's Home Provision

Discussion:

The Director of People – Children and Adult Services, introduced the report which provided information on the feedback from public consultation in relation to the proposed closure of the Old Vicarage Children's Home. He confirmed that plans were in place for the young people currently residing in the Old Vicarage, who would be transitioning in any event as they were all approaching adulthood. He explained that in recent years it had become increasingly difficult to place or sustain placements of young people in the Old Vicarage as it was not able to meet the needs of the increasing number of young people with

complex needs. It was therefore considered most appropriate for the Council to use the opportunity to reinvest the resource in a way to support more young people and particularly in “edge of care” arrangements to help support children and their families which in turn would result in fewer children coming into care.

Councillor Etheridge then addressed the Committee as Ward Member. He welcomed the public consultation but stated that he had not been consulted as Ward Member. He raised concerns about closing the facility, which was rated outstanding by Ofsted and the impact this would have on the young people in the facility and on the availability of placements if the provision closed.

Members then raised a number of questions and comments, which included:

- **Staffing** – concern was raised about Medway losing the staff at the provision who had excellent skill sets and could have been retained if the process had been conducted differently, for example with more detailed discussions and ideas about what new provision would be, before consultation. Officers confirmed that redeployment exercises were in place for the staff and where possible the staff were being placed in other services within the Council, such as the Youth Service and Early Help, as examples.
- **Reduction in availability to place children** – officers responded to concerns that by closing the provision this would increase pressure on placements for young people. They explained that evidence demonstrated there was adequate provision available to place children and that very often, children could not be placed at the Old Vicarage because their needs were too complex and they could not therefore be supported at the provision, which was why the provision had been running under capacity for some time.
- **Impact on current residents** – officers confirmed that all young people currently residing at the Old Vicarage would be moving on by March 2020 in any event because they were all at or approaching 18 years of age and were therefore transitioning into adulthood. All of the young people had good arrangements in place and some of the residents had already transitioned, with all of them being supported to transition to their new arrangements by the end of January.
- **Losing a provision rated ‘outstanding’** – the Interim Assistant Director, Children’s Social Care explained she had much experience in residential care and that it was possible for a residential home to receive an outstanding Ofsted judgement with no residents in the home, particularly as in such scenarios, the provision was not measured on its ability to work with children with challenging behaviour or complex needs. The Old Vicarage was rated outstanding, but in a context where the most vulnerable children with complex needs were not having their needs met because the provision in its current form was unable to do so.

- **Engagement with Ward Members** – it was confirmed that the Director of People – Children and Adults and officers had met with Ward Councillors to talk through the consultation and proposals. Reference was also made to the call-in of the decision to consult on the proposals, which was considered by this Committee at a meeting on 11 November 2019.

Decision:

- 1) The Committee recommended to Cabinet the proposed closure of the current provision at the Old Vicarage Children's Home, with continuation of care pathways for current residents at the home, finding suitable provision that meets their eligible needs, with the aim of minimising disruption to their care pathways.
- 2) The Committee recommended to Cabinet that a provision is developed that ensures a greater number of children and young people receive the right intervention at the right time, a need highlighted during the ILACS inspection.

537 Kent, Bexley and Medway Regional Adoption Agency (RAA)

Discussion:

The Interim Assistant Director, Children's Social Care, introduced the report which set out the summary of the business case for the reorganisation of adoption services across Kent, Bexley and Medway. She explained how the arrangements would benefit Medway children, in terms of improving timescales of placement and improving the access to adopters, particularly as Medway had fewer adopters, unlike the other two local authorities.

In response to questions about the structure of the RAA model, the Interim Assistant Director explained that there were various models being adopted across the country but in this case the preference across all three local authorities had been to retain staff, which had been based on the outcome of staff consultation, therefore the partnership model had been progressed.

In response to a question about accountability, officers confirmed that the statutory responsibility remained with the Director of Children's Services of each local authority and reporting through overview and scrutiny and Cabinet would continue to all three local authorities.

Decision:

The Committee noted the report and forwarded its comments to the Cabinet.

538 Annual Adoption Report

Discussion:

The Interim Assistant Director, Children's Social Care, introduced the Annual Adoption Report which covered adoption performance during 2018-2019 and provided an update on the work of the team. With reference to the graph at 5.3.8 of the report, she confirmed that the number of adopters approved was often less than the adopters matched to Medway children because in some cases children were matched with adopters who were not registered with Medway.

Decision:

The Committee noted the report.

539 Annual Fostering Report

Discussion:

The Interim Assistant Director, Children's Social Care, introduced the Annual Fostering Report which set out the work completed over the last year and how the service had met the needs of Medway's looked after children. She explained that the recruitment of new foster carers continued to be a challenge, which was a national issue. She also reported that 7-8% of looked after children had been in more than three placements in one year, some considerably more and focus on this issue was therefore key.

Members then raised a number of comments and questions, which included:

- **Improving in-house capacity** – officers added that Medway would be working with a Partner in Practice to learn from best practice and improve its fostering service, particularly in relation to the recruitment of foster carers and equipping in-house foster carers to support more challenging placements. Foster carers were also being provided with restorative justice and trauma training to help support more complex looked after children and also to help prevent placement breakdown. It was emphasised that getting placement matches right at the beginning was key to ensure the best outcomes of the young person placed.
- **Staff vacancies** – officers confirmed that agreement had been given to cover the vacancies within the service via agency support and this was underpinned by a range of recruitment drivers, such as 'step up to social work' and 'return to social work' and supporting newly qualified social workers.

Decision:

The Committee noted the report.

540 Sufficiency Report 2019-20

Discussion:

The Partnership Commissioning Programme Lead for Looked After Children introduced the report which provided the Committee with the annual refresh of the Statutory Sufficiency Report, which detailed how the Council, working with partners, would meet placement needs to current and future children in care and care leavers. She explained that the number of children and young people in care was stable but there had been an increase in the number requiring complex or bespoke care packages due to additional needs.

The Committee welcomed the detail in the report which included case studies that helped Members understand the complexity of the issues.

Decision:

The Committee noted the report.

541 Work programme

Discussion:

The Democratic Services Officer introduced the report which updated the Committee on its work programme.

Reference was made to a request that had been made in another comment about attributing names to comments on Committee minutes. The Democratic Services Officer confirmed advice would be provided from the Head of Democratic Services to the Member that had requested this.

Decision:

The Committee agreed the work programme as set out in Appendix 1 to the report, accepting the proposed changes which were highlighted in italic text within the appendix.

542 Exclusion of the Press and Public

The Committee agreed to exclude the press and public during consideration of item 14 (Report to the Minister of State for Children and Families on ways forward for Children's Services in Medway) because consideration of this matter in public would disclose information which was confidential within the meaning of section 100A(3)(a) of the Local Government Act 1972. This information had been given to the Council by the Department for Education on terms which forbid its public disclosure.

543 Report from the Minister of State for Children and Families on ways forward for Children's Services in Medway

Discussion:

The Director of People – Children and Adults Services introduced the Commissioner for Children's Social Care in Medway who had been appointed by the Department for Education in September 2019, following Ofsted's inspection of the local authority's Children's Services, which had judged the service as inadequate.

The Commissioner then introduced her report, which had been prepared for the Minister of State for Children and Families, on the ways forward for Medway. It was explained that the report should have been published by the Government, however due to delays caused by the General Election in December, the report and Statutory Direction, was not due to be published until noon on Friday 10 January 2020 and was therefore embargoed until publication took place.

The Commissioner explained that the report and statutory direction included a number of required actions which would address the concerns of the Commissioner and the Minister, of Medway's capacity to deliver progress but also to sustain it and emphasised that sustainability of improvement was as important as the improvement itself. She also commented on the issue of pace at Medway which she explained was difficult to measure because of the lack of an Action Plan to sit alongside the Children and Young People's Plan.

The Commissioner also made reference to the role of Members and scrutiny which she explained needed strengthening. She felt all Members needed access to more and improved training around children's services to enrich their ability to effectively carry out their role as Councillors, representing residents, being corporate parents to looked after children or being scrutiny committee members. She emphasised the role of scrutiny in monitoring and challenging and explained it had a role in overseeing the improvement journey as much as the Improvement Board.

Members then raised a number of questions and comments, which included:

- **Member engagement and training** – comment was made that Councillors from all political parties needed to engage in scrutiny more effectively. In terms of member training, the Director of People – Children and Adults confirmed that work was underway with Democratic Services to set up a training package which would be developed with support from the Local Government Association and the Centre for Public Scrutiny. It was hoped the first session would take place around late January and would provide Members with dashboard information, which was also presented to Improvement Board and would help Members focus on how to use the information to effectively and robustly challenge. The Commissioner added that it would need to include finding ways that Members could hear from service users and front line staff to reality check and fully appreciate

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situations that staff respond to. It was also confirmed that training package would be extended to all Committee Members, not just Councillors.

- **Process** – following queries about the process and accountability, the Commissioner explained that she would carry out a review report in six and twelve months, which would judge to what extent the Council has addressed actions in a timely way. She added that a Partner in Practice and a Leadership Improvement Partner had both been identified as additional resource to give Medway the best opportunity of making the level of sustained improvement that was required.
- **Overview and Scrutiny reporting** – comment was made about reports being too process heavy and not analytical enough and comment was also made about the future work of the Committee and how it may structure its meetings into themes, as well as frequency of reporting. The Commissioner commented that in her view reports to the Committee were not enough about what was happening currently and what performance looked like at that moment. Many reports were about the Council's intentions and plans to do things but she felt this needed to be accompanied by reports around current status of services. She felt it would be helpful for the Committee to have more reports about various aspects of service delivery, such as support services for children with disabilities or performance around identifying children at risk, as examples.
- **Progress so far** – the Commissioner assured Committee Members that progress was being made. She expressed the commitment of the Council's leadership in moving forward and referenced some of the areas of improvement that had already been made, such as reduced caseloads. The Director also confirmed that some additional staffing resource had been added to the service shortly after the inspection and following discussions with the Leader of the Council and the Portfolio Holder for Children's Services (Lead Member) there was an ongoing commitment to substantially increase the staffing establishment of the service going forward.
- **Accountability** – in response to a question about the reporting on progress and accountability, the Commissioner explained that overall reporting to the Minister of State was her responsibility. She confirmed that an update would be provided to the Minister in 3 months time, which would involve commentary from the Leadership Improvement Partner and the Independent Chair of the Improvement Board.
- **Proposals relating to the Old Vicarage Children's Home** – reference was made to the proposals (which were the subject of a report later on the agenda). The Commissioner confirmed her support for the proposals, which would provide Medway with an opportunity to develop provision which could better meet the needs of children and young people with complex needs.

Decision:

The Committee thanked the Commissioner for her attendance and noted the report and welcomed the forthcoming Member training and discussions on how to improve the Committee's scrutiny function.

Chairman

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