

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

Thursday, 28 July 2022

6.30pm to 9.24pm

Record of the meeting

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

Present: Councillors: Kemp (Chairman), Opara (Vice-Chairman), Barrett, Cooper, Sylvia Griffin, Johnson, Osborne, Purdy, Tejan, Thompson, Tranter, Mrs Elizabeth Turpin and Van Dyke

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

None

Added members without voting rights:

Lisa Scarrott (Medway Parent and Carers Forum)

Substitutes: None

In Attendance: Maria Beaney, Finance Business Partner, Education
Councillor David Brake, Portfolio Holder for Adults' Services
Celia Buxton, Assistant Director, Education and SEND
Paul Clarke, Head of School Services
Ingrid Crisan, Head of Service, Provider Services
Stephanie Davis, Democratic Services Officer
Lee-Anne Farach, Director of People - Children and Adults' Services
Amanda Harris, IRO Manager
Donna Marriott, Assistant Director, Children's Social Care
Rebecca Smith, Head of Service, Education

141 Apologies for absence

Apologies for absence were received from Councillors Carr, Howcroft-Scott and Thorne.

Apologies for absence also received from Georgina Bentaleb, Clive Mailing and Lenny Williams.

142 Record of meeting

The record of the meeting held on 8 June 2022 was agreed and signed as correct by the Chairman.

143 Urgent matters by reason of special circumstances

The Chairman agreed to accept item 6, Attendance of the Portfolio Holder for Adults Services, as an urgent item permitted under 100B of the Local Government Act 1972 to enable the Committee to consider this item at the same time as the Annual Report of the Reviewing Officer Service.

144 Disclosable Pecuniary Interests or Other Significant Interests and Whipping

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

145 Annual Report of the Independent Reviewing Officer Service

Discussion:

The IRO Manager introduced the report which outlined service activity and delivery throughout the period from April 2021 until March 2022.

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

- **Children exiting from Care** – a Member asked if there had been any improvement to the number of children whose exits from care as stated in the report were unrecorded or mis-recorded. The officer stated that this area of work remained a priority and an update would be provided in the next report.

It was further commented that the potential safeguarding issue this posed was of a concern. The officer assured Members that this related to children's exit from care due to a court decision to return the children to their home, to another family member or due to the fact that they had turned 18. The exits from care in the report did not relate to children who were missing from care or home as that was recorded separately.

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- **Workforce** – it was asked what was being done to attract a more diverse workforce in order to meet the needs of children as it was noted that in the last year, all staff on the team were female. The officer said that the recruitment process was conducted under fair equality and transparent protocols and the service worked to encourage applications from a broad range of people in order to build a diverse workforce. Since this reporting period, a male IRO was now working in the department, and another had been recruited to post.
- **Dispute Resolution Notifications (DRN)** – it was commented that there was a lack of context provided to be able to understand the figures presented due to a lack of benchmarking that could be used for comparison. The officer informed the Committee that there was no national benchmarking in place for dispute resolution notifications and whilst this had been discussed amongst the IRO leads in the southeast region, it was difficult to do given how services were set up and data was collected. The differences in different local authorities would have to be taken into consideration in order to build an accurate picture.
- **Management Reporting Line** – it was asked what the situation was with management line of reporting in order to alleviate any conflict of interest. It was also asked if obtaining of independent legal advice by IROs' where needed had been an issue. The Director of People said that management line of reporting was managed in a way to ensure there were no conflicts of interest, or direct reporting to operational management by heads of departments.
The IRO Manager advised that in terms of legal advice, a reciprocal arrangement was being established to ensure that independent IROs would have access to independent advice should they require it.
- **Training** – it was asked if all staff were up to date with and had received appropriate training. The officer said that she was assured that all staff were up to date with the level of training needed to deliver the quality of service expected. Mandatory and any other training was reviewed for all staff each year as part of the appraisal process.
- **Caseloads** – in response to a question on whether current caseloads were within statutory guidance, the officer said that statutory guidance set caseloads between 50-70. Current caseloads within the team averaged at 65 with staff below this commensurate with their experience and stage of developments i.e whether being supported in a probationary period or within their first year, with more experienced IROs holding greater caseloads. Caseloads had in the past increased temporarily when there had been staff on long term leave for various reasons and the impact of this was managed appropriately.
- **Outcomes** – it was asked how the IROs intended to support better adoption in best timeframes for children. The officer said that staff had to actively and consistently explore whether permanency outcomes could be achieved for children. This formed the basis of the IRO's role which

was to ensure there was no drift or delay in achievable outcomes for children.

Decision:

The Committee noted the report.

146 Attendance of the Portfolio Holder for Adults' Services

Discussion:

Councillor David Brake, Portfolio Holder for Adults' Services, with responsibility for the Children's Independent Safeguarding and Review Service, was in attendance and took questions from the Committee.

Members raised several questions and comments which included:

- **Family Courts** - in response to a question on whether Medway family courts were up to date with the backlog of cases, the Portfolio Holder stated that family courts across the country had experienced backlogs. Medway family courts would be based in Gun Wharf in the very near future which would be beneficial for all in terms of increased capacity. The Director of People added that whilst courts had returned to pre pandemic service, there was still backlog that was being addressed with cases monitored and tracked as appropriate. The Director of People added that the situation with care proceedings was not back to normal but there was ongoing improvement.
- **Reviews** - it was asked if pressure was being put on IROs to produce review documentation within 15 days and not the target of 20 days as per statutory guidance. The Portfolio Holder said that the IROs had worked hard to complete within 15 days to get ahead of workloads, where possible, and ensure young people were reviewed as quickly as possible. The IRO Manager added that IROs wrote the review details and produced this within 10-15 days. They were then supported by Business Support Officers in completion of the administrative tasks associated with ensuring they were electronically sent with the appropriate data protection measures in place in a timely manner.
- **Audit** – in response to a question on awareness of completion of audit assurances in the services, the Portfolio Holder assured Members of his awareness of audits in the services and added that all issues of concerns, including the service response, were brought to his attention.
- **Documentation of Children's Files** - it was asked what had been done to ensure improvement in accurate documentation of children's files as there appeared to be a discrepancy in the figures presented. The Portfolio Holder said that the discrepancy of figures in DRN was that the difference between the numbers was due to the number already in the

system and as this was an annual report, those cases did not meet the cut-off point of production of the report.

Decision:

The Committee noted the report and thanked the Portfolio Holder for his attendance

147 Annual Fostering Report 2021-22

Discussion:

The Head of Service, Provider Services introduced the report which set out how the in-house fostering services met the needs of Medway's children in care in the year from April 2021 to the end of March 2022 and established the work which should be undertaken in the coming year.

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

The quality of work of the fostering panel was commended.

- **Advertising** – it was asked what the costs involved and the effectiveness of radio advertising was. The officer advised that the costs were not at hand and would be provided at another date. The budget for advertising was split between various methods of campaigns. People that come forward were asked how they heard about the service, and it was found that the most effective way of advertisement was through social media. Radio advertising provided a lot of exposure into the community that the service wanted and needed to recruit from. Comprehensive information on the most effective method of recruitment of foster carers would be included in future reports.
- **Respite Care** - in response to a comment that payment for respite care remained insufficient, in particular against the rising cost of living and a question as to whether it would be considered in the next stage of the review, the officer said that a lot of work had been done within the service on this matter. The policy had been strengthened and additional means of supporting and rewarding carers financially if a child is taken out for an activity had been introduced.
- **LGBT Carers** - it was suggested that a stall at the upcoming Medway Pride event could assist in attracting foster carers in the LGBTQ community. The officer welcomed this suggestion and said that the LGBTQ community was very active in the adoption space, and it would be welcomed if that level of activity could be replicated in foster caring.
- **Special Guardians** – in response to a comment that more recognition was needed for the work of special guardians, the officer acknowledged the improvements needed in this area. A consultant had been brought in

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to conduct a deep dive review and as a result an improvement plan had been put in place. An open day was due to taken place for special guardians to enable them to share their experiences and enable the Council to gather information on their needs.

- **Legal Challenges and Disputes** – it was asked what support was in place for foster carers if and when faced with legal challenges. The officer said that it was up to the courts to decide who the parties to proceedings were. It was down to the Judge’s discretion to allow participation of any party in proceedings. If the Judge allowed the foster carers to be part of proceedings, they would then be entitled to legal aid for representation. The local authority had a duty to put forward a case that advocates in the best interest of children and cannot act separately on behalf of foster carers as this would be a conflict of interest.
- **School Transport** – it was asked what was in place when a child was placed outside of Medway. The officer said if a child lived within a reasonable distance to a school all would be done to facilitate their travel. If the child lived too far from their school, then an application would be made for them to attend a school close to their placement.
- **Savings for Looked after Children** – a Member asked for an update on the work that was being done for LAC direct savings and changes that were being made. The Finance Business Partner said that as of September 2021, payments that were being made to foster carers for them to then pay into LAC savings accounts had been removed and Medway would now make payments directly into the accounts of LAC. Payments would be made this month and backdated as appropriate.
- **Reward Scheme** – a reward scheme was introduced for foster carers in 2020 and it was asked if this had continued. The officer said whilst they could not compete financially with big foster care agencies, the advantage for Medway carers was the local connection as well as a comprehensive offer of training and support. There were local officers and social workers, good connection of local resources and discounts for local attractions
- **Foster to Adopt** – it was asked if the increase on foster to adopt cases impacted on levels of foster carers. The officer said that those carers came via adoption agencies and came specifically to adopt a child. When they were assessed, they were assessed on that basis and usually fostered very young children or babies hoping that these children could remain with them if the courts decided that it was unsafe for them to return to their parents’ care. They do not impact on fostering numbers as they came through the adoption route into fostering.

Foster carers were thanked for all their hard work and commitment to Medway children.

Decision

The Committee noted the report

148 Attendance and Persistent Absence in Schools

Discussion

The Head of Education Performance introduced the report which provided an overview of attendance in Medway with a particular focus on persistent absence.

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

- **Data** - in response to comments that the data in the report were out of date and not in line with the DfE figures on their website which provided data on absence rates for the entirety of the last academic year. Officers said that the data reported for 2020/21 was for the full academic year, the most up to date release of data at the point of writing the report was the autumn 2021 data. The release date for the autumn to spring term would be October 2022 and the release date for the entirety of the 2021/22 full academic year would be March 2023.

A Member further commented on the data limits in the report in comparison to the national data collation and advocated for more up to date data even if it was provisional data. It was asked what the process involved in the reporting of attendance between the Government and the Local Authority. Officers said that the census data that had been filtered, checked and finalised was what was contained in the report, the online DfE data was provisional and subject to change.

- **Mental Health** - it was commented that the issue could only be looked at in context with wider issues and whilst the presenting issue may be attendance, there were wider underlying issues that had to be addressed. Officers agreed that more work needed to be done to support families as well as schools and this was an area that was being looked into as part of the task and finish group review.
- **Fines** – it was noted that Medway absence figures had increased by 23.5% and it was asked if there were resources in place to issue more fines in the coming academic year, due to the increase in persistent absence rates which remained a problem in schools. The number of Penalty Charge Notice had declined significantly whilst there was a distinct increase in absence. Officers said that they worked closely with schools to ensure that they had the necessary evidence to initiate a prosecution on their behalf. During the pandemic, prosecutions were not possible and there were still backlogs that needed to be addressed as prosecutions that had been delayed were still being dealt with. It was

anticipated that there would be an increase in prosecutions due to the growing rate of persistent absence.

- **Alternative Provision** – concern was raised for young people in alternative provision as their absence from school could be attributed to other factors. It was asked whether a fuller report would be provided in the issues experienced and if the task and finish group would address this as part of the review. The officer said that the Special Educational Needs and Disabilities (SEND) green paper posed the question on how young people were supported and a review of the alternative provision system in Medway would commence from September 2022. Once the review had been conducted, a report would be brought before the Committee.
- **Profound and Multiple Learning Difficulties (PMLD)** - there was concern that nationally the absence figures for children with PMLD was lower than Medway's figures and it was asked what the reason was for this. The officer said that data with the breakdown with overall absence was in relation to the one Medway school that caters for children with that need. During the pandemic they were severely impacted by Covid, and the absence rate was impacted. Whilst it would appear that the percentage was significantly higher when compared nationally, the data had to be looked at in the context that it was for one school. It was essential to liaise with other attendance team leads to analyse data and the barriers that schools have with issues with persistent absence.

Decision

The Committee noted the report

149 Outcomes of consultation on proposals to change three grammar schools from single gender to co-educational provisions

Discussion

The Head of School Services introduced the report which outlined the outcomes of the consultation on proposals for three Medway grammar schools to change their admissions arrangements from single sex to co-educational provisions.

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

- **Response rate** – Members were disappointed in the low number of participation and responses to the consultation. It was commented that the consultation document was too complicated which may have impacted on the understanding of the questions contained in the document. It was considered that more could have been done to engage and understand how parents felt about this important decision and thought about the proposals put forward.

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- **Consultation Process** – in response to a question on how the process was managed, the officer said that all education provisions in Medway were sent the consultation document, with schools relied on to distribute the paperwork. Drop-in sessions were held at the grammar schools which were not very well attended but where people could attend to find out further information and have questions answered. The majority of respondents were from secondary school parents with some primary and out of borough respondents. The number of respondents was disappointing but there was a wide range of themes in the responses.
- **Geographical Range** – in response to a comment that geographical range to schools must be factored into decision making, the officer said this was one of the main things being looked into as the only co-education school for some parts of Medway was a considerable distance to children's homes. The proposal would create a good spread of co-educational establishment and would enable children to attend a local school which they may not have been able to due to lack of availability in their local area and reduce the distance of travel.

By changing the arrangements would create a fairer access to schools for Medway pupils. The consultation was about whether to support this as a Council. The schools are academies, and they would conduct their own consultation. This consultation was about the figures and the Cabinet supporting the decision financially.

- **Selective Schools** - it was commented that there was no formal policy on this kind of process in Medway and there was a need for a policy document within the Council on matters such as this.
- **Benefit of Changes** - it was asked how this change would benefit Medway pupils when a large proportion of places in Medway grammar schools were from out of borough residents. The officer said that the changes would provide equal number of boys the opportunity and flexibility to attend a Medway school. It may have appeared that this would reduce spaces for girls, but it was confirmed that this was not the case as currently some of the girls' places were taken up by out of borough girls.
- **Parental Choice** –it was commented that the proposed changes would increase places for boys but diminish spaces for girls, however the officer stated that it would increase the opportunity for places for Medway boys and girls. It was further commented that this reduced the places at single gender schools, which was a concern as there would be no protection for parental choice in this regard. Officers acknowledged this and agreed that further conversations were taking place alongside discussions on selection and changes to the Medway test.
- **Transport** – in response to a question on the effect on transport policy and whether the policy would be changed, the officer said that transport policy would be looked into as part of the changes. Parents would be

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encouraged to utilise all five preferences in order to maximise their chances of being given a preferred school.

- **Funding** – the proposed cost of funding from the Council towards this, was £2.5 million and due to come from future receipts of S106. It was asked if this had been costed up and if Trusts had been asked to contribute. The officer said that the budget had been costed formally with the three schools and was for adaptations to the schools. Discussions were taking place on how this would be phased. The finances proposed would come from the 2023/24 basic needs grants allocated from the DfE, and the school place planning strategy would set out how its proposed funds would be utilised.
- **Regional Schools Commissioner (RSC)** - it was asked if the RSC would support this project and if due to low number of consultees, they could reject the proposals. The officer advised that the RSC could reject the proposals, but they were aware of the current consultations and processes taking place as a result of informal conversations that had taken place. The Assistant Director, Education and SEND added that the RSC was reasonably content with the direction of travel.

Decision

The Committee noted the report

150 Children's Services Ofsted Monitoring Visit May 2022

Discussion

The Assistant Director of Children's Social Care introduced the report which provided a summary of the findings of the May 2022 Ofsted Monitoring Visit. This was the fourth monitoring visit in the improvement journey and the inspectors found that real progress was being made and that young people and staff felt supported.

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

The service was praised for the extensive work completed on the improvement journey to date.

- **Areas of focus** – in response to a question on what areas would be of focus in order to achieve the next level of an outstanding Ofsted rating, the officer said that a continued drive and focus on priorities as set out in the improvement plan. Maintaining consistency and stability in the workforce which was a challenge, retainment of staff and quality of practice. The Director of People added that achieving an outstanding Ofsted was a long and complicated journey that took time. Kent County Council had been on a 12-year journey to finally achieve their recent outstanding Ofsted rating.

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- **Children's Hub** – it was commented that not all young people could access the hubs due to the current opening times. The officer said that this was being looked at and there was a plan underway on strengthening and widening participation for young people including addressing issues with the opening hours.
- **Mental Health** – in response to concerns that young people were not receiving the mental health support and offer they required, and this was an ongoing issue that had to be tackled, the officer agreed that this was an area of priority and focus. All senior staff were working extensively on improving services for young people.
- **Learning and Collaboration** - it was asked what learning had been gained from Local Authorities (LA) that had achieved outstanding Ofsted status. The Director of People said they learnt from all good and outstanding LA's. The Regional Adoption Agency was a good example who now had two outstanding LAs was a space where and a lot of sharing and learning took place. Medway had a culture and mission of its own, the children had their own voice and were on a journey which was different and unique. Medway continued to work closely with other LA's whilst maintaining its own integrity and identity

Decision

The Committee noted the report

151 Work Programme

The Democratic Services Officer introduced the report which provided the latest work programme information for the Committee.

Following discussions, it was agreed that the School Place Planning report would not be taken as an agenda item but once published as part of the Cabinet agenda, Members would be invited to submit questions to be answered by officers.

The Assistant Director Children's Social Care provided an update on the data workshops and informed Members that the next workshop would take place on 10 August with the theme of the meeting being on workforce recruitment and retention. Going forward, data workshop themes would be aligned with Committee meeting agenda topics.

Members were reminded that the final session of the Local Government Association workshop for CYP O&S would take place on 17 August 2022 and were encouraged to sign up for the session.

Decision

The Committee agreed the work programme as set out in Appendix 1 to the report.

Chairman

Date:

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