

CHILDREN AND YOUNG PEOPLE'S OVERVIEW AND SCRUTINY COMMITTEE

At a Meeting of **Children and Young People's Overview and Scrutiny Committee** held in Council Chamber, County Hall, Durham on **Monday 14 November 2022 at 9.30 am**

Present:

Councillor A Reed (Chair)

Members of the Committee:

Councillors J Cosslett, V Andrews, B Coult, M Currah, S Deinali, C Hunt, C Martin, K Rooney, A Sterling, S Townsend and M Walton

Faith Community Representative:

Mrs L Vollans

Co-opted Members:

Ms A Gunn

Also Present:

Councillors M Simmons

1 Apologies for Absence

Apologies for absence were received from Councillors I Cochrane, O Gunn, L Mavin, C Varty, E Waldock and Ms R Evans.

2 Substitute Members

Councillor V Andrews substituted for Councillor C Varty and Councillor B Coult substituted for Councillor L Mavin.

3 Minutes

The minutes of the meetings held on 23 September 2022 and 7 October 2022 were agreed as a correct record and were signed by the Chair.

4 Declarations of Interest

Councillors B Coult, S Deinali, S Townsend, Ms A Gunn and Mrs L Vollans declared an interest in Agenda Item No.8 as they had a family member who had an Education Health and Care Plan and received funding.

5 Any items from Co-opted Members or Interested Parties

The Overview and Scrutiny Officer advised members that a number of questions in relation to Agenda Item No.8 had been received from Ms A Gunn.

The questions had been circulated to all members of the Committee and forwarded to the service for a response.

Once a response had been received from the service to the questions, this would be circulated to all members of the Committee.

Councillor C Martin entered the meeting at 10.08 am

Councillor M Simmons left the meeting at 10.12 am

6 Support for Young People who are Not in Education, Employment or Training

The Committee considered a report of the Corporate Director of Children and Young People's Services that provided members with information on programmes available to support young people into employment, education and training in County Durham (for copy of report, see file of minutes).

The Strategic Manager Progression and Learning was in attendance to present the report and deliver a presentation (for copy of presentation, see file of minutes).

The presentation provided members with details of the overview of participation in learning; programmes to support young people; programmes to support those with disabilities; challenges and actions.

Members were advised that the overall cohort of 16-17 year olds in County Durham was 11,170 as at June 2022 and this was the largest cohort in some time. Of this figure 579 were not in education, employment or training (NEET), 424 of which were available to the labour market and 155 were not, additionally there were 79 young people whose destination was not known, this could be that the young person had moved house, or they did not want to engage.

The Strategic Manager advised that approximately 90% of the cohort participated in learning however it had remained at this figure for some time although the service

had carried out several exercises to increase it but was in line with regional averages.

It was highlighted that it was of particular concern to the service that 155 young people were not available to the labour market out of choice. It could be that these young people were suffering mental health issues, physical health issues, or they could be carers, however the number was growing. For the 16 – 18 cohort in 2021, 26.1% were inactive and chose not to engage whereas in 2022 there was a rise to 33% of the 16 -18 cohort being inactive. The Strategic Manager highlighted concerns that inactive young people could become inactive adults which was not good for them or the economy

Information was given on the trend from 2019, to 2022 the Strategic Manager advised that it was best not to focus on 2020 and 2021 which were affected by the pandemic. Members were advised that a reason for the participation in learning figures stagnating was that more young people wanted to work and were seeking apprenticeships. Comparing 2019 to 2022 figures 947 young people had an apprenticeship this year. Members were advised that some young people were in jobs without training, which was a concern to the service as they would prefer them to be in jobs where they received training.

Members were then given information on the DurhamWorks Programmes which include Durham Works, Durham Works 3 and Durham Works Futures. It was highlighted that the funding for the original DurhamWorks ended December 2021 but the gap has been filled with the three current programmes, the funding for these programmes started in January 2022 and would continue until December 2023.

In addition, there was also Durham Help that supported the young people on the programmes who experienced low level mental health issues that were causing a barrier to progression. Members were advised that three mental health practitioners were currently working with 73 clients and were oversubscribed. The Strategic Manager added that staff on the Durham Works Programmes also worked with young people affected by mental health issues and that mental health was the biggest factor affecting young people and there was lots of work ongoing to address this.

Among the challenges the service was facing was that although there was a buoyant labour market and jobs were relatively easy to come by the types of jobs were usually low skilled, low paid, no training given, and these jobs were not secure and more at risk during an economic downturn. The numbers of young people claiming Universal Credit was increasing and the service were monitoring this.

There were higher levels of economic inactivity due to mental health problems and there were also issues with engagement. Although staff were proactively engaging with young people prior to their appointments they did not attend, some young people were lacking the motivation or the ability to be contacted.

A major concern for the service was that funding for all the Durham Works Programmes comes to an end in December 2023 a significant piece of work was ongoing to address this, and the service was looking at the budget. The UK Shared Prosperity Fund has £9million for People and Skills element. There was a gap in quarter one of 2024 and the service was working on what was needed, there was lots of things happening but no conclusions as yet.

Members were advised that the service was using initiatives to attract more young people to Durham Works Programmes, such as if a young person on the programme introduces a friend, they would receive free leisure vouchers if that young person joined the programme. The service had recently employed a young person's engagement worker who was getting information and messaging out to young people and target social media used by young people by age group. The service works with the construction, hospitality and warehousing sectors and were looking to work with construction green skills and that the teams were well connected. Members were advised of the flexi fund that helped young people with transport costs, equipment and interview clothing.

The Chair thanked the Officer for her presentation and asked members for their questions.

Councillor Walton referred to the 155 young people who were not available to the labour market and asked how many were not accessing the programmes with mental health being the only factor. She then asked if those not engaging with services was out of choice or if this due to their mental health.

The Strategic Manager Progression and Learning responded that some chose not to engage with the service, but some could not engage such as those who were young carers and those suffering from mental health issues. The Strategic Manager Progression and Learning advised that unfortunately she did not have the figures to hand but would circulate the information outside of the meeting.

Councillor Walton then referred to the decreasing trend in NEETs and Not Known, that was positive, but commented that it would be useful to have an idea of those who were choosing not to engage and those who could not engage.

Councillor Sterling asked how many employers were part of the DurhamEnable and how good was the pool of employers and if it was easier to get employers. She indicated that hospitality was desperate for staff and there seemed to be a gap connecting these two and if they could possibly look into giving incentives to businesses and try different opportunities.

The Strategic Manager Progression and Learning indicated that the teams were not working with the same employers as they did not have a pool of employers and were working across the county all of the time with a whole range of employers.

The team were good at job carving for DurhamEnabled participants which allowed for parts of the job to be 'carved' to another young person. There was an employer grant scheme for DurhamWorks 3 and DurhamWorks Futures which paid for 50% of the young person's salary for up to six months.

Councillor Sterling commented that members could be used a resource.

Mrs Gunn referred to lower-level jobs and commented that someone had to do those jobs and asked if the schemes were working with employers to try and limit those negative aspects such as zero-hour contracts.

The Strategic Manager Progression and Learning responded that jobs without training was an area of concern, as the employers who were not doing any training with young people expected them to start work and immediately know what was expected. This was difficult for anyone but even more so for a young person without much experience if any and was problematic. They did their best to talk to employers about training but if a young person was in the job and they were happy it was difficult to get employers to then train them. The priority for the service was the young people and not the employers and the funding was to get the young person into the job in the first place. However, the service was no longer constrained by the European Social Fund (ESF) rules and there was more that could be done to support employers when they initially take on a young person and commented that employers value the work that the teams do.

Mrs Gunn then referred to the funding and asked if any of the funding was at risk.

The Strategic Manager Progression and Learning responded that the funding would be spent in line with expectations and the budgets were monitored carefully. The service had to report to the Department for Work and Pensions quarterly, but they monitored the budgets on a monthly basis and would maximise the funding.

Councillor Coult referred to young people who were NEET or their destination not known and asked if the service engaged with parents and what kind of support or reaction did the service receive.

The Strategic Manager Progression and Learning indicated that they received mixed support from parents some were engaged and were active in their encouragement while for those young people who chose not to engage there was usually something going on at home supporting that decision or making it difficult for them to engage and commented that each circumstance was different.

Councillor Andrews referred to young people living in rural areas with limited access to transport and asked if this had an impact on their employment.

The Strategic Manager Progression and Learning responded that living in a rural area could impact on their ability to find employment, but they had worked with

young people and gave an example of the Wheels to Work Programme, where a young person gained access to a scooter to get them around. She also advised members that they try and find local employment for those young people living in rural areas.

The Chair indicated that it was clear that staff were working hard and asked the Officer to thank the staff on behalf of members. It was good to see an increase in apprenticeships, but it was concerning that some young people were not receiving any training. She referred to the incentives on offer for young people that was a good idea and asked the Officer if she could provide members with an update at a later meeting.

Resolved: (i) That the report and presentation be noted.

(ii) That the Children and Young People's Overview and Scrutiny Committee continue to receive further progress reports on participation in learning and programmes available to support young people into employment, education and training in County Durham.

7 School Funding Update

The Committee considered the report of the Corporate Director of Resources that provided members with information on school funding in Durham (for copy of report, see file of minutes).

The Finance Manager for Children and Young People's Services was in attendance to present the report and deliver a presentation (for copy of presentation, see file of minutes).

The presentation provided members with details of the dedicated school grant which was the main source of funding for schools; mainstream schools funding and the formula; pupil-led factors; additional pupil needs; minimum per pupil funding; school-led funding; premises-led funding; minimum funding guarantee/growth; future developments and other funding for mainstream schools.

Members were advised there were 164 maintained schools and 100 academies in county Durham, 211 mainstream primary schools and 30 mainstream secondary schools. Funding for these schools was provided via the Dedicated Schools Grant (DSG) which was notionally split into several blocks – schools block; central services block, high needs block, and early years block. Members were advised that the focus of the presentation was the schools block. He confirmed that local authorities needed consent from the schools forum and the Secretary of State to transfer funds between blocks and funding was ringfenced.

Information was given that as well as the basic funding per pupil there were additional pupil needs that were considered and included deprivation, English as a

second language; mobility (members noted that this was on the movement of pupils from one school to another within the year), and low prior attainment.

The Finance Manager CYPS advised that in 2018 the Government had indicated their intention to replace local funding formulas with a national funding formula which constrained local funding formulas and limited their use. In County Durham the process was started to align the local funding formula and now it mirrors the national funding formula.

Members were made aware that Durham did not expect much turbulence as we move to a national funding formula.

Councillor Townsend advised that she was hearing from schools about the impact of inflation on their budgets and the funding they received from government was not enough and asked if they had heard of any relief coming from central government.

The Finance Manager for Children and Young People's Services responded that they were waiting to see what came out of the Autumn Statement, but they were hoping that funding would be held at the levels promised for 2023/24.

Councillor Walton asked the Officer to explain about the additional pupil needs funding and that it should not be linked to individual pupils.

The Finance Manager for Children and Young People's Services responded that proxy indicators were used which were the number of pupils on the school roll at the time of the October school census, the number of pupils receiving free school meals or having English as an additional language or live in a particular post code area. These statistics would suggest if additional support was required and don't know the individual characteristics of that pupil but are saying because of what these statistics suggest that they will need additional support and funding is received for those pupils. It is then up to the school to assess the overall needs of all of their pupils and make decisions on how they can best support those pupils. Just because you are in a particular post code does not suggest that you will have any additional needs but there was more chance of it.

Councillor Sterling indicated that they hear from families a lot that when a child is being assessed for an Education, Health and Care Plan (EHCP) it can take a long time and the school need to support the child through the funding. However, schools are reporting that if they do not have an EHCP then they were unable to allocate any extra support and asked if that was the case.

The Finance Manager for Children and Young People's Services responded that within the school formula there was a national SEN budget, this was a calculation within every school to say you are receiving money. They would expect a proportion of those pupils to be funded the first £6,000 of support from the school budget for that pupil that was not linked to individual pupils. Beyond that £6,000

cost they would need to speak to the local authority about what additional support they needed in terms of a top up fund.

The Strategy Manager SEND, and Inclusion Strategy Assessment and Provision advised Members that he would be talking about SEND funding in his presentation, but the key point was that you did not have to have an EHCP in place to receive funding. Schools could apply for funding with a SEN Support Plan that did not take 20 weeks for an assessment. He was happy to send to members the Local Offer that was written for parents by parents on how the system works in County Durham.

The Head of Education indicated that the school-led funding for primary schools five years ago was around £175,000 a year and were now down to around £121,000 that had a significant impact on schools. He commented that small schools were still benefiting from this payment but schools who had around 90 to 130/140 pupils were struggling, and the authority had a few schools with these numbers.

The Chair thanked the Officer for his presentation.

Resolved: That the contents of the report and presentation be noted.

8 Special Educational Needs and Disabilities Update

The Committee considered a report of the Corporate Director of Children and Young People's Services that provided members with a progress update on Children and Young People with Special Education Needs and Disabilities (SEND) in County Durham specifically the trends in requests for Education, Health and Care (EHCP) needs assessments, EHCP timeliness performance, identified needs of young people and where young people with SEND are educated in County Durham. Members were also provided with an update on national policy consultation (for copy of report, see file of minutes).

The Strategic Manager SEND, and Inclusion Strategy Assessment and Provision was in attendance to present the report and deliver a presentation (for copy of presentation, see file of minutes).

The presentation provided members with details of key findings; number of children receiving SEN support and Educational Health and Care Plans; the number of Educational Health and Care Plan requests; details of the number of Educational Health and Care Plans refusals; the number of Educational Health Care Plans completed within 20 weeks; primary need of young people with Educational Health Care Plans; Autism analysis; active Educational Health Care Plans placements; details of the SEND Green Paper and the Ofsted and the Care Quality Commission proposed SEND inspection framework.

Members were advised that there had been a change in the way that EHCPs had been recognised in the age phases so in 2014 they moved to a 0-25 system that was previously 0-19, the Officer commented that the authority had a lot of young people in the older age phase.

The Strategic Manager SEND and Inclusion advised that there was a 60% increase in EHCP requests which was held back during the COVID pandemic but had now picked up again with a lot more requests driving SEND needs. At a younger age children's SEND needs are managed in school, but the number of requests increase at a primary school level and reduce at secondary level because there were plans already in place.

Members received information about the EHCP assessment refusals which was when an assessment was refused due to lack of information, usually from schools. The basis of decision to refuse was that it was felt that schools had not done enough to support young people in school through SEN Support. Information indicated that the EHCP assessment refusals were higher in County Durham than both regionally and nationally. However, when Durham was challenged on refusals, they found that the refusal was repealed therefore changes were made to the decision-making process to address this. The Strategic Manager advised that young people's SEND needs could be met through SEN Support and the service was promoting early working with SEN Co-ordinators (SENCOs) and that EHCPs should only be when a full multi agency assessment was required.

The Strategic Manager advised that 2022 had been another challenging year in relation to the number of assessments required. There was an issue with a lack of Educational Psychologist which was a national issue too and the problem in County Durham was not as big as in other areas. The majority of EHCP assessments were undertaken by 20 weeks and all were complete by 23 weeks but there was still pressure on the team.

Members were then given information on the primary needs of young people with EHCPs which indicates autism as the primary need for young people in County Durham which was higher than what was reported regionally and nationally. However, it was stressed that although autism may be a young person's predominant need it may not be their only need and would encourage that young people are not seen only in terms of their primary need.

The Strategic Manager advised that previously there were higher percentages of other needs but due to a higher level of awareness of autism they had now become secondary. He went on to advise that Durham County Council had an Autism Strategy and there was lots of training with regard to autism taking place and suggested that previously autism may have been an unrecognised need.

Members were advised that there were more children with EHCPs of secondary age group attending special schools than of primary age group. Information was

provided in relation to enhanced learning provision working with local authorities and special schools and that there were funding improvements, where local authorities were given money upfront, and they were making headway. It was better if the young person stayed in their mainstream school as they would stay with their friends and peers and stay in the local community where they can flourish and thrive.

Members were given an update on the SEND Green Paper and advised that the service had responded to the consultation through engagement with service users and key stakeholders including members and was now being analysed by the Department for Education (DfE). The Strategic Manager advised that a new inspection framework was being built around the Green Paper but the anomaly in the fact that it was a Green Paper and not a White Paper, but the service welcomed the thematic work with Ofsted.

The Chair thanked the Officer for his presentation and asked members for their questions.

Councillor Hunt referred to the rise in EHCPs in mainstream schools and asked if that was due to there not been enough provision for special schools, which was a concern if this was the case.

The Strategic Manager responded that there had been a rise in the number of needs assessment requests. He stated that 98% of those assessments ended up with an EHCP but were still in mainstream schools as an EHCP did not mean that you went to a special school, their needs were assessed, and they determined what provision the young person required. He commented that a number of parents preferred to see their child go to a special school and the service did try to work with that. However, the service aimed to keep as many children as possible in their mainstream school for a number of benefits. There was a high demand for SEND school places that was higher than the national and regional average and in some year groups in these schools there were no more spaces available. There were some high needs young people in special schools, but there were other young people who were managing in mainstream schools and their parents wanted them to remain there. The service were trying to create more provision in SEN schools with an extra 90 places and the potential for a further 200 in the future.

Councillor Hunt responded that in her ward there were some children who had attended a SEN primary school but could not obtain a place in a SEN secondary school, as there was insufficient provision.

The Strategic Manager indicated that he was not aware of any pupils who had transitioned from a SEN primary school to a mainstream secondary school, but he would look into this. Councillor Hunt responded that she would provide the Officer with the details.

Councillor Walton sought reassurance on the assessment refusals for EHCPs as many of them were overturned which was alarming especially from a parent's point of view having to keep going through the assessment. She noted that the figures for these refusals were now decreasing but wanted a reassurance that the process was robust.

The Strategic Manager responded that he was happy to talk through the assessment process which was via a multi-agency panel that looked at the applications and was consistent with national figures and there was no involvement of case workers at this point. He commented that more could be done in schools in terms of SENCO assessment, and they would expect this to be done first with top-up funding and other resources but recognised that there were pressures on parents.

Mrs Gunn suggested that most special schools in the North East were predominantly Social, Emotion and Mental Health (SEMH) with Autistic Spectrum Disorder (ASD) bolted on however these are two very different cohorts of young people whose needs were very different and do not work well together and suggested that this should be addressed and asked if there were schools for autistic young people. She added that the closest independent school for high functioning autistic pupils was in Thirsk and only catered for boys. To consider the opportunities of the SEND Green Paper review to direct independents to become more specialised in their provision across the North East.

She then asked the Officer to be aware of change management processes if further changes are required from the SEN review and the impact on the team and if more needed to be implemented.

The Strategic Manager responded that in County Durham they had the Elemore Hall, the Meadows and Walworth special mental health schools with other generic special schools which would support a range of different needs. Some young people attended these schools as recognised SEMH need as their primary need, but then other needs were identified. It was dependant on the young person's primary need and their behaviour could be an unrecognised need. In the Northeast SEMH schools as a proportion of SEND placements was 19/20% with the rest of the country at around 15%. He stated that he was working with a regional network to understand this and look at the SEMH schools and provision and look at the cohorts in these schools. They would only ever place a young person in a SEMH school if this was recognised as the primary need, there were some provisions where young people were also Autistic, but the primary need was SEMH. Special schools had carried out a lot of work on their Autism offer and there was a lot more discreet Autism in generic special schools where classrooms had all autistic pupils with different sensory needs. The service also worked with the independent sector, and with the North East Autism Society that operated in County Durham, but they didn't want to rely on the independent sector for their main offer. In terms of the service's awareness regarding change management, they were set up for this and

used to change. The SEN casework team had grown to recognise the importance of being involved in the annual review process and not just the assessments and they were involved in key transition points.

Mrs Gunn indicated that in her experience a lot of SEMH schools did not offer GCSE qualifications. She then referred to the legal process and if a school can't meet a child's need legally, they have to say why to be inclusive but what she had discovered was that if they can meet the needs there is no legal obligation to say how they can meet the needs and therefore don't have the same protection for a child and gave an example of her experience and asked if they could protect the child. She then referred to managing the contract and when places don't work out and a child had to move provision, the local authority was contracted to pay the school for that placement and hoped it was not a lot of funds and provided details of her own experience.

The Strategic Manager responded in terms of high functioning orders in the County if a young person was high functioning with autism the best offer was to adapt a mainstream environment where they had high level teaching and high-level offer and encouraged Mrs Gunn to look at the enhanced learning provision that they had on offer and provided some examples of different things they could offer. In terms of the legal challenge the authority had no control over this, the power was with the parents and if their preference was for their child to go to a mainstream school the law was on their side.

Councillor Coult referred to how the council worked with SENCO leads and how they ensured that the SENCO leads in schools had the skills and knowledge to run the process from start to finish which was a stressful process. She then referred to her own experience and how the Council did not recognise a condition of a family member and how it was deemed by the local authority that the person did not have special needs and that they had to go back to the medical professionals to justify the family member's special needs.

The Strategic Manager indicated that terminology was difficult, and he was unable to comment on individual cases. In terms of SENCO support there was pressure in schools and SENCO required time. The SENCO staff had a lot of experience and were well placed to do the job effectively, but this needed to be prioritised within the school, but this was down to school governance and leadership. The service could offer support, and they delivered the national SENCO qualification on a termly basis and ran networks and had almost complete attendance at these networks.

Councillor Andrews asked if there was any comparative data between private and state schools for SEND pupils including Autism.

The Strategic Manager indicated that there was not any specific data, but they did have people with special education needs going to private schools. They had looked at SEN across deprivation and they found that SEN did not follow

deprivation. There were some trends that showed social, emotional and mental health was higher in deprived communities and Autism was higher in non-deprived communities, but the trend was not massive.

Councillor Hunt asked if they had any data on EHCP areas and SEND to ascertain if certain areas had more need and look to having more provision in these areas.

The Strategic Manager responded that SEN followed the population areas and was where they had the special schools in the higher population areas. He stated that transport was an issue, more local provision would be the long-term solution, but the service was looking at some short-term solutions to address this which was outside of the schools budget as it was a council budget. He advised there was a going review of Home to School transport.

Councillor Hunt referred to the waiting lists and asked if any areas had longer waiting lists.

The Strategic Manager indicated that they did not have waiting lists there were needs assessments ongoing but there were no trends. The 20-week process was the closest thing to a waiting list, sometimes they had higher demand for a particular school. Young people would remain in their current provision until other provision became available. The biggest issue was transport when they had a place at specialist provision at the other end of the county and passed several mainstream schools which could have made adaptations to meet a young person's needs was the biggest challenge.

Resolved: (i) That the report and presentation be noted.

(ii) That the Children and Young People Overview and Scrutiny Committee continue to receive further progress updates on young people with SEND and EHCPs.