

PEOPLE SCRUTINY COMMITTEE

MINUTES of a meeting of the People Scrutiny Committee held at Council Chamber, County Hall, Lewes on 13 November 2023.

PRESENT Councillors Sam Adeniji, Charles Clark, Penny di Cara, Kathryn Field, Nuala Geary, Johanna Howell (Chair), Wendy Maples, Stephen Shing and John Ungar (Vice Chair) and John Hayling (Parent Governor Representative). Trevor Cristin (Diocese of Chichester Representative) joined the meeting remotely.

LEAD MEMBERS Councillor Bob Bowdler, Lead Member for Children and Families
Councillor Bob Standley, Lead Member for Education and Inclusion, Special Educational Needs and Disability (ISEND)
Councillor Carl Maynard, Lead Member for Adult Social Care and Health joined the meeting remotely.

ALSO PRESENT Tom Alty, Deputy Chief Finance Officer
Chloe Cushing, Service Manager - Teaching and Learning Provision
Elizabeth Funge, Assistant Director - Education
Hamish Gale, Senior Manager Specialist Teaching Service
Alison Jeffery, Director of Children's Services
Rachel Jospeh, Strategic Lead: Inclusion and Alternative Provision
Mark Stainton, Director of Adult Social Care and Health
Rachel Sweeney, Senior Policy and Scrutiny Adviser

19. MINUTES OF THE MEETING HELD ON 25 SEPTEMBER 2023

19.1 The Committee RESOLVED to agree the minutes of the meeting held on 25 September 2023 as a correct record.

20. APOLOGIES FOR ABSENCE

20.1 The Chair confirmed the change to the Committee membership since the September meeting and thanked Councillor Dowling for his work on the Committee and welcomed Councillor Swansborough.

20.2 Apologies for absence were received from Councillors Swansborough and Webb and Maria Cowler (Diocesan Representative).

21. DISCLOSURES OF INTERESTS

21.1 There were no disclosures of interest.

22. URGENT ITEMS

22.1 There were no urgent items.

23. WORK PROGRAMME

23.1 The Chair introduced the report which outlined the Committee's latest work programme. The Chair asked the Committee for any further comments or proposed changes to the work programme and the following was discussed:

- **Cross cutting work between People and Place Scrutiny Committees:** There was a request for an update from the Scrutiny and Audit Committee Chairs and Vice Chairs Group on how any issues which cut across both Place and People Scrutiny Committees' remits would be scrutinised. The Chair confirmed that there was an upcoming meeting of the Scrutiny and Audit Committee Chairs and Vice Chairs and information from this would be shared with the Committee.
- **Loneliness and Isolation:** A question was asked about the membership of the Loneliness and Isolation Stewardship Group. The Director of Adult Social Care and Health (ASCH) noted that this membership was drawn from a range of voluntary organisations in East Sussex and this list could be circulated to the Committee.
- **Special Education Needs and Disability (SEND) Pressures:** The Chair asked the Director of Children's Services to provide more information to the Committee in relation to current SEND pressures. The Director of Children's Services proposed that a briefing on this could be circulated to the Committee for their March meeting, to include the pressures from increased Education Health and Care Plan (EHCP) applications and the Department's work with the Department for Education (DfE) and other local authorities on a funded programme to pilot elements of the Government's SEND and Alternative Provision Implementation Plan.

Forward plan

23.2 The Committee considered the Council's Forward Plan of executive decisions. There was a request for more information about the approval for the Local Visitor Economy Partnership application submission, the setting up of Experience Sussex and the Sussex Visitor Economy Strategic Plan Framework and the potential for this to cut across People and Place. It was agreed that this would be explored outside of the meeting.

23.3 There was a request for additional information on the decisions to award a main contractor for the Heathfield Youth Hub and award a main contractor for the Joff Youth Hub, Peacehaven, including on anticipated numbers of young people who would use the centres, and the proposed transport links to those locations. The Director of Children's Services informed the Committee that information on the proposals made to secure funding for the youth clubs could be provided to the Committee.

23.4 The Committee RESOLVED to:

- 1) Agree the updated work programme, subject to the addition of a briefing on SEND pressures and information on youth club funding proposals being circulated to the committee, and the addition of an item on SEND pressures to the March 2024 committee agenda.
- 2) Note the upcoming items on East Sussex County Council's (ESCC) Forward Plan in appendix 2 of the report; and
- 3) Note the updates on Scrutiny Reviews and Reference Groups contained in section 3 of the report.
- 4) Appoint Councillors di Cara, Geary, Howell and Ungar to the CQC Assessment Framework Reference Group.
- 5) Appoint Councillors di Cara, Field and Howell and Nicola Boulter (Parent Governor Representative) to the Scoping Board for the School Attendance Review, with John Hayling as a substitute if Nicola Boulter was unable to attend, and to circulate proposed Terms of Reference for agreement by the committee virtually.

24. RECONCILING POLICY, PERFORMANCE AND RESOURCES (RPPR)

24.1 The Deputy Chief Finance Officer introduced the report, which incorporated the recent RPPR Cabinet report which provided an update on the policy context, the Medium Term Financial Plan and capital programme. The report presented a further opportunity for the

Committee to ask questions on the planning context and to request any additional information required for the RPPR Board in December.

24.2 The Committee discussed and asked questions on the following areas:

- **RPPR process** – The Committee welcomed the information provided as part of the RPPR process. Opportunities for Members from all political groups to contribute to the budget-setting process were queried. The Lead Member for Education and Inclusion, Special Educational Needs and Disability (ISEND) and the Lead Member for ASCH responded that there was a current transparent process which sought to engage all Members through scrutiny, Whole Council Forums, Cabinet and Council and that councillors could ask questions at any time.
- **Medium Term Financial Plan** – The Committee raised concerns about the financial outlook and the impact this may have on the Council's ability to provide services, including those which were seeing increased demand. The Lead Member for Education and ISEND acknowledged the challenges and noted the lobbying work underway, including on the need for longer term sustainable funding. The Committee also sought clarification on ESCC's position compared with other authorities, noting the increasing need in the county and the lack of funding for preventive work. The Lead Member for Education and ISEND clarified that the report's reference to ESCC's more positive position related to the budget deficit and did not take into account wider factors. The Committee agreed that prioritising preventative approaches was difficult when previous service reductions had been required in response to financial constraints.
- **Lobbying** – The Committee noted the problems with short term specific grants from Government, and the limits these placed on departments in addressing local priorities, and asked for further information about current lobbying work, including service-specific lobbying to Secretaries of State. The Lead Member for Education and ISEND highlighted his recent engagement with the Secretary of State for Education and local MPs, as well as wider lobbying work through the County Councils Network and South East7 partnership. The Directors of ASCH and Children's Services also outlined the specific engagement by their departments at local, regional and national levels, including lobbying for an end to one off settlements and annual funding.
- **ASCH funding** – The Committee raised concerns about ongoing costs and pressures on ASCH and noted the difficulty in implementing recent Government reforms to social care with short term funding commitments. In response to a query about how funding from Government allocated for 2024/25 would be used within ASCH, the Director of ASCH told the Committee that the majority of this funding would support fee uplifts for the independent sector, where most people received their care, to ensure a sustainable care market. The Director noted that last year this included a 10% uplift in fees in the independent sector to reflect the national living wage and inflation. Although inflation had since reduced, the living wage was increasing so a fee increase for next year would support the care home and home care providers in meeting this.

24.3 The Committee RESOLVED to note the report.

25. ELECTIVE HOME EDUCATION

25.1 The Assistant Director - Education introduced a report updating the Committee on the number of children who are electively home educated (EHE). The report also provided an update on the priority actions the Department had completed following a report to the Committee in 2022.

25.2 The Assistant Director informed the Committee that the service was seeing a continued rise in the number of children who are EHE, although there had been a slight slowing of these numbers, which was in line with national figures. The largest increase was amongst pupils in Key Stages 3 and 4 and areas of current concern related to the number of vulnerable children, including children with a Child in Need Plan, Child Protection Plan or an EHCP or an identified SEND need. The report highlighted priority actions for 2023/24, including working with other agencies to support families. The Assistant Director also noted the concern that some children who are EHE had been permanently excluded.

25.3 The Senior Manager Specialist Teaching Service informed the Committee that since the report was produced, a DfE consultation had opened on revised home education guidance for local authorities. In the absence of legislation for a statutory register, the guidance proposed local authorities set up a voluntary registration scheme for parents who home educated. The Department was in the process of responding to this consultation.

25.4 The Committee welcomed the positive priority actions outlined in the report and asked questions and made comments on the following areas:

- **Potential of a voluntary registration scheme** – The Committee was very concerned that a voluntary registration scheme could result in the most vulnerable children not being known to the local authority and requested this concern be noted in the Council’s response to the Government consultation. The Senior Manager Specialist Teaching Service agreed that a voluntary register was a significant limitation in identifying families that may need additional support and the Assistant Director - Education confirmed that the response to the consultation would include these comments from the Committee. The Lead Member for Education and ISEND echoed these concerns and also highlighted correspondence with the Secretary of State for Education which had indicated that there would be something put in place to address this.
- **Vulnerable children** – The Committee enquired about the steps the Department was taking to address concerns about vulnerable children, including those with a Child Protection Plan, who were EHE. The Service Manager - Teaching and Learning Provision told the Committee that this was a priority, and the Department was addressing this in a number of ways, including joint working with social care leads and other professionals, including the new Early Help Level 2 Service, to ensure that EHE was everyone’s responsibility. The Service Manager also noted the effective systems and processes in place to identify any concerns early on, including a new Early Intervention Officer post which was responding to enquiries about potential EHE and working with schools to offer alternative support where appropriate.
- **SEND support** – In response to a comment about a local case where a parent with a child with autism was told to try home schooling and concern that this could be a wider issue for children with SEND, the Director of Children’s Services clarified that the guidance to schools was very clear that they should not be advising families to EHE and that the Department would follow up with schools on any reported cases of this happening. The Service Manager - Teaching and Learning Provision added that there was a local agreement in place with schools in East Sussex that if EHE was found not to be suitable for a child, they would return to their named school. She also noted that school data was used to identify any patterns. The Senior Manager Specialist Teaching Service added that, although EHE was a parental choice, there was a strong culture of challenge around this which all staff were aware of.
- **School admissions** – The Committee asked if some families were choosing to EHE their child due to not obtaining a place at their first choice of school. The Service Manager - Teaching and Learning Provision acknowledged that this was sometimes an issue for pupils transitioning to secondary schools and told the Committee that the Department was working with schools and the admissions team to address this, including working with families who chose not to take up the place offered to them. The Director of Children’s Services confirmed that this approach would not change or affect the admissions process or criteria.
- **Reasons for EHE** – The Committee asked about the reasons for families choosing EHE and whether bullying was a factor. Members asked whether the Department had detailed data on these reasons, including the reasons a family may state, for example, dissatisfaction with the school as an issue. The Service Manager - Teaching and Learning Provision clarified that the reasons for EHE were recorded in line with national DfE criteria, however more detailed data was captured through a survey sent to parents which was shared with area teams. The Service Manager noted that there was often a complex set of issues underpinning why a family chose to EHE, but the Department would talk to families to identify these issues and, where possible, would work with schools and families to resolve them. The Assistant Director - Education commented that the recent restructure in the Education Division allowed teams to more easily share information and data to get a better understanding of issues cutting across education.
- **Attendance** – The Committee enquired about the number of pupils who attended school part-time and were therefore potentially being EHE at other times. The Service Manager -

Teaching and Learning Provision clarified that EHE was a choice that parents made through an off-rolling process. The Director of Children's Services informed the Committee that part-time timetables should only be used on a temporary basis if it was in the interest of the child and guidance was clear with schools that these were not to be used to manage behaviour. She also noted that, under the recent restructure, there were termly meetings with schools to look at the roll and identify any issues with attendance, including pupils on part-time timetables. Feedback from these conversations had been positive so far and it was important to continue these as the number of pupils on part-time timetables was of ongoing concern.

- **Links between EHE and school exclusions** – The Committee commented on the recent School Exclusions Scrutiny Review and asked if the Department recorded children at risk of permanent exclusion electing to EHE. The Service Manager - Teaching and Learning Provision told the Committee that this was a priority and noted the data systems in place when there was a new application to EHE to identify any previous suspensions and to work with schools and colleagues to ensure EHE was suitable for that child and identify alternative appropriate support where possible.

- **HOPE Sussex Community** – The Committee discussed the HOPE Sussex Community and raised concerns that this was operating as an education setting outside any legal support mechanisms. The Director of Children's Services noted the Department's concern about this but stated that it was outside the remit of the local authority as it was not a registered school; any safeguarding concerns would need to be investigated by the police. The Service Manager - Teaching and Learning Provision added that, as there was no legal requirement for families to register to EHE, the department was not able to know what education children were accessing but that any evidence highlighting concerns would be investigated and shared with relevant organisations, including the DfE.

25.5 The Committee RESOLVED to keep this item on the Committee work programme, as an ongoing area of interest, with the potential to conduct a scrutiny review at an appropriate time in the future. The Director of Children's Services commented that previous scrutiny work on EHE could be circulated to the Committee for information.

25.6 The Committee RESOLVED to note the report and to request that the concerns of the Committee about the proposal for a voluntary register were included in the Department's response to the DfE Elective Home Education Consultation.

26. SCHOOL EXCLUSIONS SCRUTINY REVIEW

26.1 Councillor Adeniji, Chair of the Review Board, introduced the report. He outlined the remit of the Review, the evidence considered by the Board, including talking to young people and visits to local schools, the key findings contained in the report, and the Board's recommendations. The Chair of the Review Board thanked the members of the Board for their engagement in the Review, the supporting officers for their work, and witnesses for their time.

26.2 Councillors Howell and Maples and John Hayling (Parent Governor Representative), members of the Review Board, also thanked the Chair of the Review Board, schools, officers, and witnesses, including the young people involved, and commented that the Review had been far reaching and complex and that they had found the Review worthwhile. They recognised the impact schools were facing from the pandemic and welcomed the approaches local schools had adopted to support pupils' needs.

26.3 The Committee welcomed the report and asked about the data in the report showing the number of permanent exclusions in primary and secondary schools in East Sussex and asked if the Department was expecting to see the situation in primary schools improve. The Assistant Director - Education clarified that the data showed that although the rates were lower in primary schools than secondary schools, East Sussex was excluding at a higher rate in primary schools than in other local authorities. The Strategic Lead: Inclusion and Alternative Provision informed the Committee that although full data from the last academic year was not yet available, recent data (over the previous three years) showed a reduction in the number of secondary permanent exclusions due to the implementation of a new strategy aimed at reducing exclusions and increasing schools' awareness of the causes of behaviour and appropriate support needed. Work was now underway to expand this to primary schools. The Strategic Lead told the Board

that, in line with a national trend, the number of permanent exclusions over the last academic year had increased due to the effects of the pandemic, however, the Department was working with schools to address this and identify any gaps in support and had also prevented a high number of permanent exclusions.

26.4 The Committee heard that the restructure of the Education Department was bringing together expertise across the local authority to share with schools and develop understanding on the reasons for higher rates of permanent exclusion but that it would take time to embed the strategies recently put in place. The Strategic Lead noted the challenges in implementing some of these, including the need to increase the sense of belonging for pupils in schools which was difficult with a high staff turnover, however these strategies were based on a wide range of evidence and data, including the use of youth voice, and there was an opportunity for schools to reduce permanent exclusion.

26.5 Councillor Maples, member of the Review Board, requested that some of the findings from the Review be further explored by the Committee, including better use of inclusive, affordable after school programmes and making schools more community friendly. The Assistant Director - Education noted that these linked with the current Early Years Reforms and proposals for wrap around care and a short briefing note on this could be provided to the Committee.

26.7 The Committee RESOLVED to endorse the report of the Review Board, subject to an amendment to the introduction to include more recent East Sussex data and make recommendations to Cabinet for comment and County Council for approval.

The meeting concluded at 2.58 pm.

Councillor Johanna Howell (Chair)