

## SCRUTINY BOARD (CHILDREN AND FAMILIES)

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Meeting to be held in Civic Hall, Leeds, LS1 1UR on  
Wednesday, 6th September, 2023 at 10.00 am  
(A pre-meeting will take place for ALL Members of the Board at 9.30 a.m.)

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### MEMBERSHIP

#### Councillors

- D Blackburn - Farnley and Wortley;  
J Bowden - Roundhay;  
E Bromley - Horsforth  
D Cohen (Chair) - Alwoodley;  
R Downes - Otley and Yeadon;  
O Edwards - Guiseley and Rawdon;  
C Gruen - Bramley and Stanningley;  
J Heselwood - Weetwood;  
N Manaka - Burmantofts and Richmond Hill;  
L Martin - Roundhay;  
K Renshaw - Ardsley and Robin Hood;  
J Senior - Morley South;  
T Smith - Pudsey;  
R. Stephenson - Harewood;

#### Co-opted Members (Voting)

- Mr E A Britten - Church Representative (Catholic)  
Mr A Graham - Church Representative (Church of England)  
Vacancy - Parent Governor Representative (Primary)  
Vacancy - Parent Governor Representative (Secondary)

#### Co-opted Members (Non-Voting)

- Mr N Tones - School Staff Representative  
Ms H Bellamy - School Staff Representative  
Ms L Whitaker - Young Lives Leeds  
Mrs K Blacker  
Ms J Ward

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**Principal Scrutiny Adviser:**  
**Rob Clayton**  
**Tel: (0113) 37 88790**

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**Please Note:** Please do not attend the meeting in person if you have symptoms of Covid-19 and please follow current public health advice to avoid passing the virus onto other people.

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To remotely observe this meeting, please click on the 'View the Meeting Recording' link which will feature on the meeting's webpage (linked below) ahead of the meeting. The webcast will become available at the commencement of the meeting.

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# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25* of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded).</p> <p>(* In accordance with Procedure Rule 25, notice of an appeal must be received in writing by the Head of Governance Services at least 24 hours before the meeting).</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <ol style="list-style-type: none"> <li>1. To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</li> <li>2. To consider whether or not to accept the officers recommendation in respect of the above information.</li> <li>3. If so, to formally pass the following resolution:-</li> </ol> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:</p> <p><b>No exempt items have been identified.</b></p>	

3

### **LATE ITEMS**

To identify items which have been admitted to the agenda by the Chair for consideration.

(The special circumstances shall be specified in the minutes.)

4

### **DECLARATION OF INTERESTS**

To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.

5

### **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

To receive any apologies for absence and notification of substitutes.

6

### **MINUTES - 5 JULY 2023**

7 - 16

To approve as a correct record the minutes of the meeting held on 5 July 2023

7

### **THE INDEPENDENT REVIEW OF CHILDREN'S SOCIAL CARE (MACALISTER REVIEW) – IMPLEMENTATION UPDATE**

17 - 30

To receive a report from the Director of Children and families setting out an update on implementation of the Macilster Review in Leeds.

8

### **IMPACT OF ASYLUM CHANGES ON CHILDREN IN LEEDS**

31 - 38

To consider a report from the Director of Children and Families setting out how recent changes to the asylum system have impacted children in Leeds.

9

## **PROVISION OF EHCP SUPPORT – TERMS OF REFERENCE**

39 -  
54

To consider a report from the Head of Democratic Services that presents, for agreement, the revised terms of reference for the planned scrutiny inquiry into the provision of EHCP support in Leeds. This document reflects discussion held at the July board meeting when draft terms of reference were considered.

10

## **WORK PROGRAMME**

55 -  
74

To consider the Scrutiny Board's work programme for the 2023/24 municipal year.

11

## **DATE AND TIME OF NEXT MEETING**

The next public meeting of the Board will take place on 4 October 2023 at 10.00am. There will be a pre-meeting for all board members at 9.30am

## **THIRD PARTY RECORDING**

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts on the front of this agenda.

Use of Recordings by Third Parties – code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

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## SCRUTINY BOARD (CHILDREN AND FAMILIES)

WEDNESDAY, 5TH JULY, 2023

**PRESENT:** Councillor D Cohen in the Chair

Councillors D Blackburn, Mr E A Britten,  
E Bromley, J Dowson, O Edwards,  
Graham, N Manaka, K Renshaw,  
R. Stephenson and J Tudor

### 14 Appeals Against Refusal of Inspection of Documents

There were no appeals.

### 15 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

### 16 Late Items

There were no formal late items.

### 17 Declaration of Interests

No interests were raised.

### 18 Apologies for Absence and Notification of Substitutes

Apologies were received on behalf of Councillors Downes, Gruen, Martin, Senior and Smith. Councillor Dowson attended in place of Councillor Martin and Councillor Tudor attended in place of Councillor Gruen. Councillor S Arif further submitted her apologies.

Apologies were also received Co-Opted Members Andrew Graham, Helen Bellamy and Kate Blacker.

### 19 Minutes - 7 June 2023

**RESOLVED** – That the minutes of the previous meeting held 7<sup>th</sup> June 23, be approved as an accurate record.

### 20 Impact of Vaping on Children and Young People

The report of the Head of Democratic Services presented an item regarding a summary briefing from the Public Health service setting out the possible impacts of increased vaping on children and young people in Leeds (Appendix 1) and to consider what, if any, scrutiny actions could follow.

The Principal Scrutiny Adviser set out the basis for the item coming forward at the Board meeting, following discussions from the meeting held on 7<sup>th</sup> June 2023. Prior to the meeting Board members suggested that a working group be established to look into the item further and in conjunction with the Adults, Health and Active Lifestyles Scrutiny Board chaired by Councillor Scopes.

The following were in attendance for this item:

Draft minutes to be approved at the meeting  
to be held on Wednesday, 6th September, 2023

- Julie Longworth, Director of Children and Families
- Kathryn Ingold, Chief Officer Public Health
- Heather Thomson, Head of Public Health
- Councillor Pryor, Economy, Culture and Education
- Councillor Venner, Executive Member for Children Social Care and Health Partnerships
- Councillor Lay, Otley and Yeadon Ward
- Councillor Scopes, Chair Adults, Health, and Active Lifestyles
- Rob Clayton, Principal Scrutiny Adviser

The Chief Officer (Public Health) introduced the item and thanked the Board for highlighted the importance of the issues associated with young people vaping. The following was highlighted:

- There is a clear role for vapes to assist smokers quit smoking, but not non-smoking children using them.
- Vapes contain nicotine that can be highly addictive and there is evidence of unregulated vape products with higher nicotine concentrations being sold.
- It is reported that the proportion of children experimenting with vapes has increased by 50% nationally; in Leeds the data position is similar based on data from the 'My Health My School' survey.
- The primary reason for young people trying them are experimental and whilst the vaping harm is significantly less than smoking, it is not risk-free and the long-term health impacts on young people are un-known.
- There are concerns with the sale and regulation of vaping products. There are no restrictions on shop displays and the industry is clever at marketing vaping products.
- Action is underway in terms of producing educational materials, presentations to key partners and working alongside West Yorkshire Trading Standards.

Councillor Lay, as one of the elected members that raised concerns about the impact of vaping on children and young people, shared his concerns with the Board, explaining that there are a number of issues in relation to marketing, production, and distribution of vapes and the impact this has on young children in terms of the health implications and the uncertainty of the side effects that they cause. Councillor Lay explained that everybody should be doing their utmost to protect children from harm and highlighted a route that Australia has taken in terms of making sure that vapes are only accessible via prescription. Councillor Lay set out a number of suggestions in terms of:

- National legislative changes.
- Taxing disposable vapes.
- Education and awareness, including prevention programmes in the school curriculum and drawing emphasis on the importance of making healthy choices.
- Providing accurate information on the harmful effects of nicotine and addiction.
- Restricting markets and advertisement and incorporating stricter regulations around the use of vapes.



Councillor Scopes, as Chair of the Scrutiny Board Adults, Health and Active Lifestyles acknowledged the negative health implications of children and young people vaping, and set out three points of interest in terms of:

- 1) What can be done locally in terms of restricting advertisement.
- 2) Working with partners such as West Yorkshire Trading Standards to understand the work they're doing to stop underage sales and where there are specific problems in terms of local shops near schools.
- 3) Pressuring the Government on national legislation around sales and advertisement.

Officers in attendance added the following points:

- The importance of providing factual information on the risks and harm associated with vaping.
- The opportunity to be involved in a working group was welcomed by officers.
- It was acknowledged that national legislation changes would have the biggest impact moving forward and noted that taxing changes in Scotland has been proven effective.
- Further targeted data reporting can be undertaken, and it is acknowledged that the figures may not be completely accurate due to this being self-reported data from children.
- The reduction in smoking rates has largely been achieved through legislative and regulatory measures including reducing marketing and access to tobacco products.
- There is still a balance to be taken in encouraging the use of e-cigarettes to help adults stop smoking but there is work to be done in terms of dissuading experimentation and ensuring young people who do experiment, do not become into regular users.

The Board discussed the following matters:

- What is currently being done locally and the partners involved. It is noted that educational materials are already being considered and LCC are working with academic colleagues and Trading Standards on underage sales and un-regulated vapes. It was acknowledged that vapes have become easily accessible and a concentrated piece of work is on-going with partners on retail education and responding to complaints of underage sales.
- 'My Health My Schools' survey. It was confirmed that colleagues have re-assessed the questions to make sure they align with national survey to assist with comparison.
- The Board commented that some of the marketing seems to be directly related to young people and there are a variety of different flavours that young people may find appealing. It was reported that young children are not keen on menthol and tobacco flavoured vapes but do favour fruit flavours which can be the subject of marketing.
- The difference between vapes and cigarettes. It was noted that regulated vapes contain a lot less nicotine and tend to be used as more of a 'grazing' approach and to manage nicotine dependency.

- Test purchasing and penalties on business in regard to underage sales. It was confirmed that a recent case saw a person being fined £2,000 for a business selling to an underage person. It is not certain whether that fine is enough to be a deterrent for businesses and how their business will be impacted as a result of this. It was added that anecdotally, concerns have been expressed that the city-centre is where children are able to purchase vape products largely unchallenged.
- Members believed that the data as set out in the submitted report potentially underestimates the problem, and that usage is much higher in reality.
- There is also an environmental impact in terms of disposable vapes and there is evidence of increased littering around schools in Leeds.
- It was suggested that the local authority work with partners to tackle online underage sales.

In summary, the Board agreed to take this item forward in a working group involving relevant partners such as West Yorkshire Police, Trading Standards, LCC Public Health, LCC Children and Families, as well as the relevant Scrutiny Boards. The Board agreed that the promotion of vaping products needs to be looked at, as well as the health and behavioural implications associated with young children using them. It was noted that there is a possibility for the Scrutiny Board, as part of the working group, to write to the Government department to set out actions the Board feel to be appropriate in terms of marketing, distribution, and advertisement.

The Chair thanked everybody for their attendance and explained the working group as suggested and agreed by Board members will look at:

- What the Scrutiny Board want the Government to do nationally about this issue.
- To work with partners such as Trading Standards specifically on underage sales and what work can be done with local businesses. As well as liaison with colleagues in health and education.
- What Leeds can do locally to ensure the local authority are seen as an exemplar city in taking an active role in tackling young people vaping. One possible option might be to consider a voluntary code of conduct on marketing vapes amongst businesses in the city seeking to get a commitment to not market vapes at young people.

#### **RESOLVED –**

- a) To note the contents of the report, and in particular the information provided on vaping usage and its impacts on children and young people as contained in Appendix 1 of the submitted report.
- b) To agree to establish a working group in conjunction with the Adults, Health and Active Lifestyles Scrutiny Board and various partners from Public Health, Children and Families as well as Trading Standards, West Yorkshire Police and Board members.

#### **21 Provision of EHCP Support - Draft Terms of Reference**

The report of the Head of Democratic Services presented a report setting out the draft Terms of Reference for the scrutiny inquiry into the provision of EHCP support in Leeds.

The following were in attendance for this item:

- Julie Longworth, Director of Children and Families
- Ben Allchin, Statutory Assessment and Provision Culture and Education
- Farrah Khan, Chief Officer Family Help
- Councillor Pryor, Executive Member for Economy, Culture and Education

The Scrutiny Adviser to the Board set out some background context in terms of the inquiry and set out some direction for the Board in terms of taking the inquiry forward. The Board suggested this form part of a working group, and it was confirmed that this will provisionally commence in September.

The Director of Children and Families explained how nationally this is a significant issue and challenging for all schools across the region. The rise in demand is reported at 118% since 2016, and it is acknowledged that more work needs to be done to meet the needs of young people and families in Leeds.

The Chair highlighted a concern in terms of the timeliness with annual reviews and suggested that work be looked at in terms of exploring digital options. It was confirmed that there is an issue nationally with recruitment and retaining colleagues. The team are looking at digitalisation and bureaucracy whilst still providing quality services for children and families.

Members suggested an alteration to the Terms of Reference regarding witnesses, and highlighted the importance of school staff, Leeds Parent Carer Forum, and Trade Union representation forming part of the inquiry. In particular, members highlighted the importance of hearing from school staff, the Leeds Parent Carer Forum and potentially staff representation from those working on the frontline. Further to this, officers explained that Health should be included in the conversation as part of the inquiry.

The Chair also referenced the need to specifically include the SENSAP Team more broadly in the terms of reference document.

The Chair thanked those in attendance and heightened the importance of progressing on the inquiry to improve the lives for young people with additional needs in the city.

#### **RESOLVED –**

- a) To note the contents of the report and note that a revised draft Terms of Reference will form part of the Board's agenda in September 2023 including the comments as set out above.

- b) That a Working Group is set up to consider the planned directorate report on EHCPs later in September and the outcome of that be reported to the October meeting of the Board.

## **22 The Annual Standards Report**

The report of the Director of Children and Families presented a report on performance data for pupils in Leeds in 2022 that has been externally validated following the statutory assessments and examinations which took place in 2022. The data reviews outcomes from early years to Post 16 and outcomes in Leeds are compared with national figures.

The following were in attendance for this item:

- Councillor Pryor, Executive Member for Economy, Culture and Education
- Councillor Venner, Executive Member for Children Social Care and Health Partnerships
- Julie Longworth, Director of Children and Families
- Dave Clarke, Chief Officer Learning Improvement
- Erica Hiorns, Leadership and Management Lead
- Sam Golia, Area Lead Primary Learning Improvement
- Jayne Ford, Early Years Foundations Stage Improvement

The Director of Children and Families presented the report and explained that the data is from 2022 due to data being validated throughout the year. The report reviews actions taken by the Learning Improvement team throughout the year to respond to emerging issues and what further actions are planned to address them. The following information was highlighted:

- Attainment was impacted as a result of the Covid-19 pandemic and results were generally lower than in 2019 when assessments and examinations were taken, However, the fall in attainment in Leeds has been generally less than those seen nationally and, as a result, results are now broadly in line with national.
- The work of the Learning Improvement Team was also highlighted in terms of the continuing positives they bring to school performance in the city.
- The percentage of children in early years attaining a good level of development is lower than national. Colleagues recognise that this may primarily be due to a number of residents in Leeds having English as a second language and those children may not be around English speakers in the first years of their life during Covid, impacting on their English language development.
- There are a number of positive outcomes in terms of the data for Leeds, those being, the percentage of children achieving the required standard in the Phonics Screening Check at the end of Year 1 is now in line with national; attainment at the end of KS2 is much closer to national than it was previously; Y4 pupils multiplication performed better in this check than pupils nationally.
- Progress data at the end of primary school and secondary school places Leeds in band A (the top of 4 bands).

- It was acknowledged that whilst good progress has been made, there is still work to do in terms of closing some gaps. An example being the percentage of pupils in KS2 meeting the expected standard for reading, writing and maths is lower than pupils nationally.
- There is a clear focus to support children who are particularly vulnerable and identified as needing additional support.

The Executive Member for Economy, Culture and Education set out some positive highlights in the submitted report in terms of children achieving higher than the national data and explained this is due to a joint effort with headteachers, teachers and support staff across Leeds and it would be remiss to overlook those involved with achieving good results.

In responding to questions from the Board, the following was confirmed:

- Yorkshire and Humber and Leeds were impacted more negatively in terms of attendance due to the Covid-19 pandemic.
- Clarity on the progression of children at the end of KS2 and KS4. At KS4 this measure looks at attainment in a suite of 8 subjects. Outcomes in these subjects per pupil are then compared to outcomes for pupils with similar starting points (i.e. results achieved in KS2 SATs) and compared. Whilst the progress 8 number reported looks small (+0.12) this is actually comparatively high.
- It was requested that the next annual report include a breakdown of data per school and how this information will help in terms of being able to identify what is working best across schools to support and maintain schools who are performing less well. Further to this, officers commented that it is only 2 LA maintained schools which have negative progress data and it is important to look at the breakdown of headline data to understand which areas in a school have performed strongly, and which less so. There is also a mixed picture in terms of academies and their progress data, with some performing very strongly, and others less well.
- An issue was highlighted in terms of specialised subjects being covered by substitute teachers who do not specialise in that area, and the impact this can have on attainment. It was acknowledged that there is a national issue in terms of recruitment and retention and work is ongoing with school leaders and teachers. Further to this, the importance of staff well-being was highlighted and the importance of staff having a safe space and opportunities to develop professional expertise. It was also discussed that classrooms have become more complex and diverse, and there has been an increase in children with vulnerabilities.
- There is a difference in development of children in terms of date of birth within an academic year and this can impact on levels of attainment, continuing on for children moving onto primary, secondary and university level. There is sometimes a 12 month age difference between children in the same academic year and there can be a disparity in development in terms of social skills, language, and emotional well-being.
- A lot of work has taken place around Early Years settings and information and materials are provided to nursery staff and child

minders. There are 1000 early years providers including child minders in Leeds and evening and weekend training opportunities are provided for those unable to attend during work hours. Significant support is provided to those who had challenges through Ofsted Inspections.

- There is positive impact from the work to ensure young people from all ethnicity groups achieve well. Officers referred to the new comprehensive EAL Strategy and focused work to help children with language barriers achieve the best results they can.

In terms of the Refreshed 3As plan, the Board were keen to see that Early Years and post-16 continue to be a priority within this plan. Officers confirmed that there are initial discussions on-going with stakeholders around the priorities for the refreshed plan and the need to focus on language and communication skills more generally in the plan. In terms of post-16, there is no data from GCSE to the end of A-Level, although colleagues continue to monitor this so it is impossible to evaluate progress. It was confirmed that the Scrutiny Board, Infrastructure and Inclusive Growth are looking at NEET figures and post-16 as well as this Board.

The Chair thanked everyone for their attendance.

#### **RESOLVED –**

- a) To note the contents of the report, including information on performance against headline measures for pupils in Leeds 2022 in comparison to national data.
- b) To note the actions taken by the Learning Improvement Team to improve outcome in Leeds, and the planned actions for the coming year.
- c) To note the priorities contained within the Refreshed 3As plan for 2023-25, with a suggestion that greater emphasis be placed around Early Years.

### **23 SACRE Annual Report**

The report of the Director of Children and Families presented a report that set out the priorities for SACRE over the last year and the progress made; the main areas of discussions at SACRE meetings; work to review RE provision in secondary schools in Leeds; the Welcoming Schools initiative; results in RE in external exams; production of a Sensitivity to Faiths document and details of the professional support and training offered by SACRE consultants.

The following were in attendance for this item:

- Councillor Venner, Executive Member for Children Social Care and Health Partnerships
- Councillor Pryor, Executive Member for Economy, Culture and Education
- Julie Longworth, Director of Children and Families
- Dave Clark, Chief Officer Learning Improvement
- Erica Hiorns, Leadership and Management Lead

The Leadership and Management Lead presented the report and highlighted some key points:

- The Local Agreed Syllabus is followed by all maintained schools in Leeds. This is due to be updated in 2024 and the content will remain similar to the current syllabus.
- Secondary schools were asked to complete a brief survey about RE provision and all schools received individual responses to their survey and targeted support was provided where needed.
- Outcomes for Leeds in terms of RE examination results were positive and 3% higher than the national figure. Progress 8 performance was also positive.
- Professional support continued through two consultants. They provided training, RE networks and regular newsletters. The consultants also provided two helpful documents, Sensitivity to Faiths and Voices and Viewpoints providing specific views on areas covered in the RSHE curriculum.
- Leeds SACRE has been awarded a grant to support Religious Education. Two professionally produced films have been produced to introduce young people to a synagogue and gurdwara in Leeds.

The Board collectively thanked everybody on the SACRE committee and their important piece of work to help educate people on different faiths in the city. The positive impact on the delivery of the curriculum was also highlighted.

In responding to a question regarding the educational offer across the city, it was confirmed that there is a focus across all schools in the city on tolerance of faiths and religion; pupils are asked about their understanding of faiths during the inspection process and the LA agreed syllabus provides a broad sweep of religions.

**RESOLVED** – To note the context of the report and SACRE Annual Report 2021-22 as appended.

#### 24 **Work Programme**

The report of the Head of Democratic Services presented a report setting out the Board's work programme for the 2023/24 municipal year. Appended to the submitted report included a copy of the schedule and the Executive Board minutes from the meeting held Wednesday, 21<sup>st</sup> June 2023.

The Principal Scrutiny Adviser informed the Board that working groups on the Impact of Vaping on Children and Young People and the Provision of EHCP Support will be scheduled and invites circulated to Board members.

**RESOLVED** – To note the contents of the report and work schedule for the 2023/24 municipal year.

#### 25 **Date and Time of Next Meeting**

**RESOLVED** – To note the date and time of the next meeting as Wednesday, 6<sup>th</sup> September 2023 at 10am (with a pre-meeting for Board members at 9:30am)

Draft minutes to be approved at the meeting  
to be held on Wednesday, 6th September, 2023

The meeting concluded at 12.25.



## The Independent Review of Children's Social Care (MacAlister Review) – Implementation update

Date: 6 September 2023

Report of: Director of Children and Families

Report to: Children and Families Scrutiny Board

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

The report summarises the national Independent Review of Children's Social Care, led by Josh MacAlister, and the government response to this review and implementation of its recommendations – the 'Stable Homes Built on Love' strategy and consultation.

The report considers Leeds work to keep and bring Leeds children closer to home, both through preventative and edge of care support and our approach to placements and the residential estate for children looked after. This section of the report also provides an overview of current local and national challenges, particularly in relation to the availability, sufficiency and cost of placements.

### Recommendations

- a) For Scrutiny to note the update given in this report and the work underway to implement the recommendations of the Josh MacAllister review.

## What is this report about?

- 1 The report provides the Board with an overview of the findings of the Independent Review of Children's Social Care<sup>1</sup>, led by Josh MacAlister (hereafter referred to as the Independent Review), and the government's proposals for implementation – this is set out in a strategy and consultation document entitled 'Stable Homes, Built on Love' (hereafter referred to as Stable Homes). The Independent Review was published in May 2022, and Stable Homes was published in February 2023. Leeds was involved with the review process and mentioned in the final publication for our Family Valued Approach. During the process of the review Josh McAllister visited Leeds and spend time with the senior leadership team. The Children's Commissioner also visited Leeds and met with the leadership team. Leeds continues to play a key role in the implementation strategy. Cllr Venner the lead member for Children and Families is a member of the national LGA Board for Children and Families therefore Leeds is well represented at a strategic level. The Children's Minister as Chair of the National Implementation Board visited Leeds and met with staff from across services, care experienced young people and the leadership team. Tom Riordan is a member of the Implementation Board and Sal Tariq of the Implementation Group. The board members also visited Leeds and met with staff from across services and parents to discuss the work across Leeds.
- 2 The report considers the areas of alignment between Leeds Children and Families, the recommendations of the Independent Review, and the work undertaken to keep and bring children closer to their families and communities. The reach of this work is broad, encompassing both supporting those children and young people at risk of care entry to stay safely at home or within their family networks, as well as investing in our services, support and residential estate to ensure that those children who do need to be looked after have more opportunities to remain or return close to home and within Leeds wherever possible. The report locates this work within the context of local and national pressures on placements.
- 3 The Independent Review characterised the current children's social care system as in need of a 'radical reset', noting its increasing focus on crisis intervention, poor outcomes and rising costs. The Independent Review proposed that the solutions to these issues are to be found in loving relationships; currently, the report asserted, the system too often tries to replace organic bonds and relationships with professionals and services, rather than drawing on family and community.
- 4 The Independent Review made a significant number of recommendations about the 'radical reset' that it proposed, including:
  - a) Replacing targeted early help and child in need work with a single category of Family Help. This would be delivered by multi-disciplinary teams of family support workers, domestic abuse workers and mental health practitioners, alongside social workers, and based in community settings such as schools and family hubs.
  - b) Expert child protection practitioners to work alongside the Family Help team, with the responsibility for making key child protection decisions and removing the need for handovers between services.
  - c) Greater recognition and support for kinship carers, through increased efforts to bring wider family and friends into decision making prior to care entry as well as improved support through financial allowances, the extension of legal aid and statutory kinship leave.

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<sup>1</sup> <https://webarchive.nationalarchives.gov.uk/ukgwa/20230308122449/https://childrensocialcare.independent-review.uk/final-report/>

- d) Regional Care Co-operatives (RCCs) to be established to take on responsibility for the creation and running of all new public sector fostering, residential and secure care in a region, as well as commissioning all not-for-profit and private sector care for children as necessary.
  - e) A new deal for foster carers through support networks and training, which would be supported by placing greater trust in foster carers to make day-to-day decisions. With regards to sufficiency, this should be supported by a new national foster carer recruitment programme to approve 9000 new carers over three years.
  - f) A new five-year Early Career Framework for social workers, linked to national pay scales, that provides progression and rewards expertise with higher pay. Alongside this, the Independent Review proposed a Knowledge and Skills Statement for family support workers, and leadership programme and professional registration for children's home managers. The reliance within the sector on agency staffing should, the Independent Review proposed, be supported by new rules around pay limits.
- 5 Significantly, the whole system reset proposed by the Independent Review was costed as requiring £2.6bn of new funding over four years, with over £1bn of that funding covering the first two years.
  - 6 The 'Stable Homes, Built on Love: Implementation Strategy and Consultation' was published in February 2023. Stable Homes responds to the Independent Review, as well as the report of the Child Safeguarding Practice Review Panel into the deaths of Arthur Labinjo-Hughes in Solihull and of Star Hobson in Bradford<sup>2</sup>, and the review of the Competition and Market Authority<sup>3</sup> into the placements market.
  - 7 In contrast to the £2.6bn of new funding over four years that the Independent Review cited as necessary to fund its proposed whole system reset, the Stable Homes document committed the Department for Education to providing less than 20% of this total over a shorter timeframe, at £200m to be provided over two years<sup>4</sup>.
  - 8 This funding would be allocated to local authorities to act as pathfinders for different aspects of the recommendations over a two-year period, before they are rolled out more widely across the rest of the sector; the Stable Homes document does not commit to a timeframe for this.
  - 9 As at the end of July 2023, the following pathfinder local authorities had been announced:
    - a) Dorset, Lincolnshire and Wolverhampton to test giving the responsibility for child protection cases to specialist social workers, and trial merging targeted early help with child in need teams within a new Family Help service. This will also include allowing practitioners other than social workers to hold child in need cases, as is currently prohibited under statutory Working Together guidance; there is currently an open consultation on proposed changes to the Working Together guidance<sup>5</sup>.
    - b) Seven local authorities to pilot the use of family network support packages to enable family members to step in and prevent children entering the care system. These local authorities are: Brighton and Hove, Sunderland, Gateshead and Telford and Wrekin, whose pilots were due to start in July 2023, and Staffordshire, Hartlepool and Hammersmith and Fulham, whose pilots are due to start in spring 2024.

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<sup>2</sup> <https://www.gov.uk/government/publications/national-review-into-the-murders-of-arthur-labinjo-hughes-and-star-hobson>

<sup>3</sup> <https://www.gov.uk/government/publications/childrens-social-care-market-study-final-report>

<sup>4</sup> <https://www.communitycare.co.uk/2023/02/02/dfe-provides-20-of-funding-urged-by-care-review-in-response/>

<sup>5</sup> <https://www.gov.uk/government/consultations/working-together-to-safeguard-children-changes-to-statutory-guidance>

- c) It is understood that the DfE is still looking for two regions to test its plan to regionalise the commissioning of care placements within regional care co-operatives (RCCs).
- 10 There are no pathfinders identified from the Yorkshire region.
- 11 The Stable Homes consultation opened on the date of publication of the report, 2<sup>nd</sup> February 2023. It closed on 11<sup>th</sup> May 2023, and the document states that the results of the consultation and the Department's response will be published in September 2023. The consultation questions appear throughout the document and are consolidated on pages 157-162.
- 12 In addition to the changes and proposals outlined above that will be explored by pathfinder local authorities, the Stable Homes document contains the following key points in response to the recommendations of the Independent Review:
- a) A five-year Early Career Framework will be established, replacing the current Assisted and Supported Year in Employment (ASYE) for social workers, as recommended by the review. There is no commitment to tie this to a national pay scale, and this will be tested by a group of early adopter councils with a view to full implementation in 2026.
  - b) With regards to social worker recruitment and addressing staff shortages, the DfE proposes to 'explore ways to support the recruitment of up to 500 additional children and families social work apprentices'. A survey carried out by the Association of Directors of Children's Services (ADCS) found that 19%, almost one in five, children's social work posts were vacant as of June 2022, up from 14.6% in the previous year<sup>6</sup>. Recruitment and retention continue to be a significant challenge is social work within Leeds, locally and nationally with less people entering the profession and more leaving the profession or working joining agencies.
  - c) Introducing new rules around the use of agency staffing, including capping the rates that local authorities pay to ensure that agency staff receive the equivalent of permanent workers in the same role, once benefits have been taken into account. The current challenges around use of agency staffing is linked to recruitment and retention in the sector and local authorities being driven by presenting urgency of need. In Yorkshire and Humber all local authorities committed to a Memorandum of Understanding around agency pay rates however this has not been sustainable with some local authorities such as Bradford having to rely heavily at this time on the use of agency staff. National policy change around this will help stabilise the sector.
  - d) The DfE rejected the proposal in the Independent Review to abolish the role of Independent Reviewing Officers (IROs) in supporting children looked after, proposing instead to review and strengthen the role. IROs are key to improving outcomes for Looked After Children. They make an important contribution to the goal of improving outcomes for Looked After Children by quality assuring the care planning for each child and ensure the voice of the child is central to decision making and their wishes and feelings are given full consideration. The Stable Homes document did not reference the Independent Review proposal to abolish the child protection conference chair role. In Leeds, we have a stable team of three IRO teams, with three team managers and 24 FTE IROs, and all children looked after have an allocated IRO. Our 2022 Ofsted inspection report noted that: *'Care plans address children's needs comprehensively and are effectively reviewed within the required timescales by independent reviewing officers (IROs) who have enduring relationships with children and know them well. IROs visit children in their homes and ensure that children are listened to.'*

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<sup>6</sup> <https://www.communitycare.co.uk/2022/12/16/one-in-five-childrens-social-work-posts-vacant-in-wake-of-rising-stress-and-workloads-finds-research/>

- e) A kinship care strategy will be published in 2023, with £9m spent on improving training and support for kinship carers. The DfE will also explore the case for financial allowances and the extension of legal aid for some kinship carers. Leeds's support for kinship carers is strong and well established. Kinship Carers that have been approved at Fostering Panel can access the same training and enrichment opportunities as our mainstream foster carer population. Financial support to carers is made up of two parts, a weekly allowance based on the age of the child and a weekly professional fee based on the skills and experience of the carer. All kinship carers receive the Maintenance Allowance at a minimum but are provided with the opportunity to achieve progression and therefore access to professional fees. There is a specific Family Group Conference offer for kinship carers as part of the assessment and placement support process, and an informal buddying scheme where new carers are matched to more experienced carers for support. Leeds also have Mockingbird hubs specific to kinship care through our Mockingbird Family Model of support for foster carers; each hub is led by an experienced level 4 mainstream carer. The purpose of the scheme is to provide a network, consisting of other carers, which can replicate the support that they may otherwise receive from their own extended family. We commission Kinship Connected to provide independent support to carers where this would be of benefit to them. Kinship Connected are an independent charity with a national focus on issues related to Kinship Care, they provide advice, support and advocacy to carers who may be struggling in their role. Kinship carers also have access to placement support via the fostering service and there is an early help offer to kinship families through the Early Help Hub practitioners, youth service and MST (multi-systemic therapy). This offer works on the premise that many kinship carers would prefer to access support through local services that they can more easily access and are familiar with. There are a number of Kinship Support Groups and an annual kinship specific activity weekend, which kinship carers can access in addition to the wider support offer available to the mainstream fostering population in Leeds.
- f) £27m to be spent over two years on a recruitment and retention programme for foster carers, focused on shortage areas – for sibling groups, teenagers, unaccompanied asylum-seeking children (UASC), parent and child placements and children who have suffered complex trauma. It is not clear how this £27m investment aligns with the Independent Review recommendation to recruit 9000 new carers. Leeds development plan for the fostering service consists of three strands; expand the service, develop a reunification tier of service; develop the placement support provision. The expansion is focused on the recruitment of foster carers ensuring there is support in place to grow the service. The foster carers role is also vital in reunification work for children with their families and will be a core part of the reunification service. This will include placement support, Life Long Links work to connect children with family and build networks, Family Group Conferencing and Therapeutic social work support. The placement support provision will build on the work of the placement support team and bring together services to provide intensive support with a team around the child approach. This is a multi-disciplinary approach with ICB and education colleagues looking at the holistic needs of the child. Part of placement support is reviewing the training offer for foster carers. Leeds have begun some work with the Foundations for Attachment group programme pilot in fostering. This will provide a practice framework for foster carers.
- g) An increase in financial support for care leavers, with the suggested care leaver grant to increase and the bursary for apprenticeships to increase, which is broadly in line with the recommendations of the Independent Review.

Leeds has developed the care leavers service by establishing a care leavers hub based at Archway co located with Our Way Leeds. The Hub is a safe place and space for Leeds care leavers to have access to services, build connections and engage with support. Leeds has also been successful in the bid to DfE to deliver the Staying Close Pilot. The staying close pilot will provide the most vulnerable care leavers support through their transition to interdependence by providing targeted earlier engagement of support, a consistent extended community of support and reduce the cliff edge from care. The Staying Close staffing and community hub will provide care experienced young people with a longer and more planned progression to leaving care and earlier established relationships with their personal advisor and the care leavers service, as well as a continuing safety net up to the age of 25 years and potentially beyond the statutory support age of 25 years. The hub will co-locate essential services such as housing services, community and universal services in one community hub space. It will provide direct access to universal and partner services on site such as health and therapeutic services, housing and accommodation support and employment, education and training services. be staffed to offer Leeds care leavers preparation for adulthood training, through providing a practical skills-based learning programme to support young people to learn essential skills such as cooking, budgeting, financial management alongside social activities, support groups and peer mentoring. This targeted work will also provide support for young people with SEND.

### **What impact will this proposal have?**

- 13 As noted above, there are no new proposals put forward in this report. Therefore, this section will focus on what the Children and Families directorate is already doing to safely and appropriately reduce the need for children to become looked after, highlighting where our own approaches already align well with the recommendations of the Independent Review. The risks section below outlines the current acute local and national pressures on placements for children and young people who need to be looked after, and the efforts that Leeds is making to respond to these pressures by expanding its own capacity and thus reducing our exposure to the market for external residential and fostering placements; national reviews have highlighted this as too costly, profit-driven and offering placements of insufficient quality.
- 14 A number of the recommendations in the Independent Review which have been subsequently supported through the Stable Homes strategy and/ or which are being explored through pathfinder work align with work that is already taking place in Leeds. Indeed, Leeds's Family Valued programme, which was initially funded by the Department for Education's Innovation fund in 2015 and then rolled out to other local authorities through the Strengthening Families, Protecting Children (SFPC) programme of sector-led improvement, is cited twice in the Independent Review. The work to implement Family Valued in Darlington is noted in informing changes to the way Darlington's front door arrangements work, with a focus on conversation rather than thresholds, as well as Leeds being cited in its own right for the expansion of Family Group Conferences and family decision making that Family Valued pioneered and funded.
- 15 The concept of Family Help services is also similar to the way Leeds has used its Families First Earned Autonomy funding to establish three Early Help hubs across the city, which bring together family support workers with police officers, domestic abuse workers, substance misuse practitioners and mental health practitioners. Our hubs are already based within community settings, and under our Early Help review proposals the number of established Early Help hubs

will increase to seven across the city, bringing together social workers and family support workers with police and specialist workers as is already the case in the three hubs that are currently in operation. Leeds has also been successful in a bid to the Department of Levelling Up, Housing and Communities in delivering a SEND pilot and will employ SEND navigators who will provide specialist knowledge and work closely with the Hubs in delivering Early Help support. This will strengthen Leeds's locality offer for children and families in their own communities and builds on the success of the Restorative Early Support (RES) teams where social workers and family support workers work together.

- 16 Leeds's Hub model is part of an evaluation of Family Hubs commissioned by the Department for Education and carried out by Ecorys UK, where the model is considered alongside similar models in Bristol, Essex, Sefton and Suffolk. We have received a copy of the final evaluation report, but this has not yet been published. The interim evaluation report did note, however, that the family hub models in Leeds, Essex and Sefton were more mature than in the other local authorities.
- 17 There is also some crossover between the concept of Family Help teams and our Restorative Early Support teams (RES). The RES Teams were first established under the Family Valued programme in areas of high social work demand across the city, with the aim of bringing together social workers and family support workers into the same team to support families in the targeted early help/ child in need space that the Independent Review sees a Family Help service operating. The primary focus of the RES team was bridging the space between early help and statutory intervention and allowing for de - escalating, avoiding multiple referrals for children into statutory service in the event of a child protection incident as social workers work in teams with family support workers. The evaluation of the Family Valued model - which included the development of RES teams - carried out by the University of Bedfordshire<sup>7</sup> and published in 2020 highlighted the effectiveness of RES teams in reducing the number of children looked after in high demand areas of the city, resulting in a significant level of cost avoidance. Leeds is therefore in a good position to respond positively to any changes suggested by the experiences of pathfinder local authorities in implementing Family Help, as we already have a significant infrastructure in place, supported by our cluster model which aligns well with the ethos of the Independent Review of delivering services within the communities where families live.
- 18 The revised Children and Young Peoples Plan sets out Leeds vision which sets out our obsessions. These align with Family Help and incorporate the strong partnerships working both cross directorate but also with the third sector, and statutory partners.
- 19 Leeds also has a strong track record of involvement in innovation with local and national partners. Leeds has been working with the Nesta innovation agency on an Early Years innovation project over the last two years to drill down and use Nesta expertise to further understand and reimagine the Early Years system in Leeds, with the aim of helping to trial, adapt and improve services to support children in their earliest years, particularly those with additional needs.

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<sup>7</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/932340/Leeds\\_Partners\\_in\\_Practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/932340/Leeds_Partners_in_Practice.pdf)

- 20 The Nesta project priority for the 2023/24 financial year is to focus on speech, language and communications to respond to the need in this area and to strengthen early identification and support for children with additional needs. This includes working with practitioners to explore the current referral process for assessments, reviewing the letter that families receive from health services while they are on the waiting list for assessments to establish whether this can offer better information about interim support and looking at further opportunities for support through children's centre and library pathways. Leeds has also used some of its funding through the Nesta partnership for PEEP (Peer Early Education Partnership) training, an evidence-based programme about how practitioners can help families to support speech, language and communication in the home. Leeds has to date trained 45 practitioners across children's centres, third sector and libraries in PEEP, and all children's centre teams are now able to offer PEEP within their existing sessions or as separate standalone sessions.
- 21 The Independent Review has a strong focus on recognising and supporting kinship care as an option for children and young people who otherwise may need to become looked after. Respect for kinship care has an established history within Leeds, in conjunction with the development of our Family Group Conference (FGC) offer. FGC Service is one of the largest and longest running one in the country and is a national exemplar for practice with many other local authorities visiting Leeds to replica Leeds offer. We have a Service Delivery Manager with oversight of both the Kinship teams and the Family Group Conference service, with dedicated kinship assessment and support teams. We have three FGC teams in Leeds, with 2.5FTE team managers and 23 FTE FGC co-ordinators.
- 22 In January 2022, figures obtained from the Department for Education by local authority of children in fostering placements with family and friends showed that Leeds ranked 7th highest nationally and our proportion of children in kinship placements was 50% higher than the national average. Figures from June 2023 indicate a total of 401 approved kinship placements, and 315 children being cared for in those placements, which equates to roughly 21% of the total June 2023 child looked after population. This work is driven by a relentless commitment to supporting children to remain within their families and a practice model that puts relationships and strength-based practice at the heart of all decision making,
- 23 Leeds's support for kinship carers is strong and well established. All our approved Kinship Carers can access the same training and enrichment opportunities as our mainstream foster carer population – this includes the opportunity to achieve progression and therefore access to professional fees. All kinship carers receive the Maintenance Allowance (equivalent to Level 1 fostering) at a minimum. There is a specific FGC offer for kinship carers as part of the assessment and placement support process, and an informal buddying scheme where new carers are matched to more experienced carers for support. We also have hubs specific to kinship care through our Mockingbird Family Model of support for foster carers; each hub is led by an experienced level 4 mainstream carer. We commission Kinship Connected to provide independent support to carers where this would be of benefit to them, as well as giving kinship carers access to placement support via the fostering service and an early help offer to kinship families through the Early Help hub practitioners, youth service and MST (multi-systemic therapy). There are specific established Kinship Support Groups and an annual kinship specific activity weekend, as well as kinship carers being able to access similar support available for the wider population of foster carers in Leeds.

The voice of people with lived experience was a central part of the Care Review and has remained a central focus for the work off all the services in Leeds. We have an experienced Voice and Influence team who ensure the voices of children and young people informs all we do. In consultation with children and young people the 12 Wishes were produced sharing their



priorities for services. Leeds also has an active parents' forum called Our Voice where parents who have experienced or are experiencing services are helping inform next steps. They have been involved in recruitment, training for social workers and development of a peer advocacy service for parents currently in the child protection process.

- 24 In conclusion, Leeds is not currently involved in any of the pathfinder work that has arisen from the Independent Review or the government response through the Stable Homes, Built on Love strategy and consultation, and we must await the outcome of both the consultation and the pathfinder work to know what the impact of the proposals and their implementation will be for Leeds. However, with the work that we already have in place to support families to be able to keep children at home safely or to explore and support kinship options, we are confident that there is already a good alignment with many of the principles of the review, and that the infrastructure and services we have built during our improvement journey will provide us with strong foundations on which to build.
- 25 Please see the risks section of this report for an overview of the current local and national pressures in relation to placements, and the action Leeds is taking to try and insulate the local authority from the impact of some of the concerns raised at a national level about the market for placements.

### **How does this proposal impact the three pillars of the Best City Ambition?**

Health and Wellbeing       Inclusive Growth       Zero Carbon

- 26 Leeds City Council has statutory responsibilities relating to the health and wellbeing of its children looked after population (please see legal implications section), which include ensuring that looked after children, young people and care leavers are in suitable placements which meet their needs and promote their health and wellbeing. The efforts described in the paper to improve the sufficiency and quality of in-house provision contributes to this. There is also an argument that the efforts of the directorate to keep children at risk of being looked after with their families and communities and to return looked after young people to Leeds from external placements contributes to Zero Carbon, in reducing the amount of travelling that families and practitioners have to do to visit children and young people in their placements. A core principle of Child Friendly Leeds has been that we strengthen families to strengthen communities which strengthen the city. Investing in children and young people in preventative services helping them to reach their full potential supports them to be active citizens and contribute the Leeds economy as adults therefore is an essential part of inclusive growth for Leeds.

### **What consultation and engagement has taken place?**

Wards affected: All – paper considers the city-wide position of the directorate.

Have ward members been consulted?       Yes       No

- 27 N/A – this is an overview report, with no new proposals.

### **What are the resource implications?**

- 28 National resource implications are outlined above in relation to the funding committed by the Department for Education through their Stable Homes proposals, and the risks section outlines

some of the resource implications of exposure to the pressures of the placements market. Until the results of the Stable Homes consultation and the pathfinder work in local authorities are announced, we do not know the specific resource implications of the Independent Review and Stable Homes response for Leeds.

### **What are the key risks and how are they being managed?**

- 29 Placement sufficiency is a significant and growing challenge nationally. In April 2023, the children in care and care leavers charity 'Become' published findings from research<sup>8</sup> carried out on figures obtained through Freedom of Information requests to the Department of Education. These findings highlighted that:
- a) Both the number and the percentage of children in care in England placed more than 20 miles from home increased every year from 2012-21, while numbers also increased from 2021-22.
  - b) As of 31 March 2022, 16,970 children (20.7% of the care population) were placed more than 20 miles from home, compared with 10,540 (15.7%) a decade earlier.
  - c) Children experiencing multiple moves were at greater risk of a distant placement, with 29.9% of those in their third or subsequent placement living more than 20 miles from home, compared with 20.6% of those in their first.
- 30 In the Community Care article which summarised the Become research, the chair of the Association of Directors of Children's Services (ADCS) Health, Care and Additional Needs Policy Committee noted that: *'Any increase in the number of out of area placements must be viewed in the context of a 35% increase in the number of children in our care since 2008, a shortage of foster carers and placements in residential children's homes, as well as a mismatch between the location of these placements and need. Local authorities are working hard to overcome the sufficiency challenges they face by investing in their own children's homes and in campaigns aimed at recruiting and retaining more foster carers, but this alone cannot solve the problem, nor will a response that looks at commissioning practice only. The placements we need simply do not exist. We urgently need a comprehensive placement strategy which addresses shortages across all types of placements to meet the needs of children and young people. We also need the government's support in addressing the increasing costs of placements and profiteering on the backs of vulnerable children.'*
- 31 Despite the challenges of the increases in the CLA population in Leeds and the national challenges around placement sufficiency, Leeds continues to perform well with regards to placing children close to home. As at March 2022, in the latest date for which national comparator data is available, Leeds is in the top quartile on the number of children looked after placed more than 20 miles from their home; our March 2022 figure was 12% of children placed more than 20 miles from home, which is four percentage points lower than the England average and three percentage points lower than the Yorkshire and the Humber average<sup>9</sup>.
- 32 Sufficiency pressures in relation to placements have forced local authorities to make increasing use of costly independent fostering agency placements and external residential care. The increased competition for placements between local authorities has given some providers the opportunity to decline to take children and young people with complex needs or challenging behaviours, in the knowledge that they could fill that placement by offering it to a child with less complex needs. There are also regulatory pressures to refuse young people exhibiting

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<sup>8</sup> <https://www.communitycare.co.uk/2023/04/25/more-children-in-care-placed-far-from-home-increasing-risk-of-lower-wellbeing-finds-research/>

<sup>9</sup> Source – [Local Authority Interactive Tool \(LAIT\)](#)

challenging behaviours such as absconding, as the inspection framework for residential care penalises homes for not managing these behaviours effectively.

- 33 The demand for placements also means that providers are unlikely to suffer a penalty from increasing their prices. As early in the pandemic as December 2020<sup>10</sup>, the ADCS were warning that placement costs had increased sharply, particularly from March 2020 onwards, and they warned that these heightened costs during the pandemic may not reduce in the way we would expect other pandemic-related cost pressures to do. There was some support for this prediction in the December 2022 ADCS safeguarding pressures report, which noted that the average weekly cost for residential placement increased by 26% between 2017/18 and 2021/22<sup>11</sup>.
- 34 The issue of costs and profits within the independent fostering and private residential home market has been a significant concern within the social work sector for some time. Figures published in 2020 by the National Centre for Excellent in Residential Child Care (NCERCC) and Revolution Consulting identified a 40% rise in independent children's home prices from 2013-19<sup>12</sup>. Private operators now control around 75% of the residential home estate in England and Wales, and the top 20 providers make of £250m in profit annually. These price rises have occurred as in-house local authority residential capacity has been reduced across the country, increasing the national reliance on the private sector.
- 35 A review of the private residential children's homes market was carried out by the Competition and Markets Authority. Its interim report in October 2021<sup>13</sup> noted that the largest children's home providers charged an average weekly price of £3,830, with an average operating profit margin of 23%. For independent fostering agencies, the average weekly price for fostering was around £820 per week, with an average operating profit margin of 19%. The CMA also raised concerns about the level of private equity ownership of providers due to the high and increasing levels of debt they were carrying, which could lead to providers failing and exiting the market. This could, in turn, lead to instability for children placed with these providers. The Stable Homes proposals include introducing a financial oversight regime for the largest children's home providers and IFAs, similar to that operating in adult social care, to reduce the risks of providers exiting the market suddenly.
- 36 The issues of supply and demand across the sector, and the ability of IFA and external residential providers to turn away children and young people presenting with complex needs or challenging behaviour, has an impact on in-house residential provision. This situation creates a driver for keeping more complex and challenging young people within the Leeds residential estate. However, for some young people with particularly complex behaviours and needs, it is not possible for safety reasons to fill all of the remaining beds in the homes they are placed in. Where a Leeds-run home is under capacity, this results in both an increased unit cost for running the home, and an increased pressure on placements through the need to find alternative placements for children and young people whose needs could otherwise be met within that home, if it was considered safe to do so.
- 37 Given the current nature of the market for external residential and IFA placements, senior leaders in Children and Families have sought to invest in and expand our own LCC-run residential estate, in an effort to try and insulate Leeds from the impact of excessive profits and

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<sup>10</sup> <https://adcs.org.uk/safeguarding/article/safeguarding-pressure-phase-7-interim-report>

<sup>11</sup> <https://adcs.org.uk/safeguarding/article/safeguarding-pressure>

<sup>12</sup> <https://www.communitycare.co.uk/2021/06/11/cut-profits-fees-care-review-lead-implores-childrens-home-providers/>

<sup>13</sup> <https://www.gov.uk/government/publications/childrens-social-care-market-study-interim-report>

the market position of private providers. We have opened a second home for children and young people with complex needs, modelled on the success of the Acorn Lodge complex needs residential home. The purpose of building this new residential home was to bring a group of children and young people back to Leeds from expensive external residential placements. At the time the proposals for the home were approved, Leeds had ten children with complex needs in external provision at a combined predicted annual cost in excess of £2.5m.

- 38 Leeds is also investing in a model of Small Group Living homes. Smaller homes offer several advantages, including a lower void level when the complex or challenging needs of a particular young person require us to offer a single occupancy placement - a block on three beds in a four bed home costs an additional £13,500 per week on external placement costs, whereas in a two-bed home the equivalent block costs £4,500. This is significant, in the context of external providers experiencing such high levels of demand that they can afford to turn down young people with more challenging needs, as outlined above. The matching process itself is also more straightforward, considering the strengths, needs and challenging behaviour and potential dynamics between only two young people instead of four. In terms of the experiences of the young people, those with complex attachment and trauma related needs can build more manageable and predictable relationships with fewer children to interact with, and smaller homes have more of a family feel, offering the opportunity to grow up in a more typical environment.
- 39 We currently have a cohort of young people aged 15-18 in high-cost external placements (currently placed in either care settings or semi-independent settings), with a weekly average cost of £5,423. A review of this cohort suggests that there are a number whose needs could be met in a small group living provision. We anticipate an ongoing demand for placements for children with complex high needs, and are working towards establishing four Small Group Living Hubs to care for them. We have identified and purchased the first of these homes, in the Middleton area of the city, and the necessary work to develop it for Small Group Living will begin shortly. The homes will focus on providing therapeutic care for our most vulnerable young people working in partnership with health colleagues and other partners. They will enable Leeds children to access Leeds services and be supported in their home city.
- 40 With our focus on expanding the Leeds residential estate, Leeds is investing in our own capacity to manage the needs of children and young people and to secure positive outcomes for some of our most vulnerable citizens. The findings of national reviews, as set out above, indicate that the greater costs inherent in the private and for-profit market for placements do not translate to improved outcomes. On this basis, we believe that the approach to invest in our own provision and make concerted efforts to insulate ourselves from this 'broken' market is a prudent financial approach, as well as supporting Leeds to fulfil our moral and legislative corporate parenting duties to the best of our abilities within the ongoing context of severe financial constraints for local authorities.

### **What are the legal implications?**

- 41 Working Together to Safeguard Children is statutory guidance on inter-agency working to safeguard and promote the welfare of children. It was last revised in 2018, with a limited factual update in 2020. There is currently an open consultation on proposed changes to the document, which will close in September 2023. Once the consultation feedback has been taken into account and an update to Working Together is published, Leeds will make any necessary changes to its safeguarding policies and practice to ensure that statutory requirements are met,

in conjunction with safeguarding partners through the Leeds Safeguarding Children Partnership (LSCP).

- 42 Section 22 of the Children Act 1989 sets out the general duty of a local authority looking after a child to safeguard and promote their welfare, which underpins all activity by local authorities in relation to looked after children. This duty is known as ‘corporate parenting’, the collective responsibility to provide the best possible care and safeguarding for children looked after. The principal regulations in relation to these duties are the Care Planning, Placement and Case Review Regulations of 2010. The Children Act 1989 also introduced a ‘sufficiency duty’ on local authorities, requiring them to take steps to secure sufficient accommodation within the local authority area to meet the needs of its children looked after.
- 43 Section 22C of the Children Act considers the types of placements local authorities should use for children looked after, with the expectation that the authority will place the child in ‘the most appropriate placement available’; i.e. the one that they consider will best promote and safeguard the child’s welfare. This section states that, as far as reasonably practicable, the placement should: allow the child to live near his/ her home; not disrupt their education; enable the child to live with their sibling(s) if they are also looked after; provide accommodation suitable for the needs of disabled children, where relevant; and be within the local authority area.
- 44 It is clear from the Children Act and the 2010 regulations that the primary focus for local authorities must be safeguarding and promoting the welfare of looked after children and young people. In this way, the legislative framework sets an expectation that the provision of accommodation and care for children and young people who cannot remain at home should be needs-led, and there is a duty on the local authority to ensure they have or commission sufficient accommodation to meet these needs.
- 45 Over the last decade, Leeds Children and Families have never set ‘targets’ in relation to reducing the looked after population, even during the peak of looked after numbers in 2012. The intention has always been to safely and appropriately reduce the need for children and young people to be looked after, with a recognition that the local authority must always be in a position to accommodate those for whom living at home or with family is not safe. In response to the post pandemic challenges work streams driving change are managed under the work of a cross directorate Delivery Board with representation from ICB and police. The work streams focus on Turning the Curve by; reducing external placements, reunification, edge of care support, reviewing early help services/implementation of Family Help and expansion of residential and fostering services.

## **Options, timescales and measuring success**

### **What other options were considered?**

- 46 Leeds is not a Path Finder however will continue to build on the Family Valued approach and investment in support services. The work under the Delivery Board has a clear action plan for each work stream that is supported by the newly formed Transformation Team with oversight and monitoring provided by the board.

### **How will success be measured?**

- 47 Success is measured through performance management and quality assurance including feedback from children and families.

**What is the timetable and who will be responsible for implementation?**

48 Ongoing – Delivery Board. Children and Families Leadership Team

**Appendices**

- None

**Background papers**

- None

## Impact of asylum legislative/guidance changes on children

Date: 6 September 2023

Report of: Director of Children and Families

Report to: Children and Families Scrutiny Board

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

The report summarises Leeds's response to the impact of asylum changes for children.

Consideration will be given to the impact of national and local issues in relation to children supported whose family have no recourse to public funds (NRPF) as well as children who travel to the UK unaccompanied, known nationally as Unaccompanied Asylum-Seeking Children (UASC).

The report is an update for Scrutiny and is not seeking decisions at this time.

### Recommendations

- a) Scrutiny is asked to note and endorse this update report.

**What is this report about?**

- 1 There have been several significant changes over the last 3 years in relation to asylum legislation and guidance that have impacted on children and families nationally. The impact has been substantial and far reaching, with a number of concerns being raised by organisations such as the Association of Director of Children Services (ADCS), Local Government Association (LGA), British Association Social Workers (BASW), Social Workers without Borders and Migration Yorkshire.
- 2 This report will outline how Leeds continues to support and address any potential impact on:
  - a) asylum seeking families who have no recourse to public funds status, however; due to their pending asylum application are entitled to support from the Home Office under s4 of the Immigration and Asylum Act 1999. The local authority will support these families on an urgent, interim basis under s17 of the Children’s Act until the s4 support is put in place.
  - b) unaccompanied asylum-seeking children (UASC). Provision for this vulnerable group is continually shifting given ongoing legal changes, the most recent being in relation to the National Transfer Scheme (NTS) and the Illegal Migration Act 2023 which received Royal Assent in July 2023. Unaccompanied children who are in Leeds are supported via children looked after arrangements, and therefore the Local Authority remain responsible as a corporate parent.

**What impact will this proposal have?**

- 3 This is an update report, with no new proposals.

**How does this proposal impact the three pillars of the Best City Ambition?**

- Health and Wellbeing
  Inclusive Growth
  Zero Carbon

- 4 Leeds City Council has made commitments relating to the health and wellbeing of children within the city, outlined as part of the Best City Ambition and Children and Young People’s Plan, which has been updated for 2023. The arrangements described in this report support the delivery of services to meet ongoing need in relation to corporate responsibilities.

**What consultation and engagement has taken place?**

Wards affected:

Have ward members been consulted?       Yes       No

- 5 This is an update report, with no specific consultation or engagement.

**What are the resource implications?**

- 6 There are no new proposals with resource implications presented in this report.

**What are the key risks and how are they being managed?**

**No Resource to Public Funds**

- 7 Children and families who are supported due to no recourse to public funds are those that are subject to “immigration control” and have no entitlement to welfare benefits or public housing. The definition of “subject to immigration control” is outlined in Section 115 of the Immigration and Asylum Act 1999 and includes people who have a condition attached to them staying in the UK. When someone has this type of condition the term “no public funds” is stated on their residence permit. Public funds are any type of allowance or benefit given by the welfare system,



this could be monetary, or can be in relation to access to social housing. Compulsory school age education and NHS treatment does not fall within the definition of public funds for immigration purposes, however if an individual has been in the UK for more than 6 months (and they do not have settled status) then they are required to pay an Immigration Health Surcharge.

- 8 Individuals who are seeking asylum and have no recourse to public funds receive support from the Home Office via Section 4 Immigration and Asylum Act 1999. Accessing Section 4 can incur delay as it is not immediate receipt on application, therefore families are referred (or can refer themselves) to Children's Services to be able to access support via Section 17 of the Children Act 1989 in the interim. As part of the referral a Child and Family Assessment will be undertaken to explore the needs of the family and what is required.
- 9 There are other individuals who are considered to have no recourse to public funds who are not considered to be asylum seekers. These families will come from all over the world and may find themselves in their situation due to several reasons. Examples include – families that have overstayed their student visas, mothers with children that are in the UK on a spousal visa and are fleeing domestic abuse, or individuals who have come into the country without appropriate visas and have gone on to have children.
- 10 To ensure that appropriate support is in place for children and families in Leeds, the No Recourse to Public Funds Panel (NRPF Panel) sits regularly to review each case and the local authority's legal duties. Furthermore, the Panel ensures that the local authority is acting in accordance with the current legislation. The Panel also outlines guidance for practitioners in relation to human rights, to ensure that these are sufficiently met, as well as appropriate communication with the Home Office over applications for Section 4 support. This is a complex area and one which requires ongoing legal oversight. The No Recourse to Public Funds Panel has recently had oversight by the Council Audit Team to ensure full compliance with local authority policies and procedures.
- 11 The Children and Families directorate has seen a steady reduction in families being supported due to no recourse to public funds. This has been reflected across the country. In Leeds, pre pandemic numbers of families being supported formally by Children Social Work Services was in excess of 50 families at any one time, however in more recent times this has reduced to approximately 20 families during the summer of 2023.
- 12 It is unclear as to why there has been a decline in the children and families being referred for support, however the fluctuating changes in immigration support may have had an impact. Since the implementation of the Nationality and Borders Act 2022 and the Illegal Migration Act 2023, families that enter the country illegally will have no recourse to public funds. They will be unable to remain in the UK and if presented to the Home Office they could be detained and then returned to their country of origin or a "third country". As the Illegal Migration Act 2023 is still very new, it remains unclear how this will impact on children and families in the short and longer term, however its intention is to deter people from entering the UK if they are unable to support themselves or through approved routes. The Children and Families Directorate are working closely with Housing and Environments to support emerging need.

### **Unaccompanied Asylum Seeking Children**

- 13 Nationally there is a steady increase in the demand for placements for unaccompanied asylum-seeking children (UASC). Children can arrive in our city alone having travelled through the UK, often in lorries having been exploited or fleeing maltreatment and or abuse, or they can arrive as part of the National Transfer Scheme. The number of young people who arrive by their own volition into the city has significantly declined, and appears to have ceased, since the additional security measures that have been implemented across the UK borders over the past 12 months. During 2019 – 2021 local authorities, including Leeds received a set amount of funding from the Home Office in relation to sporadic arrivals. That funding was less than the cost of

supporting an unaccompanied asylum-seeking child either with providing appropriate accommodation or ensuring that their health and wellbeing needs were met.

- 14 The National Transfer Scheme (NTS) was introduced by the Government on the 1<sup>st</sup> July 2016. It was established to enable the safe transfer of unaccompanied children in the UK from one local authority to another to ensure a fairer distribution of this vulnerable cohort of young people across the country as well as ensuring that local authorities could meet their legal duties and the overall best interests of the children. When the NTS commenced it was based on a voluntary agreement made between local authorities. Amendments were made in 2018 to extend the scheme to include local authorities in Scotland, Wales and Northern Ireland.
- 15 Throughout 2021, it was recognised that there was increased pressure for border local authorities (such as Kent) in relation to the support required for unaccompanied asylum-seeking children arriving in the UK. The increasing national pressures for local authorities at this time meant that arranging and accepting transfers was challenging and this left a large proportion of children in border local authorities. This led to a letter being sent in November 2021 by the Minister for Safe and Legal Migration (Kevin Foster MP) to all local authorities outlining the Government's intention to direct all Local Authorities to participate in the NTS. From the 15<sup>th</sup> February 2022, following the required consultation, all local authorities with children's services in the UK have been directed to participate in the NTS which is now mandated. The duration of the mandatory period has not yet been set, instead the Government have indicated that they will keep this under review.
- 16 In August 2022 there was a threshold adjustment in relation to how many unaccompanied asylum seeking children each local authority is required to accommodate. The original threshold was 0.07% of its general child population. This increased to 0.1% of its general child population. In addition to this the transfer deadlines for unaccompanied children became tighter, with unaccompanied children currently in emergency accommodation (such as hotels) needing to be transferred within 5 working days, whilst unaccompanied children utilising the NTS should be transferred in 10 working days.
- 17 Leeds made the decision in 2016 to cooperate with the NTS and have encouraged a supportive and welcoming framework for unaccompanied children. As a welcoming and inclusive city, Leeds has a strong reputation in relation to the welcome that these children receive, and the support offered. However, it should be noted that the ongoing offer of such support is a challenge, for example, this group of young people are usually aged between 15 – 17 ½ years old. The increasing numbers fall within the age group where demand is already high in relation to our children looked after in the city and impacts on our ability to provide sufficient placements and supported accommodation. Leeds also feels the impact of other local authorities, regionally and from other areas of the country, who seek to place their children looked after within the Leeds local authority boundary utilising our local placements.
- 18 Numbers of unaccompanied children have remained steady over the past 12 months, with a comparison of 75 unaccompanied asylum-seeking children in our care in June 2022 compared with 74 unaccompanied asylum-seeking children in our care in June 2023. The Home Office offers funding for children who are unaccompanied which is £143 per person per night for local authorities who are at or above 0.07%, or £114 per person per night for local authorities who are below 0.07%. To plan for an appropriate placement which meets a child's needs an assessment is required. This can be difficult within the suggested timeframes as outlined in the NTS for transfer. In general, many unaccompanied children in Leeds will be placed in semi-independent living or group living pending the outcome of assessments. Accommodation can alter as part of continued plans, along with tailored support to address individual need. The costs of such provision vary enormously. The current highest weekly cost for an unaccompanied child is £8,680 per week, with 6 others costing more than £2,939 per week. An average Supported Accommodation cost for a 16- or 17-year-old is £1,440 per week (totalling approximately £74,899 per annum). Providers offer different levels of support which do not necessarily correspond to the amount paid, for example the higher the placement cost does not necessarily mean that more support is offered. The costs of the accommodation do not take in to account the other associated costs with a child in our care, including allocated social workers,

independent reviewing officers, or costs of food, activities or those associated with being a parent. This outlines that whilst there is financial remuneration in relation to providing care for unaccompanied children, it does not cover the amount that will be expended by the local authority as an overall cost.

- 19 Unaccompanied children need a raft of support to ensure their health and wellbeing as well as accommodation needs are met. This is alongside their application for asylum which requires an independent solicitor to act in their best interest and can be a complex and difficult area to navigate. To ensure that we meet our duty there are specialist workers within the Children Looked After Service who ensure a high level of support and guidance is tailored to the needs of this vulnerable group. The following support is offered to all unaccompanied asylum-seeking children –
- a) 8 week welcome and induction programme to help orientate Leeds and outline support available to them whilst also ensuring they are aware of cultural norms and expectations in the UK.
  - b) Linking in with existing friendship groups and other young people of similar backgrounds
  - c) Outlining opportunities for activities and day trips in the Yorkshire dales
  - d) Offering support around the celebrations of religious celebrations and events
  - e) Participation in therapeutic projects such as “Cooked with Love” a cookbook celebrating home countries and traditions.

There has been much learning from the work outlined above, including that unaccompanied children have helped shape our own service delivery for the benefit of other young people in similar circumstances. The ‘Cooked with Love’ project was nominated in June 2023 for the Children and Young People (CYP) Now Awards in the category of *Supporting Child Refugees*. We are delighted that the Children Looked After Service have been shortlisted and will hear if we have won at the Awards event in November 2023.

- 20 The overall population of unaccompanied young people who become care leavers (17 ½ - 25 years) has increased since 2019 by on average 17% each year, with the highest rise seen in 2019- 2020 increasing by 32% in one year alone. In 2022 the unaccompanied young people care leaver population stood at 228, with a current approximation of 280. Again, support for this group of young people has become more complex due to the changes in legislation around their asylum claims. Most unaccompanied children will have an asylum claim processed which gives time limited leave to remain until 18 years old. Young people then must make an additional claim before their 18<sup>th</sup> birthday to explore what will happen at this time. Young people could be granted additional leave to remain (either on a time limited or ongoing basis) or face removal from the UK. Given the ongoing implementation of the Nationality and Borders Act 2022 and the Illegal Migration Act 2023 it remains unknown how unaccompanied young people reaching 18 years old will continue to be processed by the Home Office. Charitable organisations are challenging the Home Office to ascertain implementation effect; however, this continues to be complex with little progress in procedures, but immense potential impact for individual young people. Given this, we are uncertain of the number of young people who will require a care leaver offer as they may be removed from the country immediately at 18 years of age. At present local authorities are not given sufficient financial support for young people who arrived as unaccompanied children when they become care leavers. The Home Office currently sets this at £270 weekly.
- 21 Additional challenges which have been noted in relation to current asylum legislation, is that for the dispersal of adults from Kent to hotels across the country. Leeds currently has 5 hotels across the city that are accessed and contracted to the Home Office. The Home Office routinely disperses individuals to Leeds hotels direct from Kent. Many of these individuals will have arrived in the country direct from boats across the channel. At the point of arrival, the Home Office, in their view, have assessed everyone as an “adult” to ensure that when dispersed they are not moving unaccompanied children. However, upon arrival in Leeds the hotels welfare officers (employed via MEARS - a privately contracted housing solution provider) are raising

concerns when they suspect some individuals are children. This results in a referral direct to Children's Social Work Services in Leeds. In 2023, Children's Services received 35 referrals raising concerns about the assessed age of some individuals. As part of Children's Services duties each individual needs to be seen and spoken to. Leeds Children Looked After Service follow the guidance outlined by the ADCS as to how to undertake age assessments and to ascertain age. From utilising the guidance, we have deemed 30 out of 35 individuals to be under 18 years of age. Therefore, this has resulted in Children's Services removing those children from the hotel accommodation and formally accepting duty of care under Children Act 1989.

- 22 Until the summer of 2023 there were 400 adult male beds in Leeds used for dispersed asylum seekers. The Home Office has recently made the decision to increase the bed space from 400 adult males to 800 adult males. Children's Services can therefore safely assume that there is likely to be a significant increase of unaccompanied children dispersed into those hotels who have been wrongly assessed as over 18 years of age.
- 23 At the beginning of June 2023, the Home Office wrote to all local authorities informing them that hostels and hotels were likely to be opened around the country to house unaccompanied asylum-seeking children that have arrived in Kent from illegal crossings across the Channel. This may have had a significant impact on Leeds as it was a possibility that with the number of adult asylum beds in Leeds, and the Afghanistan hotels closing in Leeds this summer, Leeds might have been seen as an appropriate place to locate these provisions. However, the Judicial Review (July 2023) completed by Brighton & Hove Council has resulted in this move by the Home Office to be deemed illegal, consequently it will no longer occur in its current manifestation. Whilst this is ultimately the right response and was supported by other local authorities, the consequence of this action is likely to lead to greater numbers of unaccompanied asylum-seeking children awaiting transfer via the NTS. It is therefore likely that the Home Office will request additional speed in transfers occurring, until a local authority reaches an unaccompanied asylum-seeking child population which reflects 0.1% of its general child population. This could therefore mean that Leeds could face more than 48 additional unaccompanied children arriving in Leeds.

### **What are the legal implications?**

- 24 The Illegal Migration Act 2023 aims to end illegal migration into the UK by removing the incentive to make dangerous small boat crossings, whilst also speeding up the removal of those with no right to remain. In doing so there are a number of legal changes that will occur over a period of time, which has not yet been set.
- 25 A collection of organisations (including Social Workers Without Borders) continues to challenge the Government in relation to its implementation. There are several concerns that are raised in relation to forced removals, detention, unequal treatment and reduced child protection for separated children, and guidance for age assessments.
- a) In relation to forced removals new clauses mean that the Home Secretary has a duty to remove people from the UK as soon as possible. This means that once an unaccompanied child reaches 18 years old their removal plans will be implemented. This is extended to under 18-year-olds, as while there is not a duty to remove there is a power to remove under certain circumstances. This would impact on Pathway Planning and leaving care support for a young person, increasing the likelihood of children going missing as well as ongoing trauma and emotional distress.
- b) In relation to detention, the Act allows the Home Secretary to indefinitely detain unaccompanied children if it feels it needs to. Concerns are raised that whilst it may not be the intention to detain unaccompanied asylum-seeking children, the threat to do so is emotionally harmful and again adds to trauma already incurred.

- c) In relation to unequal treatment and reduced child protection for separated children, the Act gives the Home Office additional powers to provide accommodation and support children outside the scope of the Children Act 1989. This could therefore mean that unaccompanied asylum-seeking children will be accommodated in a local authority area that does not have a duty to safeguard. This is combative with the Children Act 1989 which clearly outlines that the local authority has a safeguarding and welfare duty to children in their area. In addition to this, the Home Secretary has the power to transfer children into the care of the local authority whilst also having the power to remove them without any timescale, creating uncertainty and instability. Supplementary duties on the local authority are to comply with requests from the Home Secretary, this could be in relation to sharing information about individual children, or in relation to relinquishing a child into the care of the Home Office for deportation. If such compliance were to place a child at risk, it is unclear how a local authority could act on such a compliance request, or how this will impact on individual practitioners who are being asked to act in a way which contravenes their Professional Standards and Registration through Social Work England.
- d) In relation to age assessments, a significant change is the ability of an individual to appeal an age assessment decision. The Home Secretary has the power to not delay removing an age disputed individual whilst their likely age is established, and a further decision made. In 2022, the Refugee Children's Consortium reported that over 850 children were wrongly assessed to be adults when arriving in the UK. As already reported, this has been demonstrated in Leeds when individuals arrive in the city believed to be adults and are then assessed as unaccompanied children.

26 There remains a myriad of other legal implications that could be seen over coming months as a result of the changing asylum legislation. Leeds will continue to be part of regional and national discussions with the DfE, ADCS, Migration Yorkshire, and the Yorkshire and Humber regional forums to ensure up to date knowledge and understanding of the impact of changes.

## **Options, timescales and measuring success**

### **What other options were considered?**

27 There are no options considered in this report as it is an update report.

### **How will success be measured?**

28 As above

### **What is the timetable and who will be responsible for implementation?**

29 As above

## **Appendices**

- None

## **Background papers**

- [Families with No Recourse to Public Funds \(trixonline.co.uk\)](https://trixonline.co.uk)
- [Unaccompanied Migrant Children and Child Victims of... \(trixonline.co.uk\)](https://trixonline.co.uk)
- [Assessing age for asylum applicants: caseworker guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Age Assessment Guidance and Information Sharing Guidance for UASC | ADCS](https://www.gov.uk)
- [RMCC-IMB-HoL-Report-Stage-Age-Assessments-June-23.pdf \(refugeechildrenconsortium.org.uk\)](https://refugeechildrenconsortium.org.uk)
- [Processing children's asylum claims: caseworker guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [National Transfer Scheme \(NTS\) Protocol for unaccompanied asylum seeking children \(UASC\) \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

- [Unaccompanied asylum seeking children: national transfer scheme - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [UASC funding instructions to local authorities 2022 to 2023 \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Suitable placements for UASC updated \(adcs.org.uk\)](https://adcs.org.uk)
- [Social workers join outcry over children vanishing from Home Office hotels | www.basw.co.uk](https://www.basw.co.uk)
- [Debate on accommodation of asylum-seeking children in hotels, House of Commons, 7 June 2023 | Local Government Association](https://www.localgovernmentassociation.org.uk)
- [ECPAT -v- Kent Council judgment \(judiciary.uk\)](https://www.judiciary.uk)
- [Kent makes renewed legal threat over National Transfer Scheme for unaccompanied asylum-seeking children \(localgovernmentlawyer.co.uk\)](https://www.localgovernmentlawyer.co.uk)

## Provision of EHCP Support –Terms of Reference

Date: 6 September 2023

Report of: Head of Democratic Services

Report to: Scrutiny Board (Children and Families)

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

Children and Families Scrutiny Board has identified Education Health and Care needs Plans (EHCPs) as an item for detailed scrutiny in the 2023/24 municipal year.

The Board has expressed an interest in taking a whole system look at the provision of EHCP support in Leeds with a view to understanding and seeking to improve the service residents receive when they believe that their child has Special Educational Needs (SEN) that school SEN support cannot meet.

The work of the Board will be dealt with through an Inquiry with findings and recommendations to be produced in the current municipal year.

This report follows initial consideration of a draft Terms of Reference document at the meeting held on 5 July 2023 where views and comments were provided to shape the planned work on EHCPs. These comments are included in a revised Terms of Reference that is now brought to the Board for final agreement.

The July meeting of the Board also agreed to the establishment of a working group to begin the EHCP inquiry work scheduled for 22 September. This will feature a report from the Children and Families directorate setting out the current position and also means that report does not feature on today's meeting agenda.

### Recommendations

Children and Families Scrutiny Board is asked to:

- a) Approve the Terms of Reference for the Inquiry into the Provision of EHCP Support in Leeds
- b) Note the scheduling of a remote Working Group on 22 September at 10.00AM to begin consideration of this inquiry through a report from the directorate.

## **What is this report about?**

- 1 The 7 June meeting of the Board identified that EHCPs were an area of interest and should be the focus of significant work in 2023/24.
- 2 The key drivers for this being year-on-year increases in the EHCP cohort, the increased complexity of the needs that are identified, the impact of the COVID-19 pandemic on children and young people in terms of increased anxiety and potential need for additional support, resources within the directorate to deal with increased demand and the impact of all of these factors on children and families in Leeds.
- 3 The SEND Review being carried out by Government is also an important element in this work along with the recently published SEND Improvement Plan and the Change Programme that will pilot some of the proposals in the Improvement Plan before legislating.
- 4 A detailed update report from the Children and Families directorate will feature at a planned Working Group scheduled for 22 September and this will initiate the Board's substantive work in this area. In advance of this at Appendix 1 the Terms of Reference for this inquiry are set out, this includes comments and feedback from the item considered at the 5 July meeting which set out an initial draft Terms of Reference for discussion.
- 5 The September working group report will provide an updated position on recent work to increase staffing and will provide an opportunity for the Board to understand the changes that the service has undertaken following the appointment of additional FTE staff, other support staff and the redesign of the SENSAP Team in 2022.
- 6 The Working Group will also consider recently commissioned work being undertaken by PwC to review EHCP assessment and annual review processes to identify key opportunities for change and improvement in Leeds. Further details on this are provided at Appendix 2 through a Project Plan on a Page document. The PwC work also features in the amended scope of the inquiry in Appendix 1.
- 7 PwC are currently at the stage of working with Council officers and partner organisations to capture data to identify, map and validate the 'as is position' for EHCP. This includes:
  - Understanding current service performance to achieve outcomes for children and meeting statutory outcomes.
  - Understanding difficulties for children, families, and staff.
  - Understanding approach and processes compared to other local authorities.
  - Identifying opportunities to improve which includes the experience of children and their families across SEND.
- 8 This work will provide clarity on the current state of the service which will ultimately inform the development of priorities for change and improvement.
- 9 During this review PwC will engage with partners external and internal to the Council, including, but not limited to, health providers and commissioners, education professionals, parent/carer representatives, and directly with families.

## **What impact will this proposal have?**

- 10 The Council's Vision for Scrutiny contained in Article 6 of the Constitution sets out the nationally agreed four principles of good scrutiny. Within these are a commitment to promote scrutiny as a means to ensure the voice and concerns of the public can be heard and to improve public services by ensuring that reviews of policy and service performance are focused.
- 11 It is hoped that an inquiry into the provision of EHCP support will lead to recommendations that improve services in the city.



## How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

12 The terms of reference of Scrutiny Boards in Leeds promote a strategic and outward looking Scrutiny function that focuses on the priorities of the Best City Ambition. This work item is aimed at having a particular impact against health and well-being and inclusive growth by seeking to review and improve services for children and families who access EHCP support.

## What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted?

Yes

No

13 At the 7th June Children and Families Scrutiny Board discussion with the Director and Executive Board members suggested that EHCPs would be a positive area of focus for the Board in 2023/24 and the Board supported the inclusion of the EHCP work item in its work programme for the year.

14 In July an item was brought to the Board setting out draft terms of reference for initial discussion with a view to obtaining feedback and comments to shape the inquiry from Board members and witnesses. This feedback has been incorporated into the Terms of Reference at Appendix 1.

## What are the resource implications?

15 The Vision for Scrutiny, agreed by full Council, recognises that like all other Council services, resources to support the Scrutiny function are under considerable pressure and that requests from Scrutiny Boards cannot always be met. Consequently, when establishing their work programmes Scrutiny Boards should:

a) Seek the advice of the Scrutiny officer, the relevant Director and Executive Member about available resources;

b) Avoid duplication by having a full appreciation of any existing forums already having oversight of, or monitoring a particular issue;

c) Ensure any Scrutiny undertaken has clarity and focus of purpose and will add value and can be delivered within an agreed time frame.

16 This item has been brought forward early in the municipal year for comment and adjustment and now to be finalised in order to ensure that sufficient time will be available to cover both this item and the wider work programme of the Board.

## What are the key risks and how are they being managed?

17 There are no specific risk implications associated with this report.

## What are the legal implications?

18 There are no specific legal implications associated with this report.

## Options, timescales and measuring success

### What other options were considered?

19 In weighing up the timing of this item consideration was given to initiating the work later in the municipal year. However, by bringing a draft terms of reference document in July and now a final version to this meeting it is hoped that the board has had opportunity to shape the work effectively and ensure that there is sufficient time to complete the inquiry in the current municipal year.

**How will success be measured?**

20 The completion of an inquiry report in the 2023/24 municipal year.

**What is the timetable and who will be responsible for implementation?**

21 The timetable will be dictated by the Board through regular consideration of the work programme at each public meeting that is held. The Board, in consultation with the Principal Scrutiny Advisor, will be responsible for production of the inquiry report.

**Appendices**

- Appendix 1 –Terms of Reference – Provision of EHCP Support
- Appendix 2 – PwC Project Plan on a page

**Background papers**

- None

## **SCRUTINY BOARD (CHILDREN AND FAMILIES)**

### **PROVISION OF EHCP SUPPORT IN LEEDS**

#### **INQUIRY DRAFT TERMS OF REFERENCE**

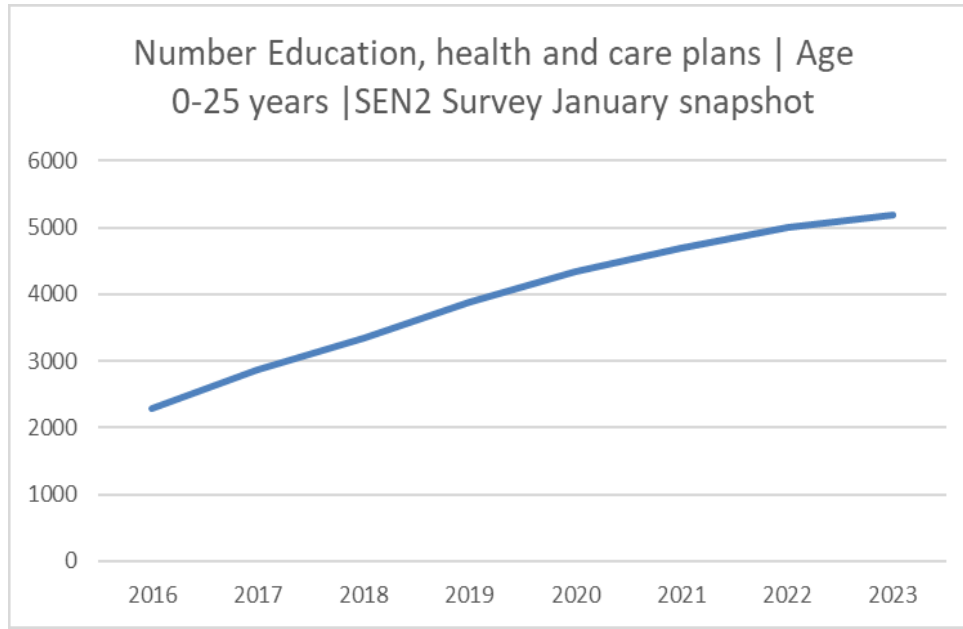
##### **1.0 Introduction**

- 1.1 In considering the future work programme for 2023/24 the Children and Families Scrutiny Board expressed a desire to look in more detail at Education Health and Care Plans (EHCPs) in Leeds.
- 1.2 Within its remit Children and Families Scrutiny Board has executive functions that cover the services that deal with EHCPs in the form of 'Learning including Special Educational Needs and Disabilities (SEND).
- 1.3 It is therefore proposed that the Board will conduct an inquiry into the provision of EHCP support. This will include a review of EHCP processes as well as other factors that impact on service provision for children with SEND and their families. The aim being to understand, analyse and where appropriate make recommendations to improve the services offered to children and families who believe that their children should have an EHCP.
- 1.4 At the 7<sup>th</sup> of June Children and Families Scrutiny Board meeting an item on Sources of Work was considered. This sought to take views from board members, Executive Board members and senior officers on potential areas of work for the municipal year. The item reached broad agreement on areas of focus for the year and sought to assess the viability of bringing work items to the Board and to prioritise work streams where the Board can add the most value in terms of recommendations and improving services for Leeds residents.
- 1.5 At the June meeting there was broad agreement from the Chair of the Board, board members, Executive Board Members and senior officers to a detailed piece of work on EHCPs in this municipal year.
- 1.6 Since the June meeting the Council has requested a review of EHCP processes. This is being carried out by PwC and the findings of this review, which will be running in parallel to the Board's work, will form part of the inquiry.
- 1.7 A key driver for this inquiry is the significant increase in demand for EHCPs in Leeds, a trend that has been mirrored nationally, and the resultant pressure placed on the Special Educational Needs Statutory Assessment and Provision (SENSAP) team that deals with EHCPs and statutory assessments. The scale of this challenge is perhaps best highlighted by overall volume, on 23 May 2023 there were 5,313 children and young people aged 0-25 with an EHCP in Leeds. The upward trend in EHCPs started in 2016 and the current figure is over

double the figure in January 2016 which stood at 2,287. There has been a 118% increase in demand since 2016.

**Figure 1**

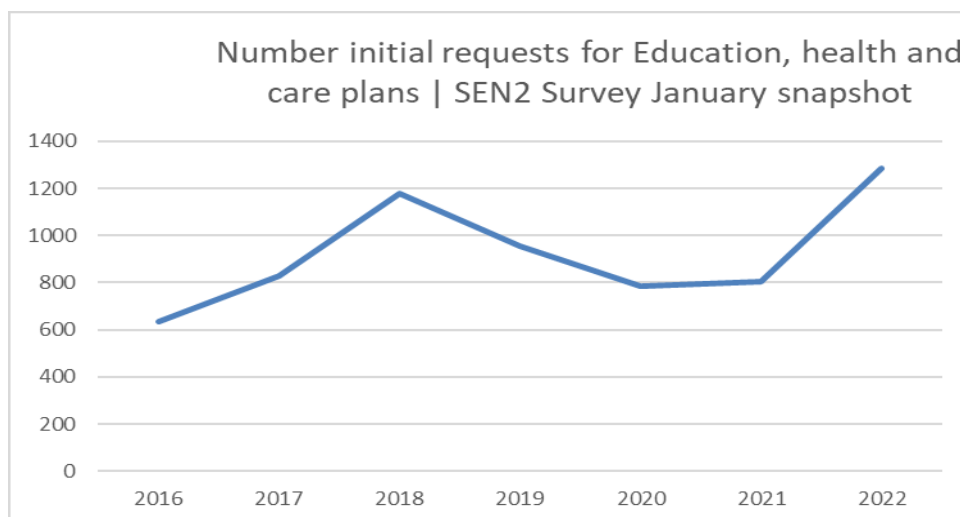
Figure 1 shows the scale of increase in EHCPs since 2016:



To provide the national context, the number of children and young people with EHCPs nationally is 473,330 after a 10 per cent increase in a year (figure from June 2023).

**Figure 2**

In addition, the increase in requests for EHCPs annually shows little sign of reducing. Figure 2 Highlights that 1,289 requests were made for an EHCP in 2022, the highest figure since 2018 when there 1,179 requests. This increased demand is continuing in 2023 with 479 requests made between January and April, suggesting that the 2022 figure could be surpassed.



1.8 Coupled with the increased demand the SENSAP team experienced a number of significant challenges during the Covid-19 pandemic including changes to Business Administration, the loss of colleagues and loved ones to the virus, increased sickness absence, a substantial loss of a number of experienced managers and unprecedented issues with the recruitment and retention of key staff. This resulted in a dramatic reduction of the percentage of EHCPs completed within the 20-week timescale in 2022.

1.9 Since that time a number of actions have been taken to try and address and where possible mitigate the presenting challenges:

- The council has now invested additional funding in the SENSAP team, and the team were able to recruit 15 full time equivalent staff over the summer of 2022 to new and vacant posts. The impact is already being felt with more staff available to work on EHC plans, mediation, tribunals and in responding to complaints. In addition, the structure has been redesigned, with more capacity at ground level.
- There exists still a significant backlog of cases that the team are working through, using agency staff with the aim of ensuring the backlog does not impact on capacity for new work.
- The team have also refreshed almost all their existing systems and processes to ensure that they are streamlining work and reducing duplication.
- Additional support from IDS to support and transform work-flow processes and automate where possible has been requested, ensuring all recording can be carried out on the Synergy system, reducing the need for attachments and separate spreadsheets.
- “Associate” Educational Psychologists have been brought in to provide interim agency support to meet demands.
- As recruitment of qualified Educational Psychologists has mainly been unsuccessful, a review of the structure of the EP team has been undertaken and creative solutions to recruit more trainee Educational Psychologists and Assistant Educational Psychologists in a “grow your own” model has been developed. The training of an

educational psychologist takes 3 years, and it is expected trainees will be able to learn practically on the job and be able to support writing of EHCP's within Leeds and stay on once they are fully qualified.

- A review of EHCP processes has been commissioned using PwC as external consultants to improve the performance of its EHCP processing against statutory deadlines whilst acknowledging the challenging circumstances that the workforce experience and increasing demands on them and the wider service.
- 1.10 It must also be noted that whilst there is a recognition that our EHCP processes and timeliness are of significant concern this does not mean that children and young people within our schools are not receiving additional funding to support identified need. In Leeds we have a funding system where monies are passported to schools from the high needs block without the need for an EHCP to support at the earliest level and in line with “right support at the right time.” This funding system is called Funding For Inclusion (FFI).
- 1.11 Further to this, a number of actions were undertaken by our BAS colleagues who are vital in supporting the SENSAP teams, and in particular the EHCP process. This includes filling outstanding vacancies, reducing levels of long-term sickness, use of a new telephony system (Avaya) to enhance the telephony service and reduce call waiting times, increased staffing provision at supervisor level and administrative assistants to reflect increased workloads and the need to address backlogs, more time being spent in the office to support new starters, enhance staff well-being and facilitate training and a refreshed approach to workflow based on the statutory dates for completion of work.
- 1.12 The inquiry will consider the impact of the changes that have been made and the impact of the ongoing increased demand at a national, regional and local level as a key element of this work at its September working group meeting (more detail below at paragraph 6).

## **2.0 Scope of the inquiry**

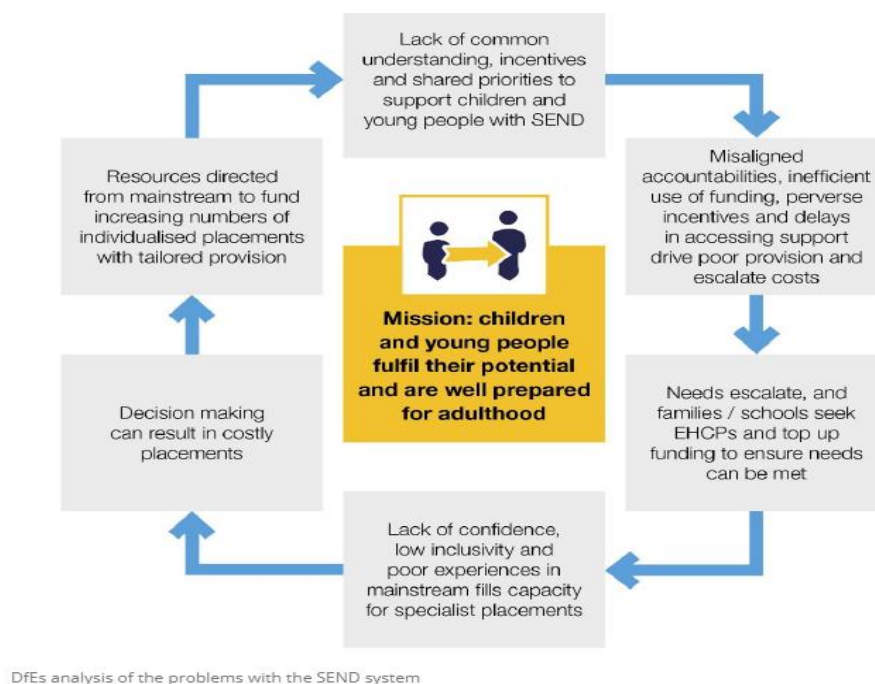
- 2.1 As noted above increased national, regional and local demand as well as particular local challenges and the impact on service provision are two key drivers for this work. However, there are other issues to consider as part of an end-to-end analysis of EHCPs and these are set out in more detail in the section below:

- **Impact of the Government’s SEND Improvement Plan in Leeds –**  
The Government first launched its SEND Review three years ago and this year published the SEND Improvement Plan. Within this plan are a number of proposals that could impact Leeds not least through the £70m Change Programme that will pilot proposed legislative changes over the next two to three years. The Change Programme is expected

to impact as many as sixty local authority areas and will have a key impact on SEND and alternative provision as a whole, but also EHCP processes, some of which - such as digital EHCPs and proposed mandatory mediation - are detailed below. The Change Programme proposes to test, deliver and iterate the key reform proposals through 9 Regional Expert Partnerships. Each region will have a lead local authority linked to regional partners (number to be determined) and will build capacity and capability through a sector led taskforce approach.

- **SEND System** - Figure 3 provides the DfE analysis of issues in the SEND system. This inquiry is not about the SEND system as a whole as that is likely to be too big in terms of subject matter, but ‘the system’ does have an impact on the increase in EHCPs which is highlighted in the diagram *‘Needs escalate, and families/schools seek EHCPs and top up funding to ensure needs can be met’* so a preventative approach within the SEND system could reduce demand and improve outcomes:

**Figure 3**



- **Digital EHCPs** – Given that some of the challenge around EHCPs has been dealing with administrative backlogs and assessments, the proposed move to digital EHCPs in the Green paper could have a bearing on this inquiry and it will be important to understand the implications of this proposed change. One possible area of concern is that initially the digital approach will not be mandated, instead councils will be encouraged to use them, and they are not expected to be fully operational until 2024/25. That said the stated aim of the digital approach is to work with councils, suppliers and families to evaluate how “digital solutions might best improve their experiences of the EHC

process.” This suggests that ultimately this may speed up local authority processes.

- **Proposed Mandatory Mediation** – The Change Programme will also scope enhanced mediation between local authorities and families during the EHCP process. A significant issue within the existing process is the impact had on the system when tribunal appeal cases are instigated to contest decisions where an EHCP has not been issued or an EHC assessment has been refused. It is not currently clear what impact enhanced mediation would have on the current lengthy tribunal system process.
- **Workforce Challenges** – As highlighted by a recent Social Care Ombudsman case brought by a family in North Yorkshire local authorities face significant and systemic challenges in appointing specialist staff to conduct EHC assessments. In the specific North Yorkshire case from November 2022, the staffing shortage related to Educational Psychologists (EPs) and ultimately resulted in a delayed EHCP and a process that was found to be insufficiently thorough. However, this is not solely about EPs there are challenges throughout this specialist workforce particularly in areas such as speech and language therapy. These challenges have led to 114 SEND-related organisations and professional bodies writing to Government to call for solutions to workforce challenges through enhanced workforce planning in the SEND Improvement Plan. Therefore, understanding recruitment and retention challenges will also be an important factor.
- **Impact of Covid-19 Pandemic** – The increase in EHCPs and EHC assessments has also been impacted by the pandemic with children and young people now reporting increased anxiety and potential need for additional support.
- **Communication with Families** – Communication with families has been an issue in relation to individual cases. As part of this work, it will be important for the Board to understand the challenges faced and to monitor performance. In addition, it will be important to understand the work that is already underway to make the voices of families and children central to the delivery of services.
- **Funding** – A key question central to many of the above points but notably around government policy changes and workforce challenges is to assess whether the Council has sufficient resources to provide the best service it can on EHCPs. This would apply to both how much the Government is providing and allocation of available resources at the Council's disposal.
- **Growing Demand** – Predictions on service demand suggest that growth in requests for EHC assessments in Leeds will range between 7 and 14 per cent in the future. This presents an ongoing challenge for



the Council and is also linked to government funding and how sustainable that is at current levels.

- **Health Services** – Consider how enhanced partnership working with colleagues in health could facilitate early intervention to relieve workload pressures and increase timeliness of, for example, the annual EHCP reviews.
- **SENSAP Service** – Gain a broader understanding of the work of the team to review and analyse performance, challenges and the wider work that they carry out in Leeds.
- **PwC EHCP Review** – The Council has requested a review of current EHCP assessment and annual review processes to identify key opportunities for change and improvement. This will include establishment of the ‘as is’ position that will feature in the scheduled working group on 22 September. The PwC work will complement the work of the Board on EHCP processes and will enable Board members to ‘check and challenge’ the work as it develops.

### **3.0 Desired Outcomes and Measures of Success**

- 3.1 It is important to consider how the Scrutiny Board will consider if their inquiry has been successful in making a difference to local children and families. Some measures of success may be obvious and others may become clear as the inquiry progresses and discussions take place.
- 3.2 However, the primary aim of this Inquiry is to aid in enhancing the services offered to children and families in Leeds and to make recommendations that could improve the provision of EHCP support to children and their families.

### **4.0 Comments of the relevant Director and Executive Member**

- 4.1 In line with Scrutiny Board Procedure Rule 32, where a Scrutiny Board undertakes an Inquiry the Scrutiny Board shall consult with any relevant Director and Executive Member on the terms of reference. This item provides a draft terms of reference document for comment and adjustment by Executive Board members, senior officers and members of the Children and Families Scrutiny Board.
- 4.2 This follows initial consultation on work programming for 2023/24 at a meeting with the Director of Children and Families in May 2023. In addition, this item featured under the Sources of Work agenda item at the 7<sup>th</sup> of June scrutiny board meeting with broad agreement reached for work to be initiated on EHCPs in the 2023/24 municipal year.
- 4.3 Subsequent comments were made when a draft version of this document was considered at the July meeting of the Board. This included specific feedback on the scope of the inquiry from the Director

of Children and Families with a request that the scope is amended to include specific reference to Health services and the role they play in the provision of EHCP support in Leeds.

## **5.0 Timetable for the inquiry**

5.1 The Inquiry will commence through consideration of this Terms of Reference report with further proposed items during the Autumn and potentially into 2024, with a commitment to try to deliver an inquiry report in the 2023/24 municipal year. As the work develops timescales are expected to become clearer in respect of inquiry and evidence gathering sessions.

## **6.0 Submission of evidence**

### **6.1 6 September 2023 – Approve Terms of Reference &**

To consider evidence in relation to the following:

- Agree final Terms of Reference

### **6.2 22 September - Working Group - Update report from Children and Families directorate**

To consider evidence in relation to the following:

- Update position on performance and backlogs and effectiveness of enhanced resource and staffing restructure through a report from the Children and Families directorate. Report to also include:
  - Demand monitoring how has the increased demand for EHC assessment and EHCP continued over the summer months?
  - The impact of Covid-19 on SEND and EHCP demand.
  - Complexity of EHCPs
  - Funding challenges
  - Assessment of proposed legislative changes such as the SEND Improvement Plan and the linked Change Programme and the likely impacts in Leeds. To include assessment of digital EHCPs and possible mandatory mediation and their impact on the provision of EHCP support in Leeds.
- PwC to provide an overview of discovery work undertaken, and investigative work still to do as part of the ongoing review in to EHCP processes in Leeds.

### **6.3 29 November 2023 – PwC findings and wider witnesses**

To consider evidence in relation to the following:

- Information on the findings of the PwC review. Which will include full discovery information and stakeholder engagement undertaken. Board to advise on any gaps that the Board still wish to explore.
- Hearing from wider witnesses – consider feedback received by the service through the PwC review from the learning community,

children and families and how this has impacted on service delivery and development.

#### **6.4 24 January 2024 – Check and Challenge**

To consider evidence in relation to the following:

- Opportunity for Scrutiny to ‘check and challenge’ the change strategy being developed for EHCP services and to feedback on any interim findings and recommendations to inform the development or finalisation of the changes and planned improvements.

#### **6.5 February/March 2023 - Draft Inquiry Report/Statement**

- Consideration of a draft inquiry report with opportunity for all to comment and amend as appropriate.

#### **7.0 Witnesses**

7.1 The following have been identified as possible contributors to the inquiry, however others may be identified during the course of the inquiry:

- Executive Member for Executive Member for Economy, Culture and Education
- Executive Member for Children's Social Care and Health Partnerships
- Director of Children and Families
- Deputy Director Learning
- Chief Officer Learning Inclusion
- Chief Officer, Service Transformation and Partnerships
- Statutory Assessment and Provision Lead Officer
- Service users (Leeds Parent Carer Forum)
- Special Educational Needs Co-ordinators (SENCOs)
- Headteachers and/or teachers
- Frontline staff
- Health colleagues
- PwC

#### **8.0 Equality, Diversity and Inclusion**

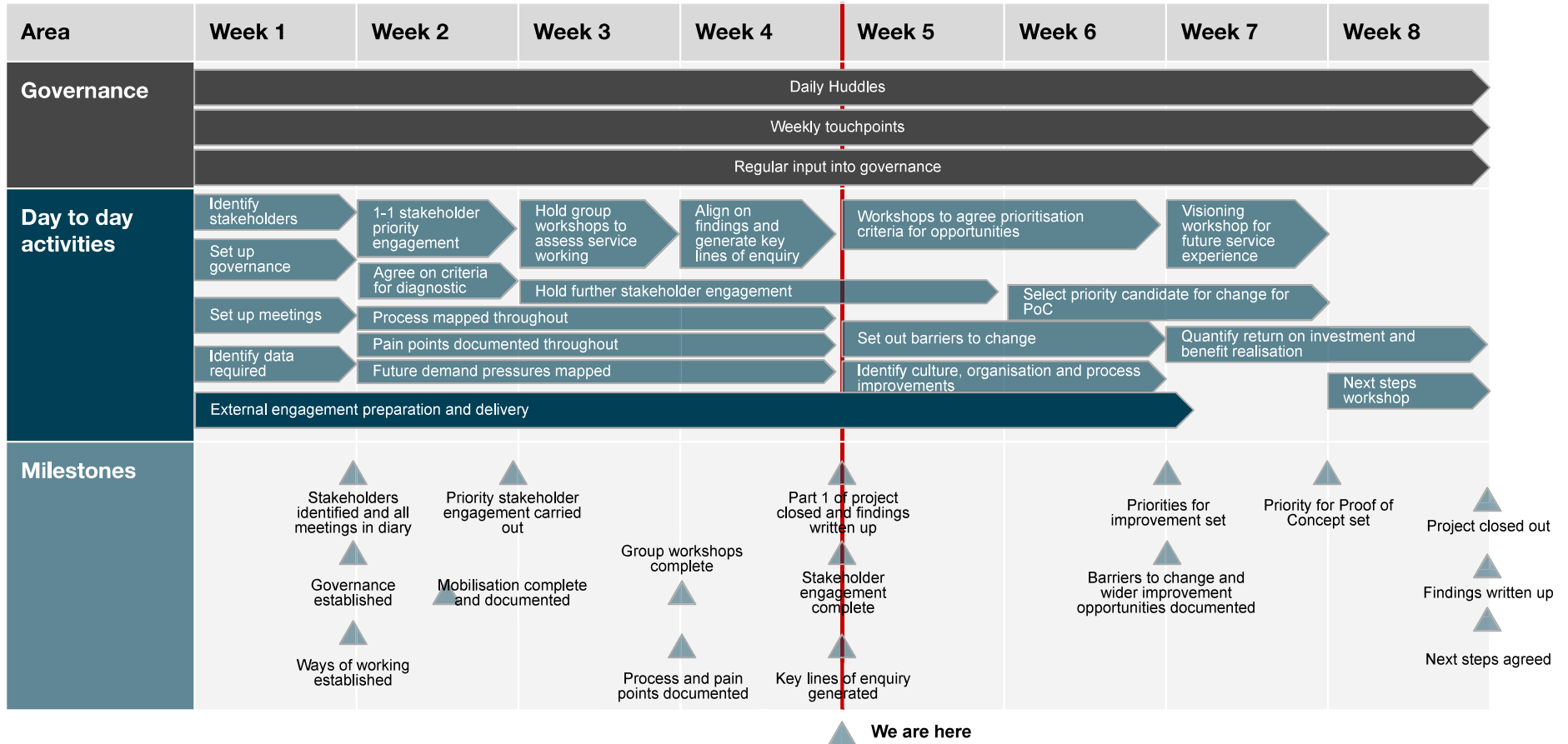
8.1 The Equality Improvement Priorities have been developed to ensure the Council’s legal duties are met under the Equality Act 2010. The priorities will help the council to achieve its ambition to be the best City in the UK and ensure that as a city work takes place to reduce disadvantage, discrimination and inequalities of opportunity.

- 8.2 Equality, Diversity and Inclusion (EDI) will be a consideration throughout the Scrutiny Inquiry and due regard will be given to EDI through the use of evidence, written and verbal, outcomes from consultation and engagement activities.
- 8.3 The Scrutiny Board may engage and involve interested parties and individuals (both internal and external to the council) to inform recommendations.
- 8.4 Where an impact has been identified this will be reflected in the final inquiry report, post inquiry. Where a Scrutiny Board recommendation is agreed the individual, organisation or group responsible for implementation or delivery should give due regard to EDI when conducting impact assessments where it is believed appropriate.

## **9.0 Post inquiry report monitoring arrangements**

- 9.1 Following the completion of the Scrutiny inquiry and the publication of the final inquiry report and recommendations, the implementation of the agreed recommendations will be monitored through update reports to the Board either on request from Board members or through an annual update approach for the Board to consider.

# Progress against project plan



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## Work Programme

Date: 6 September 2023

Report of: Head of Democratic Services

Report to: Scrutiny Board (Children and Families)

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

- All Scrutiny Boards are required to determine and manage their own work programme for the municipal year. In doing so, the work programme should not be considered as fixed and rigid, it should be recognised as a document that can be adapted and changed to reflect any new and emerging issues throughout the year; and also reflect any timetable issues that might occur from time to time.
- The Scrutiny Board Procedure Rules also state that, where appropriate, all terms of reference for work undertaken by Scrutiny Boards will include ‘to review how and to what effect consideration has been given to the impact of a service or policy on all equality areas, as set out in the Council’s Equality and Diversity Scheme.’
- Reflecting on the information in this report, members are requested to consider and discuss the Board’s work programme for this municipal year.

### Recommendations

Members are requested to:

- a) Consider the Board’s work programme for the 2023/24 municipal year.
- b) Note the change in meeting schedule to create a meeting February 2024 as opposed to having two meetings in March 2024.

## What is this report about?

1. A draft work programme for the Children and Families Scrutiny Board is presented at Appendix 1 for consideration and discussion. Reflected in the document are known items of scrutiny activity, such as performance and budget monitoring, as well as other areas of work identified by the Board at its meetings held on 7 June and 5 July.
2. The latest Executive Board minutes from the meeting held on 26 July 2023 are also attached as Appendix 2. The Scrutiny Board is asked to consider and note the Executive Board minutes, insofar as they relate to the remit of the Scrutiny Board; and consider any matter where specific scrutiny activity may also be warranted.
3. Members will note some minor adjustments to the timing of some agenda items. These include a delay in consideration of the 3As Strategy Refresh moving from the October to November meeting and a similar adjustment to the consideration of the Future in Mind Strategy moving from November to January. There has also been an adjustment to the timing of the EHCP Inquiry report from today's meeting to a remote Working Group session on 22 September at 10.00AM, The latter reflects discussion at the Board meeting where a Working Group was agreed as the best way forward.
4. In addition, the July meeting agreed that a Working Group on the impact of vaping on children and young people should also be scheduled. This is due to take place on 27 September at 2.30AM, this will be an in person meeting but with the option of hybrid attendance.
5. Lastly, agreement has been reached for a change to the meeting schedule. This means that there is now a meeting of the Board on 22 February at 2.00PM (pre-meet at 1.30PM) to replace the 6 March meeting, this will increase spacing between the meetings in January, February and March 2024, this meeting will be held on a Thursday.

## What impact will this proposal have?

6. All Scrutiny Boards are required to determine and manage their own work programme for the municipal year.

## How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

7. The terms of reference of the Scrutiny Boards promote a strategic and outward looking Scrutiny function that focuses on the Best City Ambition.

## What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted?

Yes

No

8. To enable Scrutiny to focus on strategic areas of priority, it is recognised that each Scrutiny Board needs to maintain dialogue with the Directors and Executive Board Members holding the relevant portfolios. The Vision for Scrutiny also states that Scrutiny Boards should seek the advice of the Scrutiny officer, the relevant Director and Executive Member about available resources prior to agreeing items of work.

## What are the resource implications?



9. Experience has shown that the Scrutiny process is more effective and adds greater value if the Board seeks to minimise the number of substantial inquiries running at one time and focus its resources on one key issue at a time.
10. The Vision for Scrutiny, agreed by full Council also recognises that like all other Council functions, resources to support the Scrutiny function are under considerable pressure and that requests from Scrutiny Boards cannot always be met.
11. Consequently, when establishing their work programmes Scrutiny Boards should:
  - Seek the advice of the Scrutiny officer, the relevant Director and Executive Member about available resources;
  - Avoid duplication by having a full appreciation of any existing forums already having oversight of, or monitoring a particular issue;
  - Ensure any Scrutiny undertaken has clarity and focus of purpose and will add value and can be delivered within an agreed time frame.

**What are the key risks and how are they being managed?**

12. There are no risk management implications relevant to this report.

**What are the legal implications?**

13. This report has no specific legal implications.

**Appendices**

- Appendix 1 – Draft work programme of the Children and Families Scrutiny Board for the 2023/24 municipal year.
- Appendix 2 – Minutes of the Executive Board meeting on 26 July 2023.

**Background papers**

- None

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## Scrutiny Board (Children and Families) Work Schedule for 2023/2024 Municipal Year

June	July	August
<b>Meeting Agenda for 7<sup>th</sup> June 2023 at 10 am</b>	<b>Meeting Agenda for 5<sup>th</sup> July 2023 at 10 am</b>	<b>No Scrutiny Board meeting</b>
Co-opted Members (DB) Scrutiny Board Terms of Reference (DB) Potential Sources of Work (DB) Performance Update (PM) Youth Justice Plan Update (PSR)	Impact of Vaping on Children & Young People (PSR) Inquiry Terms of Reference – Provision of EHCP Support (PM) Annual Standards Report (PDS) SACRE Annual Report (PM)	
<b>Working Group Meetings</b>		
<b>Site Visits</b>		

### Scrutiny Work Items Key:

PSR	Policy/Service Review	DB	Development Briefings
PDS	Pre-decision Scrutiny	PM	Performance Monitoring



## Scrutiny Board (Children and Families) Work Schedule for 2023/2024 Municipal Year

September	October	November
<b>Meeting Agenda for 6<sup>th</sup> September 2023 at 10 am</b>	<b>Meeting Agenda for 4<sup>th</sup> October 2023 at 10 am</b>	<b>Meeting Agenda for 29<sup>th</sup> November 2023 at 10 am</b>
<p>The independent review of children's social care (Macalister Review) – Implementation Update (PM)</p> <p>Impact of asylum changes on children (PSR)</p> <p>Provision of EHCP support – Terms of Reference (PM)</p>	<p>Leeds Safeguarding Children Partnership Update (PSR)</p> <p>School Attendance Update (PM)</p> <p>Provision of EHCP Support Working Group feedback (PM)</p>	<p>Inquiry Session - Provision of EHCP Support (PM)</p> <p>Children and Families Transformation Agenda (PDS)</p> <p>Refresh of the Leeds 3As Plan (PDS)</p> <p>Impact of Vaping on children and young people – Working Group Findings</p>
Working Group Meetings		
<p>Provision of EHCP Support Inquiry Working Group – 22 September 10.00-11.30AM</p> <p>Impact of Vaping on children and young people – 27 September 2.30-4.00PM</p>		

PSR	Policy/Service Review	DB	Development Briefings
PDS	Pre-decision Scrutiny	PM	Performance Monitoring



## Scrutiny Board (Children and Families) Work Schedule for 2023/2024 Municipal Year

December	January	February
<b>No Scrutiny Board meeting.</b>	<b>Meeting Agenda for 24<sup>th</sup> January 2024 at 10 am</b>	<b>Meeting Agenda for 22nd February 2024 at 2 PM</b>
	Performance report (PM) Financial Health Monitoring (PSR) 2024/25 Initial Budget Proposals (PDS) Best City Ambition – Update (PDS) Future in Mind Strategy (PSR)	Leeds Child Poverty Strategy Update (PSR) Voice and Influence Team – hearing the voices of Young People (PSR) Draft Inquiry Report – Provision of EHCP Support (PM)
<b>Working Group Meetings</b>		
2024/25 Initial Budget Proposals (PDS) – <i>date to be confirmed</i>		
<b>Site Visits</b>		

### Scrutiny Work Items Key:

PSR	Policy/Service Review	DB	Development Briefings
PDS	Pre-decision Scrutiny	PM	Performance Monitoring



## Scrutiny Board (Children and Families) Work Schedule for 2023/2024 Municipal Year

March	April	May
Meeting Agenda for 27 <sup>th</sup> March 2024 at 10 am	No Scrutiny Board meeting	No Scrutiny Board meeting
The independent review of children’s social care (Macalister Review) – Implementation Update (PM)		
<b>Working Group Meetings</b>		
<b>Site Visits</b>		

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**Scrutiny Work Items Key:**

PSR	Policy/Service Review	DB	Development Briefings
PDS	Pre-decision Scrutiny	PM	Performance Monitoring

## EXECUTIVE BOARD

WEDNESDAY, 26TH JULY, 2023

**PRESENT:** Councillor J Lewis in the Chair

Councillors S Arif, D Coupar, M Harland,  
H Hayden, A Lamb, J Lennox, J Pryor,  
M Rafique and F Venner

- 17 Exempt Information - Possible Exclusion of the Press and Public**  
There was no information contained within the agenda which was designated as being exempt from publication.
- 18 Late Items**  
There were no late items of business submitted to the Board for consideration.
- 19 Declaration of Interests**  
There were no interests declared at the meeting.
- 20 Minutes**  
**RESOLVED** – That the minutes of the previous meeting held on 21<sup>st</sup> June 2023 be approved as a correct record, subject to a matter of accuracy raised by Cllr Lamb, which was noted and with an undertaking being provided that this would be followed up. Specifically, the matter of accuracy related to a bullet point within Minute No. 6 (Leeds Safeguarding Children Partnership Annual Report 2021/23) regarding the role of the Independent Scrutineer: *'clarification was provided that the intention was for the partnership to continue to have an 'independent scrutineer' in place which would follow on from the role of the Independent Chair of the LSCP, with it being noted that the recruitment process for the new 'scrutineer' was underway'*.

Referencing resolution (c) of Minute No. 8, 21 June 2023 (Report to Consider a Council Resolution agreed at a Meeting of Full Council on 22 March 2023) which states *'That it be noted and endorsed that the Council is committed to continuing the current model of independent oversight, by having a role of Independent Scrutineer'*, Cllr Lamb highlighted that the decision of the Leeds Safeguarding Children Partnership (LSCP) Executive had been brought to his attention that moving forward the Independent Scrutineer would no longer chair the LSCP and the Review Advisory Group. Cllr Lamb raised a number of concerns. In doing so he highlighted that he deemed this to be a significant change to the model, a downgrading of that role, with a number of implications arising. He also noted that he had not been kept informed. Further to this, Cllr Lamb sought and received legal advice in relation to the matters discussed.

In response to the points raised, the Board discussed whether or not this signified a change to the current model of independent oversight when considering the role of the Independent Scrutineer, whether or not it could be argued that it marked a downgrading of that role and received further information regarding the process by which the current position had been reached. As part of that discussion, assurances were provided to the concerns raised, with the Director of Children and Families emphasising that this did not signify a change to the model. The Executive Member for Children Social Care and Health Partnerships provided assurance to the Board that this did not signify a downgrading of the role.

Separately, responding to an enquiry regarding Elected Member representation on related Outside Bodies, the Board received an update on such matters, with it being noted that the Executive Member (Children Social Care and Health Partnerships) continued to sit upon the Leeds Children and Young People's Partnership.

Also in response to an enquiry, clarification was provided regarding the involvement of the Executive Member (Children Social Care and Health Partnerships) on the recruitment panel for the Independent Scrutineer, with it being noted that the Executive Member had been invited to be involved in that process by the Leeds Safeguarding Children Partnership Executive, in her capacity as the Council's relevant Executive Member.

Following the consideration of the issues raised, it was undertaken that the matter would be discussed further outside of the Board.

## **ADULT SOCIAL CARE, PUBLIC HEALTH AND ACTIVE LIFESTYLES**

### **21 In Our Shoes: Director of Public Health Annual Report 2022**

The Director of Public Health submitted her Annual Report for 2022 entitled, "*In Our Shoes*", which fulfilled the requirement of the Director to publish a report annually describing the health of the population in Leeds and which makes recommendations regarding the improvement of health in the city. It was noted that this report focussed upon the current state of children and young people's health in Leeds, exploring the impact of the COVID-19 pandemic on their lives, and which spanned the period from when the first COVID-19 cases were identified to the ongoing impact upon children's health that continues to be experienced and responded to.

In presenting the report, the Executive Member highlighted that this was the Director's first publication of an annual report following the pandemic, and that the report had been recognised nationally as an example of best practice by the Association of Directors of Public Health.

Members welcomed the report and particularly highlighted the focus to directly involve children, young people and their families, with a suggestion that the approach to involve young people in similar publications continued moving forward.



In considering the report, the Board received further detail on the general trends regarding the health of young people across Leeds, with the crucial work which continued in this area by the Council and its partners being highlighted.

In conclusion, the Director was thanked for the submission of the report, with thanks also being extended to the Council and its range of partners for the services that continued to be provided in this area throughout the pandemic to the present day.

**RESOLVED –**

- (a) That the contents of the Director of Public Health's Annual Report for 2022, entitled, '*In Our Shoes*', as appended to the submitted report, be noted;
- (b) That the recommendations of the Director's Annual Report, as set out below, be supported:-
  - (1) All partners in Leeds to ensure the voices of children and young people are central to all work planned, taking into account the Child Friendly Leeds twelve wishes.
  - (2) Leeds City Council and partners to work to ensure children are kept safe with a focus on:
    - Prevention of harm;
    - Parenting support;
    - Early help;
    - Reducing domestic violence.
  - (3) Leeds City Council, the Leeds Office of the West Yorkshire NHS Integrated Care Board, and partners to continue to prioritise work to improve and protect children's mental health. This will be delivered through the:
    - Leeds Children and Young People's Plan;
    - Prevention workstream of the Future in Mind strategy.
  - (4) Leeds City Council to build on the success of existing support to parental mental health and wellbeing, with a focus on the development of family hubs.
  - (5) Leeds City Council to work with partners to continue to deliver a programme of work to protect and improve children's physical health. This will focus on:
    - Implementing the recommendations from the play sufficiency research;
    - Increasing physical activity opportunities;
    - Increasing access to healthy food;
    - Implementing the child healthy weight plan.

- (6) Leeds City Council to ensure that children are central to the delivery of work to become a Marmot city, with a focus on:
  - Improving housing;
  - Planning;
  - Mitigating the impacts of poverty;
  - Children getting a fair start in life;
  - Ensuring the Thriving Strategy is implemented.
- (7) The Best Start partnership to aim for all children in Leeds to receive the best start in life, with a focus on children from more deprived backgrounds. This includes redressing the gap in speech language and communication development.
- (8) Leeds City Council to maintain work underway to ensure equitable catch up in terms of educational attainment. This will be achieved through delivering the five main priorities of the 3As Plan:
  - Reading;
  - Attendance;
  - Special Educational Needs;
  - Wellbeing;
  - Transition.
- (9) The Leeds Office of the West Yorkshire NHS Integrated Care Board to ensure health care services are accessible to all children and young people. This will focus on:
  - Dental services;
  - Mental health services;
  - Speech, language and communication.
- (10) NHS England and The Leeds Health Protection Board to increase coverage rates of childhood immunisations.

## **22 Report on the Implementation of Changes to the Adult Social Care Charging Policy 2022-23**

Further to Minute No. 67, 19 October 2022, the Director of Adults and Health submitted a report which provided a further update on the implementation of the changes to the Leeds City Council Charging Policy for non-residential Adult Social Care, as agreed by Executive Board on 15th December 2021 and which came into effect in April 2022.

In considering the report the Board received an overview of the key points arising from the changes to the charging policy.

Responding to an enquiry, the Board received further detail on the processes in place to monitor the impact of the changes made upon service users, with it being highlighted that there was no evidence to suggest that services were not being taken up as a result of this change, as both demand and take up continued to increase. It was also noted that there was an element of

discretion to the policy and that individual needs and financial circumstances would be taken into consideration, as appropriate.

Responding to a request, it was undertaken that a further update on whether there had been any impact on demand for services due to the changes in the policy would be submitted in 12 months' time for Board Members' consideration.

**RESOLVED –**

- (a) That the successful implementation of the changes to the Charging Policy, as approved by Executive Board on December 15th, 2021 and as outlined within the submitted report, be noted;
- (b) That the impacts upon affected service users, as detailed within the submitted report, be noted;
- (c) That it be noted that the revised expectation for potential income / savings achieved by both changes within a full year is £3,221,848;
- (d) That a further update on whether there has been any impact on demand for services due to the changes in the policy be submitted in 12 months' time for Board Members' consideration.

**23 Fast Track Cities: A commitment to end all new cases of HIV by 2030**

The Director of Public Health submitted a report outlining the progress being made in Leeds to end the HIV/AIDS epidemic, with the report specifically highlighting that Leeds has become a 'Fast-Track City' and as such has declared its commitment to ending the HIV/AIDS epidemic by 2030. The report set out the range of work being undertaken as part of the Fast-Track City initiative and related to this the Board's support was sought for a number of related actions to help progress this agenda.

In introducing the report, the Executive Member highlighted the key ambitions and priorities of the Fast-Track City initiative.

The Board welcomed the submitted report and recommendations within it.

**RESOLVED –**

- (a) That it be acknowledged that Leeds has become a 'Fast Track City' for HIV, Viral Hepatitis and Tuberculosis (TB);
- (b) That the development of the 'Leeds: Getting to Zero' Action Plan, be supported;
- (c) That a reduction in stigma and misinformation by the promotion of information, education, and opportunities for HIV, Hepatitis and TB testing within communities, be actively supported.

## **CHILDREN SOCIAL CARE AND HEALTH PARTNERSHIPS**

### **24 The Leeds Health and Wellbeing Strategy Refresh - A Strategy to 2030**

The Director of Adults and Health submitted a report presenting an overview of the work undertaken to develop a refreshed Leeds Health and Wellbeing Strategy – a strategy which looked to provide the framework for making Leeds the best city for health and wellbeing, and which would run up to 2030. Specifically, the report sought the Board’s endorsement of the refreshed Strategy, as detailed at Appendix 1.

By way of introduction to the report, the Executive Member highlighted how the report attempted to strike the correct balance between being aspirational whilst also reflecting the day-to-day reality which people faced. The significant consultation undertaken as part of the development of the refreshed strategy was highlighted. The Executive Member advised the Board that the refreshed strategy had been approved by the Leeds Health and Wellbeing Board on 20th July 2023 and was being submitted to Executive Board for subsequent endorsement.

Responding to enquiries, the Board received further information on the key outcomes from the previous Health and Wellbeing Strategy, and whilst a number of outcomes were referenced, the creation of the ‘Team Leeds’ approach was specifically identified.

Also, responding to a concern raised about the Board being asked to endorse the refreshed strategy without the associated performance metrics, Members received an update on the work which continued in this area and the approach being taken, with it being noted that the intention was to submit further information to the Board on this in October.

#### **RESOLVED –**

- (a) That the engagement and work which has been undertaken with partners as part of the development of the Health and Wellbeing Strategy refresh, as detailed within the submitted report, be noted;
- (b) That the Health and Wellbeing Strategy refresh, as attached at Appendix 1 to the submitted report, be endorsed;
- (c) That the next steps, as outlined within the submitted report regarding the finalisation and delivery of the Strategy, including developing a graphically designed version alongside an accessible version, be noted.

#### **RESOURCES**

### **25 Financial Reporting 2023/24 - Quarter 1**

The Chief Officer Financial Services submitted a report presenting the Council’s projected 2023/24 financial position in respect of both the General Fund revenue budget and the Housing Revenue Account following the first quarter of the financial year. Also, the report set out the updated Capital

Programme for 2023-2028, as at Quarter 1 and which sought related approvals regarding injections into the Capital Programme.

The Executive Member highlighted the extremely challenging circumstances that continued to be faced and drew the Board's attention to the forecasted overspend of £28.5m on the Authority's General Fund as at Quarter 1 of the financial year. It was noted that whilst the Council would continue to take actions with the aim of achieving a balanced position by the end of the year, if this wasn't achieved then the use of the Council's reserves would be considered. The Executive Member also highlighted the currently projected position regarding the Capital Programme.

Members discussed the challenges that continued to be faced within the Children and Families directorate. Responding to a Member's comments, the Board received an update on the actions being taken to mitigate the pressures that continued to be felt in Children and Families. It was acknowledged that such pressures were being experienced across the sector, with increasing demand for services continuing to be a major contributor. Whilst action would continue to mitigate the pressures in Leeds, it was highlighted that continued representations to Government were needed.

Further to the actions being taken in Children and Families, it was acknowledged that a cross-directorate approach needed to continue, with it being noted that the intention was to submit further details on such matters to the Board in September and October.

Responding to an enquiry regarding the non-demand led costs in Children and Families, the Board received an update on the actions being taken to mitigate pressures in this area also.

In conclusion, the arrangements in place for the Board to regularly monitor the Council's financial position was highlighted alongside the established Scrutiny arrangements, with an offer to Cllr Lamb that further briefings can be provided to him outside of Board meetings, should this be required.

#### **RESOLVED –**

- (a) That with regard to Financial Health Monitoring 2023/24 – Quarter 1, as detailed at Appendix A to the submitted report:-
  - (i) That it be noted that at Quarter 1 the Authority's General Fund revenue budget is forecasting an overspend of £28.5m for 2023/24, which is comprised of directorate overspends of £27.4m and an overspend in Strategic of £1.1m;
  - (ii) That it be noted that where an overspend is projected, directorates, including the Housing Revenue Account, are required to present action plans to mitigate their reported pressures in line with the Revenue Principles, as agreed by Executive Board in 2019;

- (iii) That the Council's intention to continue the freeze on recruitment, agency and overtime spend and the freeze on non-essential spend, which were introduced in 2022/23, be noted;
  - (iv) That it be noted that known inflationary increases and known impacts of the rising cost of living, including the employer's 2023/24 NJC pay offer of £1,925 and the JNC pay offer of 3.5%, have been incorporated into the financial position, as detailed within the submitted report; with it being noted that these pressures will continue to be reviewed during the year and reported to future Executive Board meetings as more information becomes available. That it also be noted that proposals would need to be identified in order to absorb any additional pressures;
  - (v) That due to reducing energy prices it be noted that there may be a saving on energy budgets; and should this be the case, the Board's in principle approval be given to any underspend on energy being transferred to the Strategic Contingency Reserve.
- (b) That with regard to the Capital Programme 2023/24 to 2027/28 – Quarter 1, as detailed at Appendix B to the submitted report:-
- (i) That the following injections into the Capital Programme be approved, as detailed at Appendix B1(iii) to the submitted report:
    - £82,105.0k of HRA resources for the roll forward of the Housing Leeds Refurbishment Programme into 2027/28; and
    - £1,185.3k of HRA Resources for the Council House Growth Programme to replace funding utilised during 22/23 closure of accounts.
  - (ii) That the resolution as set out in (b)(i) above to inject funding of £83,290.3k will be implemented by the Chief Officer (Financial Services);
  - (iii) That the latest position on the General Fund and HRA Capital Programme as at Quarter 1 2023/24, as detailed within the submitted report, be noted.

## **COMMUNITIES**

### **26 Cost of Living - Update Report**

Further to Minute No. 130, 15 March 2023, the Director of Communities, Housing and Environment submitted a report which provided an updated position on the cost-of-living situation in Leeds, and which reflected upon national policy interventions and the actions being taken by the Council and partners in response to such matters.

The Executive Member introduced the report highlighting the key aspects within it, which included an update on increased demand being faced across relevant services. Thanks was extended to those officers and partner organisations involved in the provision of services in this area, with the

Executive Member undertaking to provide further updates to the Board as appropriate.

**RESOLVED –**

- (a) That the contents of the submitted report, be noted; and that the approach being adopted, as detailed within the submitted report, be endorsed;
- (b) That it be noted that the Director, Communities, Housing and Environment is responsible for overseeing and implementing any actions arising from the submitted report.

**27 Equality, Diversity and Inclusion Annual Report 2022 - 2023**

Further to Minute No. 115, 8 February 2023, the Director of Communities, Housing and Environment together with the Director of Strategy and Resources submitted a joint report introducing the Council's Equality, Diversity and Inclusion (EDI) Annual Report for 2022 – 2023. The report presented an update on the actions being taken and the progress being made in line with the Council's Equality Improvement Priorities (2021-2025), together with the progress being made in relation to the priorities within the Vision and Action Plan for EDI, as approved by Executive Board earlier in the year.

The Executive Member highlighted the key points arising from the annual report and noted a number of findings for Leeds from the EDI overview of the 2021 census. In conclusion, the Executive Member thanked the Equalities team, Equalities Hubs, Staff Networks and the Elected Member Equalities Champions for the work that they continued to undertake in this area.

Responding to an enquiry, the Board received further information and context on the establishment of the 'Freedom to Speak Up Guardian' role, which it was noted was an initiative that had been previously implemented in the NHS. Alongside this, greater detail was also provided on the range of initiatives in place that were being undertaken across the Council, such as the 'Be Your Best' initiative, with it being noted that a report on such matters was intended to be submitted to a future Executive Board meeting.

Members also received an update on the recent Council staff survey, with it being noted that the intention was for the outcomes to be submitted to Scrutiny in September and subsequently to Executive Board.

**RESOLVED –**

- (a) That the Equality, Diversity and Inclusion Annual Report 2022 – 2023, as presented at Appendix 1 to the submitted report, be approved;
- (b) That it be noted that the Director of Communities, Housing and Environment is responsible for the implementation of decisions made by Executive Board in respect of this report.

## **CLIMATE, ENERGY, ENVIRONMENT AND GREEN SPACE**

### **28 District Heating Annual Report 2023**

Further to Minute No. 85, 23 November 2022, the Director of Communities, Housing and Environment submitted a report presenting the Leeds PIPES District Heating annual report which provided a review of the network's performance over the past year and forecasted the anticipated performance in 2023/24. The report also recommended some related approvals from the Board which looked to support the continued expansion of the network and regarding the application process for accreditation from the Heat Trust with regard to the Trust's customer standard scheme.

In considering the report and responding to enquiries, the Board received further information on the current position regarding the capacity of the network and work being undertaken which looked to increase capacity. The Board also received assurance around the actions being taken to mitigate any potential risks associated with the expansion of the network. Finally, it was noted that the network was on track to come into surplus.

#### **RESOLVED –**

- (a) That the application to the Green Heat Network Fund for the next phase of extension for Leeds PIPES District Heating Network, be approved, with the balance to be met by borrowing; and with it being noted that a further report will be brought to Executive Board in 2024 seeking further approvals prior to the commencement of the works;
- (b) That the necessary authority be delegated to the Chief Officer Financial Services, to enable the Chief Officer Financial Services to approve the funding of works to extend the network from Little Queen Street to Castle Street, with it being noted that a further report will be submitted to the Chief Officer Financial Services in relation to this decision;
- (c) That the financial performance of the network, as outlined within the submitted report, be noted;
- (d) That approval be given for the submission of an application to the Heat Trust for accreditation from its customer standard scheme by the end of summer 2023;
- (e) That the progress made to date by the Council and Central Government on Heat Network Zoning and Regulation legislation, be noted, with it also being noted that a further report will be submitted to Executive Board in 2024 outlining the strategic approach together with the decisions required to implement this locally;
- (f) That the underwriting of cash flow losses in Phase 3, up to a maximum value of £2m, in line with the approach taken for Phase 2, be approved.

Draft minutes to be approved at the meeting  
to be held on Wednesday, 20th September, 2023



## 29 **Green Finance Options**

The Director of Communities, Housing and Environment submitted a report following a White Paper Motion resolution of Full Council at its meeting on 18th January 2023 regarding Green Municipal Bonds / Community Mutual Investments. (Minute No. 76, meeting of Full Council, 18 January 2023 refers).

In presenting the report, the Executive Member acknowledged that although Municipal Bonds may have a role to play in engagement and raising awareness, the financial benefit from such an initiative would be limited when compared to the significant level of investment achieved by the Council to date in this area, with it being noted that the Council's focus was on key areas which would look to accelerate the path to net zero.

Responding to an enquiry, the Executive Member confirmed that Municipal Bonds was not an approach that the Council wished to take forward at present.

### **RESOLVED –**

- (a) That the Council's current plan to use a range of funding routes to fund a package of approved programmes that contribute to net zero (the reduction in carbon emissions and associated improvements in sustainability) in the city, be noted;
- (b) That the range of challenges to achieving net zero, which include financing, but also include a series of larger and more profound challenges and barriers, be noted;
- (c) That the review of green finance options for the Council, which include bonds or Community Mutual Investments (CMIs), as referenced in the White Paper Motion, be noted. That the aim of seeking stronger local and regional green financing from institutions and businesses, as well as individuals, and for the city as well as the Council, also be noted;
- (d) That the features of CMIs supporting net zero projects in other UK Authorities be noted, with it also being noted that a CMI approach may be something that the Council can take forward but that this will be based upon an alignment of financial borrowing and project type, which does not appear to be the position at present.

## **HOUSING**

### 30 **Approval of the Homelessness and Rough Sleeping Strategy 2023 - 2028**

The Director of Communities, Housing and Environment submitted a report presenting a new Homelessness and Rough Sleeping Strategy covering the period 2023 – 2028, which was designed to provide the Council and partner organisations with an updated strategic direction and framework to achieving the city priority of reducing homelessness and rough sleeping. The report

noted that the strategy had been informed by the extensive consultation which had been undertaken.

In presenting the report the Executive Member highlighted the strategy's 4 overarching ambitions and provided an overview of the actions which lay beneath those ambitions. The consultation undertaken in the development of the strategy was emphasised, with it being highlighted that the approach being taken was to ensure that the aims of the strategy were underpinned by positive engagement. Finally, the Board was invited to approve the strategy as presented, and the aims and priorities within it.

Responding to an enquiry the Board received further information regarding the measuring of the strategy's outcomes and the data that would be used to target services as appropriate, with it being noted that the intention was to review outcomes after 6 months to evaluate the impact being made.

**RESOLVED** – That the new Homelessness and Rough Sleeping Strategy 2023 – 2028, as presented at Appendix 1 to the submitted report, be approved.

**DATE OF PUBLICATION:** FRIDAY, 28<sup>TH</sup> JULY 2023

**LAST DATE FOR CALL IN OF ELIGIBLE DECISIONS:** 5.00 P.M., FRIDAY, 4<sup>TH</sup> AUGUST 2023