

SCRUTINY BOARD (CHILDREN AND FAMILIES)

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Wednesday, 27th March, 2024 at 10.00 am
(A pre-meeting will take place for ALL Members of the Board at 9.45 a.m.)

MEMBERSHIP

D Blackburn	-	Farnley and Wortley;
J Bowden	-	Roundhay;
E Bromley	-	Horsforth
Amanda Carter	-	Calverley and Farsley;
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;
R. Stephenson	-	Harewood;

Co-opted Members (Voting)

Mr E A Britten	-	Church Representative (Catholic)
Mr A Graham	-	Church Representative (Church of England)
Mr A Khitou	-	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		

Principal Scrutiny Adviser:
Rob Clyaton
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.

Note to observers of the meeting: We strive to ensure our public committee meetings are inclusive and accessible for all. If you are intending to observe a public meeting in person, please advise us in advance by email (FacilitiesManagement@leeds.gov.uk) of any specific access requirements, or if you have a Personal Emergency Evacuation Plan (PEEP) that we need to consider. Please state the name, date and start time of the committee meeting you will be observing and include your full name and contact details.

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.

[Council and democracy \(leeds.gov.uk\)](http://leeds.gov.uk/council-and-democracy)

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</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>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <ol style="list-style-type: none"> 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. 2. To consider whether or not to accept the officers recommendation in respect of the above information. 3. If so, to formally pass the following resolution:- <p>RESOLVED – 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>No exempt items have been identified.</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 - 22 FEBRUARY 2024

7 - 16

To approve as a correct record the minutes of the meeting held on 22 February 2024 .

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 Macalister Review in Leeds, following consideration of these issues in September 2023.

8

IMPACT OF ASYLUM CHANGES ON CHILDREN - FOLLOW UP

31 - 36

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, as a follow up item to a report on the same subject considered in September 2023.

9

DRAFT INQUIRY REPORT - PROVISION OF EHCP SUPPORT

37 -
56

To consider a report from the Head of Democratic Services that presents, for discussion, comment and agreement a draft inquiry report following the Board's scrutiny inquiry into the provision of EHCP support in Leeds.

10

WORK PROGRAMME

57 -
76

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

11

DATE AND TIME OF NEXT MEETING

The next public meeting of the Board will take place on 18 April 2024 at 1.30pm. There will be a pre-meeting for all board members at 1.15pm.

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)

THURSDAY, 22ND FEBRUARY, 2024

PRESENT: Councillor D Cohen in the Chair

Councillors J Bowden, E Bromley,
Amanda Carter, R Downes, O Edwards,
Graham, C Gruen, J Heselwood, Khitou,
N Manaka, L Martin, K Renshaw, J Senior
and R. Stephenson

CO-OPTED MEMBERS (VOTING)

Mr E A Britten - Church Representative (Catholic Diocese of Leeds)
Mr A Graham – Church Representative (Church of England)
Mr A Khitou – Primary Parent Governor Representative

Co-Opted Members (Non-Voting)

Mr N Tones – School Staff Representative
Laura Whitaker – Young Lives Leeds

72 Appeals Against Refusal of Inspection of Documents

There were no Appeals.

73 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information on the agenda

74 Late Items

A late item was admitted to the agenda by the Chair which was considered as Agenda item 9 and was a report on the ongoing inquiry work on the Provision of EHCP Support in Leeds. This was admitted as a late item due to time constraints on agenda clearance and was circulated to Board Members on Monday 19 February 2024.

75 Declaration of Interests

There were no declarations of interest.

76 Apologies for Absence and Notification of Substitutes

The Board received the following apologies:

Cllr David Blackburn
Jackie Ward – Co-opted Member
Helen Bellamy – Co-opted Member
Kate Blacker – Co-opted Member

77 Minutes - 24 January 2024

RESOLVED – That the minutes of the previous meeting held on 29 November 2023, be approved as an accurate record.

78 Voice and Influence - Hearing the Voices of Children and Young People

The Board considered a report from the Director of Children and Families providing an update on the work of the Voice and Influence Team putting the voice of children and young people at the centre of the directorate's work.

In attendance for this item were:

- Councillor Fiona Venner, Executive Member for Children's Social Care and Health Partnerships
- Councillor Jonathan Pryor, Executive Member for Economy, Culture, and Education
- Julie Longworth, Director of Children & Families
- Farrah Khan, Deputy Director – Social Care
- Hannah Lamplugh, Children's Strategy and Influence Lead

The Executive Board Member for Children's Social Care and Health Partnerships introduced to the report noting the excellent work done by the Voice, Influence and Change Team and the recognition that they had received in being nominated for a national award. The Executive Board Member highlighted the number of children that are reached through this small team for example the 25-26,000 children that complete the My Health, My School Survey, the thousands of children that vote for the Leeds Children's Mayor each year and the 80,000 children consulted with over a period of years to develop the 12 Child Friendly Leeds wishes.

The Executive Member also emphasised the growing feedback received through the Voice and Influence Team from children and young people that focuses on poverty and the associated worries they have linked to that issue.

The Children's Strategy and Influence Lead also provided introductory comments covering the statutory element of the Voice and Influence role, the universal offer that is made to children and young people in the city, the role in

working with social care colleagues to hear the voices of seldom heard children and young people and work with SEND children and young people.

The report recommendations also covered enhanced working between the Board, through the Principal Scrutiny Adviser, and the Voice and Influence Team to potentially include the Board being invited to an annual Youth Takeover event to enable the Board to meet directly with children and young people; more input into the Board's work programme to look at ways in which the voice of children and young people could be heard more clearly in the work the board is planning to do and also consider whether report authors could reflect on how each report considered by the Board meets the child friendly wishes or whether reports could specifically cover the voice of the child as standard. It was agreed that the scrutiny adviser would take this away and report back to the Board following further work with the Voice and Influence Team and taking account of any wider, relevant advice about the possible approaches.

In response to questions and comments from Board Members the following issues were covered:

- Members welcomed the report and were supportive of the wide reach of the Voice and Influence Team and the drive to ensure that the voice of children and young people is fully captured as part of the directorate's work.
- Members asked about formal links between the team and its work and the Executive and other bodies such as the Youth Council as well as frequency of meetings and a suggestion that the Voice and Influence Team could meet with newly elected members to set out the work that the team does and the connections they have in localities across the city. In response the Board were informed that the UK Youth Parliament are elected every two years and the Team meet with them on a monthly basis and depending on events this can be more frequent. An example of the activities of the Youth Parliament was provided through the 'make your mark ballot' which seeks to understand the key issues being faced by children and young people and ultimately determining their top priority and feeding that back to Children's Champions. The Leeds Youth Council meet every month on a Saturday and have expressed a desire to meet with more elected members in the future. The Youth Council has recently carried out work on mental health and exam stress which has been taken forward by the Voice and Influence Team. In respect of contact with elected members a quarterly newsletter is produced which is aimed at raising awareness on key news and key consultations. Moving forward there was a suggestion that a briefing could be provided to Children's Champions before taking on the role. In addition, a guide has also been produced in partnership with Children's Champions, which will be launched after the elections and shared with elected members with a local focus to provide local contacts and information to elected members and enable them to share this information with children and young people in their wards.

- The Board sought assurance about children and young people being listened to when there are serious issues in their lives such as abuse or neglect. Assurance was provided that in Leeds that is the case, despite funding reductions the directorate is committed to maintaining the voice and influence provision that exists in the city. Central to the work of staff is listening to the voice of children, parents and carers linked to the statutory responsibility to promote the welfare of the child and to safeguard children, listening to lived experiences is absolutely central to that. Leeds has a Think Family approach which not only involves listening to the voice of the child but also to parents and carers. Quality Assurance also takes place to test and ensure that services are enabling the voice of the child to be heard through developing trusted relationships, that listening does take place and how that impacts the work of the directorate and how that is evidenced. The inspection framework also covers this, a key feature of all inspections is to determine how well the voice of the child is captured. In the last Ofsted inspection, it was highlighted that the Voice of the Child was strong in Leeds, and this was based on the inspectors meeting directly with children and young people.
- The Board wanted to know more about impact of the work, to ensure that change is delivered through the work that is done and any examples of that. In response two examples were set out; children and young people have involvement in recruitment of the senior leadership team in Leeds with 25% of the final say meaning they have influence over senior management and leadership; and for children with SEND delivery of the Apprenticeship Fair has been impacted by feedback from that cohort through the delivery of an event SEND Next Choices specifically designed for those with SEND which has reached in the region of 2,000 young people each year, this responded to feedback that previous iterations of the event had not been fully suitable for the SEND cohort. On a related point the Board heard about a course called 'Mind Your Language' which focuses on language used by practitioners designed to ensure that children are not criminalised in cases involving exploitation. This has been developed in response to feedback from children and families. In addition, culture and identity was noted as an area where engagement with young people has led to a better understanding of culture and identity and what it means to children and young people in the city.
- The Board suggested that report summaries could be provided to children and young people in 'child friendly language' or a child friendly summary of the minutes from Board meetings.
- Members also commented on the ongoing 'Knife Angel' Project in Leeds. The Board felt that it was an excellent project that has had a real impact in terms of events for children and young people. However, the events designed for parents have struggled with low attendance and it was suggested that this should be reviewed and new approaches developed. In response the Board heard that this will form part of the evaluation of the work, and it was recognised that some events had been successful but others less so. In addition, the evaluation will also feature direct contact with parents and carers to understand what has worked and what hasn't in terms of engagement.

- The Board asked about how the team reaches out to children and young people who are not in school regularly. The Board heard that as part of this work there is a focus on parent and carer voice and influence and this is done through working with support groups for parents and carers with children and young people with SEND, which provides access to parents and carers of children who are not regularly attending school, this allows the work of the Voice and Influence Team to be shared amongst these groups. There is also work done in partnership with colleagues working with families who have chosen to educate their child at home (elective home education) and the Third Sector to ensure that the work of the team is shared as far as possible and that the team picks up issues through those channels.
- There was interest in whether the impact of the voice of children and young people is shared more widely across the city with other children through schools. The Board heard about 'You Said, We Did' approaches which shows to those raising issues that their voices have been heard and this has been done both through written communication and through social media. The main approach to feeding back to schools is through Leeds for Learning which is more staff focussed rather than directly with children and young people. It was noted that there might be more that can be done through schools and the PHSE curriculum that could assist in spreading the word on what difference the voice of children and young people has, it was agreed that this would be taken away with a view to developing a new approach in this area, perhaps an annual update to schools that can be shared with students.
- In response to a query on coverage on social media it was acknowledged that the team should aim to further increase the number of young people following and engaging with Leeds Youth Voice on Instagram and the team updated they are working on strategies to increase the number of followers.

Resolved

The Board:

- a) Noted and welcomed the work of the Voice and Influence Team in the city.
- b) Agreed that the Children and Families Scrutiny Board, through the Principal Scrutiny Adviser, should explore ways in which work with the Voice Influence and Change team can be enhanced to enable board members to stay updated on key issues and priorities of children and young people and have more opportunities to hear from and respond to the voices of children and young people.
- c) Noted that further engagement with schools would be a positive way to publicise the work of the Voice, Influence and Change Team with children and young people and could highlight the impact that the voices of children and young people is having in Leeds.

79 Leeds Child Poverty Strategy - Update

The Board considered a report from the Director of Children and Families that presented an update on Thriving: The Child Poverty Strategy for Leeds and the work that sits underneath the strategy.

In attendance for this item were:

- Councillor Fiona Venner, Executive Member for Children's Social Care and Health Partnerships
- Councillor Jonathan Pryor, Executive Member for Economy, Culture, and Education
- Julie Longworth, Director of Children & Families
- Farrah Khan, Deputy Director – Social Care
- Julie Devonald, Head of Service Workforce Development & Change

The Executive Member for Children's Social Care and Health Partnerships introduced the report highlighting some key issues. These included; comments made by the Rowntree Foundation on the increase in destitution which relates to people who are unable to meet their basic needs and the importance of not normalising the issues that this raises such as the use of food banks; mortality rates and the links to increased child poverty; the refresh of the Child Poverty Strategy and the consultation that has taken place with children and young people on this, noting that it can be difficult to discuss this issue due to the stigma attached to poverty and the worries that children and young people experience as a result of poverty; housing issues and evictions from private sector landlords and the links to child poverty and housing as a health issue particularly respiratory health linked to damp and mould. The Executive Member added that there is now an additional focus on breast-feeding in the strategy due to the lowest rates being found in areas of highest deprivation, this is from both a health perspective and economic perspective in terms of the cost of baby formula.

The Head of Service Workforce Development & Change added some further introductory remarks focussing on; statistics and the fact that they were collected prior to the emergence of the cost of living crisis and that they reflect a 'moment in time' as opposed to an indication of trend; the impact of poverty on children and families at school in terms of material deprivation, mortality and destitution, overcrowding in housing, the North-South divide and the Leeds approach to child poverty being delivered through the thriving strategy and its seven work streams.

In response to questions and comments from Board members the following areas were discussed:

- Members asked about child deaths in areas of deprivation and whether there was any further analysis as to the causes or whether any statistics were available. In response the Board heard that this has been raised with the lead officer for children's public health and the key causes are overcrowded housing and co-sleeping, poor housing condition generally

linked to damp and mould, particularly in the private sector and poor maternal health. It was noted that co-sleeping is a key concern and is now part of public health messaging. The Board noted that Zarach (who provide beds to tackle child poverty and co-sleeping) have recently been invited to sit on the Child Poverty Board. The Board asked for more details to be provided to include statistics linked to child mortality and whether the causes can be broken down with analysis provided to assist with tackling the identified key causes.

- Members welcomed the impact being made by the Healthy Holidays Programme with positive benefits on transition between primary and secondary schools evidenced. It was further noted that the experiences delivered through the programme are hugely beneficial to those that participate who are often the most vulnerable. The Board linked this to past consideration of attendance issues by the Board and wanted to know if there was more information on the impact on attendance and attainment delivered through the programme in the future, if available. The Executive Member added that the Healthy Holidays programme has a moral imperative and one of the key issues raised through the programme has been access to food and there are established links between learning and hunger in terms of children learning more effectively having eaten.
- Members were supportive of the Healthy Holidays Programme and the quality of provision provided. Concerns were raised that the grant that funds may be ended in 2024.
- The Board also emphasised the impact that overcrowding in housing can have on learning. The Board heard that increased joint working between housing and children and families has led to some initial proposals on developing an Accommodation Strategy on a city wide basis. This will focus on a strategy for 16 and 17 year olds who are homeless, those with no recourse to public funds and families facing eviction. This will develop an integrated response to people in those situations, led by a cross-directorate steering group.
- The Director of Children and Families highlighted the links between poverty and increased rates of neglect and those at risk of abuse. In Leeds there has been an increase in the number of super output areas with the highest deprivation. In these areas there has been an increase in the number of children looked after, 20% of children entering care in Leeds live in the highest 1% in terms of deprivation nationally.
- The Board raised a query on the Household Support Fund and the uncertainty about that funding in the future, given the uncertainty there was a concern about the impact this might have on families in the city. In terms of an assessment of this possible impact the Board noted that this will need to be directed at the Financial Inclusion Team who have responsibility for the grant. The Board also heard that the withdrawal of that funding will have an impact on the work being done through the strategy, 18,000 households have received support in Leeds through the Household Support Grant with 75% of those having children.
- The Board referenced the Money Information Centre and whether the resources provided as hard copy can be provided digitally to schools. This was welcomed by officers as a possible future development.

Resolved

The Board:

- a) noted the ongoing strategic framework in place to mitigate the impact of child poverty, and the work being undertaken by the council and other partners in the key areas of activity.
- b) acknowledged the need to promote the work of the Child Poverty strategy across the city and across council directorates and through wider city partnerships in order to highlight the impact of poverty on children and their families.
- c) noted that the responsible officer for the strategy is the Deputy Director, Social Care, Children and Families.

80 Inquiry Session - Provision of EHCP Support in Leeds

The Board considered a report from the Head of Democratic Services and the Director of Children and Families as part of the Board's Inquiry into the Provision of EHCP Support in Leeds. This provided a summary of an ongoing survey of parents, carers, children and young people accessing EHCP and SEND support in the city and other contextual information.

In attendance for this item were:

- Councillor Jonathan Pryor, Executive Member for Economy, Culture, and Education
- Councillor Fiona Venner, Executive Member for Children's Social Care and Health Partnerships
- Julie Longworth, Director of Children & Families
- Dan Barton, Deputy Director – Learning
- Phil Evans, Chief Officer Transformation and Partnerships
- Sandra Pentelow, Projects and Programme Manager
- Leanne Knight, PriceWaterhouseCoopers (PwC)
- Rob Clayton, Principal Scrutiny Adviser

The Principal Scrutiny Adviser introduced the report highlighting the scrutiny context to the report and that the report adds further depth to stakeholder feedback received at previous sessions of the inquiry and through working groups. The report specifically provided feedback from the survey and was not intended to provide an overview of the wider improvement work being undertaken by the directorate.

The Chair of the Board noted that previous feedback from the Board on the survey had led to the survey being sent out directly to stakeholders after concerns on coverage of the survey were raised.

The Deputy Director – Learning emphasised the importance of engagement with stakeholders and referenced the themes that are arising and that many of them were already known to the service and had been identified as areas to be addressed as part of the improvement work. Engagement has taken place

with a wide range of stakeholders in addition to this survey including the Third Sector, advocacy organisations, parents, carers, children and young people, head teachers and SENCOs.

Responding to comments and questions the following discussion points were raised:

- The Board wanted to place on the record the impact that EHCP delays can have on foster placement stability in terms of impacts on the young people and on the foster carers. It was noted that there is an impact on all of those waiting for an EHCP but potentially disproportionately so on children looked after. This was acknowledged as an important point and to be factored into the work on speeding up EHCP placement decisions.
- Members noted that the report highlights that parents and carers see EHCPs as the only solution they have to accessing funding and support for their children when in fact that is not the case. The Board suggested that improving communication and signposting on this was an important piece of work in improving the service, EHCPs are not in and of themselves the only thing that can be done to access support. This was acknowledged and that improved signposting is needed to other available services . In addition, enhanced training to colleagues in schools and education settings could also be considered as part of the answer to that issue.
- The Director of Children and Families emphasised the commitment within the directorate and partnership to early intervention and prevention at the earliest opportunity. An important element of this is working in partnership across the city to deliver support at the earliest opportunity to children with additional needs. Workforce development to identify additional needs as early as possible and developing the skills and knowledge to both identify and respond to them is also a priority. Mainstreaming the offer to SEND children through areas such as Family Help is also a potential opportunity through this work.

Resolved

The Board:

- a) noted and commented on the content of the report and appendices and noted that evidence taken from the summary provided at Appendix 1 will be used to inform the final Inquiry Report.
- b) noted the adjustment to the inquiry timeline and additional meeting planned for 18 April and the intention to provide a final inquiry report at that meeting.

81 Work Programme

The report of the Head of Democratic Services requested Members to consider the Board's work programme for 2023/24 municipal year.

The Principal Scrutiny Adviser informed the Board that Appendix 1 was the latest draft of the work programme for the year.

The Principal Scrutiny Adviser highlighted the following issues:

- There is now an additional meeting date for 2023/24 on Thursday 18 April at 1.30PM.
- The Youth Justice Strategy item will be deferred to the April meeting of the Board to enable colleagues in those services to focus on the ongoing Targeted Inspection on Serious Youth Violence.
- A report will be brought back to the Board on Co-opted member processes in this municipal year.
- The March meeting now has a further item on the Impact of asylum changes on children in Leeds, which is a follow up on a report considered in September 2023.

Resolved

The Board noted the Board's work programme for the 2023/24 municipal year and the adjustments set out by the principal scrutiny adviser.

82 Date and Time of Next Meeting

The next public meeting of the Board will take place on 27 March 2024 at 10.00am. There will be a pre-meeting for all board members at 9.45am.

The meeting concluded at 15.45

Independent Review of Children's Social Care – update on implementation

Date: 27th March 2024

Report of: Director of Children & 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

In September 2023, a report was considered by the Board which outlined government plans for implementing the recommendations of the Independent Review of Children's Social Care, led by Josh MacAllister, the Stable Homes Built on Love government response to that review, and where Leeds's policies and practices were already in alignment with the findings and recommendations of the review.

Since September 2023, the government has published a number of key strategic documents, including updated statutory guidance, in support of the approaches set out in the Independent Review. This report outlines the key content of each of these documents and our current understanding of the actual and potential implications for Leeds.

Recommendations

- a) The Board to note the content of the update report, and the changes to statutory guidance which it outlines.
- b) The Board to receive a further update report in autumn 2024, in line with further anticipated developments outlined in this report.

What is this report about?

- 1 This report is an update to a report considered by the Board in September 2023, which outlined the key points of the Independent Review of Children's Social Care¹, led by Josh MacAlister, and how the findings and recommendations for the review related to the vision, practice, strengths and challenges of social work and early help with children and families in Leeds.
- 2 Since the September 2023 meeting of the Board, there have been a number of national developments in relation to the implementation of the findings and recommendations of the Independent Review, and this report seeks to provide an overview of these developments and provide the Board with as much information as is currently available about the implications for children and families social work and early help in Leeds.
- 3 The Independent Review of Children's Social Care (hereafter referred to as 'the Review') was published in May 2022, and the government's response to the review and their proposals for implementation and consultation were published in February 2023 in a document entitled 'Stable Homes, Built on Love'² (hereafter referred to as Stable Homes).
- 4 One of the key recommendations of the Review was to make care experience a protected characteristic recognising the inequality and discrimination faced by care leavers. This recommendation was not adopted in Stable Homes however Leeds City Council, along with many other councils across England, have recognised care experience as a protected characteristic as agreed at Executive Board in February this year following a powerful deputation by young people who are care leavers at full council in January this year.
- 5 The Review concluded that the children's social care system was in need of a 'radical reset,' as it is currently characterised by crisis intervention, poor outcomes, and rising costs. The Review argued that many of the challenges within the system could be improved with a renewed focus on relationships, asserting that the system too often tries to replace organic bonds and relationships with professionals and services, and does not sufficiently draw on the resources of children's wider family and community.
- 6 The Review made a number of significant recommendations for change as part of its 'radical reset, which were costed at £2.6bn to implement over the course of four years. Proposed changes included: amalgamating targeted early help and child in need work into the concept of Family Help, to be delivered by multi-disciplinary teams based in community settings, and working alongside expert child protection practitioners with the responsibility to make key child protection decisions; greater recognition and support for kinship carers; the establishment of Regional Care Co-Operatives to take on responsibility for the creation and running of all new public sector fostering, residential and secure care, as well as commissioning all external not-for profit and private sector care as necessary; a new deal for foster carers with regards to support and training, supported by a new national foster carer recruitment programme with the aim of recruiting an additional 9,000 carers over three years; a new five-year Early Career Framework for social workers, linked to national pay scales, that provides progression and rewards expertise with higher pay; and a set of new rules relating to agency staffing, designed to limit reliance on agency workers and improve recruitment and retention.
- 7 The Stable Homes government response to the Review, published in February 2023, committed the Department for Education to funding less than 20% of the £2.6bn the Review had costed for its proposed 'radical reset', and over half the suggested timeframe, with £200m over two years.

¹ [Independent Review of Children's Social Care – Final Report](#)

² [Children's Social Care – Stable Homes Built on Love](#)

This funding would be allocated to local authorities to act as ‘pathfinders’ for different aspects of the proposed reforms over a two-year period, before being rolled out to the rest of the sector.

- 8 The pathfinders³ are grouped into the Families First for Children (FFC) pathfinder, which tests reforms in family help, child protection, family network support packages and safeguarding partners; and the Family Network Pilot (FNP) which will test the impact of providing flexible funding for extended family networks and increase the use of family group decision making.
- 9 Leeds is not one of the local authorities selected to be an FFC pathfinder, in either phase, and has not yet been selected as a pathfinder for the FNP; the first phase of local authorities have been announced, and Leeds has bid to be a pathfinder in the second phase but the decision has not yet been announced (it was due in January 2024). To date, the selected pathfinder local authorities do not include a core city, or a local authority within the Yorkshire and the Humber region. Leeds has also bid, alongside other local authorities in the region, to pilot the Regional Care Co-Operative proposals, and is awaiting a decision on this from the Department of Education. Leeds continues to have a voice and influence nationally through Tom Riordan’s membership of the National Implementation Board, and Cllr Venner’s membership on the LGA Children and Young People’s Board.
- 10 This report will update the Board on four key national developments since the publication of the Review and the Stable Homes implementation proposals: the publication of the December 2023 update to the Working Together to Safeguard Children statutory guidance⁴; the publication of new statutory guidance for children’s social care, the Children’s Social Care National Framework⁵ (published in December 2023); the publication of the first national Kinship Care Strategy⁶ (also December 2023); and the announcement in October 2023 of the national rules on the use of social work agency staff⁷, to be implemented in autumn 2024.

Working Together to Safeguard Children – December 2023 update

- 11 The Working Together statutory guidance was initially published in 1999 and set out how all agencies and professionals should work together to promote children’s welfare and protect them from abuse and neglect. It was revised in 2006 following the public inquiry undertaken by Lord Laming into the death of Victoria Climbié, and has undergone further updates, for example in response to Lord Laming’s 2008 progress report and Professor Eileen Munro’s 2011 review of child protection in England. The 2023 update has been explicitly linked to delivering the proposals set out in Stable Homes.
- 12 In addition to simple factual updates (e.g. to include references to recent legislation such as the Domestic Abuse Act 2021, updates to the Multi-Agency Public Protection Arrangements – MAPPA – process to reflect updated statutory guidance, and references to the pre-proceedings stage of the child protection process, to reflect existing guidance), the 2023 update includes some substantive changes to the content. Although it should be noted that no statutory roles or functions have been removed from the guidance.
- 13 The 2023 update begins with a new chapter, titled ‘A Shared Responsibility’. This chapter brings together new and existing guidance to emphasise that successful outcomes for children depend upon strong multi-agency partnership working. The chapter includes principles for working with parents and carers which focus on the importance of building positive and trusting relationships

³ [Policy paper - Families first for children \(FFC\) pathfinder programme and family networks pilot \(FNP\)](#)

⁴ [Working Together to Safeguard Children – 2023 update](#)

⁵ [Children’s Social Care National Framework](#)

⁶ [Championing Kinship Care – National Kinship Care Strategy](#)

⁷ [Child and Family Social Worker Workforce – government consultation response](#)

– which has already been a focus for Leeds through our long-standing commitment to restorative practice – and expectations for multi-agency working that apply to all individuals, agencies and organisations working with children, young people, and families.

- 14 The second chapter, on multi-agency safeguarding arrangements, strengthens how those arrangements (between local authorities, police forces and integrated care boards, or ICBs (Integrated Care Board), in health) work to safeguard and protect children locally. Changes include distinguishing between Lead Safeguarding Partners (LSPs) and Delegated Safeguarding Partners (DSPs). The guidance states that for a local authority, as for an ICB (Integrated Care Board) (Integrated Care Board), the LSP will always be the Chief Executive, and for police forces it will be the Chief Officer for Police. LSPs are responsible for appointing DSPs who are sufficiently senior to be able to speak with authority, take decisions on behalf of the LSP and hold their sectors to account. The guidance emphasises the role of education in safeguarding arrangements and encourages agencies to consider the importance of including third sector organisations within their arrangements and safeguarding work.
- 15 The third chapter covers the provision of help, support, and protection, within three sections: early help; safeguarding and promoting the welfare of children; and child protection. The early help section strengthens the role of education and childcare settings in safeguarding and support, including information on a child's right to education and potential risk factors and indicators that a child or family may benefit from early help support. This section also emphasises one of the common themes throughout the guidance about the importance of family networks and their inclusion in family decision making, including stronger guidance on the use of Family Group Conferences. This is directly related to one of the central themes of both the Review and Stable Homes.
- 16 One of the most significant changes in the guidance is included in the safeguarding and promoting the welfare of children section of this chapter, which states that a broader range of practitioners can be the lead practitioner for children and families receiving support and services under section 17 of the Children Act 1989; that is, children receiving Child in Need support and/ or on a Child in Need plan. Previously, the lead practitioner for these cases could only be a social worker; in the new guidance, this role can be undertaken by other practitioners, but they would need to be supervised by a manager who is social work qualified. The new guidance states that local authorities and their partners need to agree and set out local governance arrangements in relation to this.
- 17 This section of the guidance also clarifies the role of social work in supporting specific groups of children, young people, and their families, including disabled children, those at risk of harm outside the home and those at risk from people in prison or who are supervised by probation services. Local authorities are encouraged to appoint designated social care officers (DCSOs), senior social work leads for special educational needs and disabilities (SEND). This role would oversee social care's contribution to SEND provision, including education health and care assessments, plans, and reviews as well as strategic planning of services for disabled children, such as short breaks.
- 18 The child protection section of this chapter introduces new national multi-agency child protection standards. It also clarifies the expected multi-agency response to risks of abuse and exploitation outside the home, and the consideration of whether children are experiencing risks outside the home in all children's social care assessments.

- 19 In response to the Working Together update, colleagues have circulated details of the changes in the guidance to all Children and Families staff via email, and an updated Working Together One Minute Guide is being drafted and will be uploaded to the Council website. The Leeds Safeguarding Children Partnership have added a [page](#) to their website highlighting the changes. The Leeds Safeguarding Children Partnership Executive has agreed an improvement plan as a response to the guidance, which they will oversee. Three priorities have been agreed for the next coming year which includes, Safeguarding Adolescents, with a focus on the prevention of knife crime and exploitation at the early, targeted, and later intervention stages. Safeguarding Children Affected by Domestic Abuse, with the focus on reducing the rates of Domestic Abuse whilst ensuring that children are appropriately safeguarded and have access to support and Safeguarding Children through Family Help, with the focus of this priority being to ensure that within the planning of developing family help services, plans for safeguard children from neglect and abuse in the long-term are included.
- 20 Also, in response to the safeguarding risks to children in Leeds, a working group within Children and Families is meeting regularly to consider the implications of the new guidance at both strategic and operational levels, and how the changes can be implemented in both practice and policy.

Children's Social Care National Framework – new statutory guidance

- 21 This new statutory guidance was published in December 2023, alongside the Working Together update, with the stated aim to cover: 'the principles behind children's social care, its purpose, factors enabling good practice and what it should achieve.' The guidance sets out six principles for children's social care, three enablers and four outcomes, as detailed below.
- 22 The six principles set out in the guidance are as follows:
- a) Children's welfare is paramount – decisions about their help, protection and care must always be made in their best interests, as established in Children Act 1989.
 - b) Children's wishes and feelings are sought, heard, and responded to – children's views should be sought and heard, with assistance as appropriate, at every stage of support and they should contribute to decisions made about their lives wherever possible.
 - c) Children's social care works in partnership with whole families – practitioners should build strong relationships with families based on respect, acknowledging strengths, and recognising that families and family networks will often have solutions to their difficulties.
 - d) Children are raised by their families, with their family networks, or in family environments wherever possible – a recognition that for most children, growing up in their own families or family networks will be the best option for them, and where that is not safe or possible, then care provided by the local authority needs to be safe, stable, consistent and promote loving relationships. Children also need to be supported to maintain their relationships with siblings, family members and their wider family network.
 - e) Local authorities work with other agencies to effectively identify and meet the needs of children, young people, and families - local authorities foster strong supportive relationships with other safeguarding partners and relevant agencies, including education settings, to coordinate their services and to respond to the needs of children, young people, and families holistically.
 - f) Local authorities consider the economic and social circumstances which may impact children, young people, and families – practitioners recognise the differences between, and are confident to respond to, circumstances where children experience adversity due to poverty

and acute family stress, and situations where children experience or are at risk of harm due to parental abuse and neglect. Leaders and practice supervisors create and maintain a culture of practice where the individual and protected characteristics of families are respected, and the diversity of needs and experiences are addressed through the support provided.

23 The guidance defines an enabler as: *‘aspects of the children’s social care system that facilitate effective support for children, young people, and families. The enablers are foundational to good practice.’* For each enabler, the guidance outlines an overview and summary, and practice expectations which articulate how senior leaders, practice supervisors and individual practitioners can support the enabler in practice.

24 The guidance identifies three enablers:

- a. Multi-agency working is prioritised and effective - Local authorities, police, health, and other relevant agencies, including early years, education settings, and voluntary organisations, have responsibilities to work together so that children and young people can be supported for their safety and wellbeing. The National Framework recognises that local authorities cannot achieve the outcomes for children without the support of multi-agency partners, and the guidance advises that partners should read the national framework alongside other statutory guidance, including Working Together and the SEND Code of Practice, to understand and deliver good practice for children, young people and families, as well as their statutory roles and responsibilities.
- b. Leaders drive conditions for effective practice - All leaders from local authorities and children’s trusts, including Chief Executives, Directors of Children’s Services, Directors of Public Health, and Lead Members for Children’s Services, should conduct their responsibilities in ways that support and empower the wider children’s social care workforce to achieve the best possible outcomes for children, young people, and families. They promote the use of evidence to inform and improve how services are commissioned and delivered.
- c. The workforce is equipped and effective - The whole children’s social care workforce plays an instrumental role in delivering good outcomes for children, young people, and families. They should bring empathy, energy, and motivation to their daily work. They should be supported, by their organisation, to use the breadth of their knowledge and skills to transform the lives of children, young people, and families.

25 An outcome is defined by the guidance as: *‘what children’s social care should achieve for the children, young people, and families they support. They reflect the core purpose of children’s social care.’* For each outcome, the guidance provides an overview, a summary, and an expectations of practice section, which outlines what the local area should achieve, as well as breaking down practice expectations into how leaders, practice supervisors and individual practitioners can achieve each outcome in practice.

26 The guidance identifies four outcomes, as follows:

- a. children, young people, and families stay together and get the help they need - children’s social care helps children and young people by supporting whole families and their networks. They work in partnership with parents and carers to address difficulties that families face and are committed to keeping children and young people within their family, wherever it is safe to do so.
- b. children and young people are supported by their family network - children’s social care supports children and young people by building relationships so that key people in the lives of children and young people, who form their family network, can help to provide safety, stability,

and love. Involving family networks needs to happen at every stage, when children and young people are supported by children's social care, including if they are going to, or have, entered care. When children are being raised by someone in their family network, we refer to this as kinship care.

- c. children and young people are safe in and outside of their homes - children's social care acts swiftly to protect children and young people from harm, whether that is at home, where they live, or outside in their wider neighbourhood, community and online. Children's social care manages the uncertainty and nuances of the complex circumstances in which harm takes place, working in partnership with other agencies to increase safety.
- d. children in care and care leavers have stable, loving homes - children's social care provide homes that offer love, care, protection, and stability for children and young people who are cared for by the local authority, or who are care leavers. The care that children and young people receive helps to address experiences of adversity and trauma and gives them the foundations for a healthy, happy, life.

27 The Department for Education offered sessions in February 2024 for Local Authorities to attend in relation to the new Working Together and National Social Care Framework. Leeds City Council officers were in attendance to learn and share ideas on how to embed the new frameworks. Leeds Children's Services are still in the initial stages of identifying the impacts of this for services and will continue to work with the Department for Education and other Local Authorities to implement the changes.

Championing Kinship Care: National Kinship Care Strategy – published December 2023

28 As noted above and in the September 2023 report to the Board, both the Review and the Stable Homes response recognise and emphasise the importance of strong, loving relationships for children's safety and wellbeing. In line with this emphasis, both documents featured kinship care as a central aspect of reform, and the Stable Homes document committed to publish a national kinship care strategy by the end of 2023. The government met this commitment in December 2023.

29 The kinship care strategy defines kinship care as: *'any situation in which a child is being raised in the care of a friend or family member who is not their parent. The arrangement may be temporary or longer term.'* As noted in the September 2023 report to the Board, kinship care has been prioritised for many years within Leeds, supported through the establishment of specific teams to assess and support potential kinship carers, as well as dedicating a number of our Mockingbird carer support hubs for kinship carers. We have also opened up the support of our Therapeutic Social Work Team and aspects of our foster carer training offer to kinship carers.

30 The strategy outlines a number of measures at strategic, operational, and practical levels that are intended to improve and standardise the support that kinship carers receive from local authorities and partner agencies across the country⁸. The strategy commits to further strengthening this support with new statutory guidance for local authorities on kinship care, to be published in Spring 2024 (this is not yet available at the time of writing). The key measures included in the strategy are as follows:

- a. A four-year trial of financial allowances in up to eight local authorities (which have not yet been named) with an investment of £16m, which will see Special Guardians who care for children

⁸ [This summary was written using the information provided by the charity Kinship in their National Kinship Care Strategy Hub](#)

who were previously looked after receiving a kinship carer allowance at the same rate as the foster carer allowance. This trial will be evaluated to look at the impact on local government finances.

- b. A £3.8m investment to expand the role of Virtual School Heads, to include championing the educational attendance, attainment, and progress of all children in kinship care, regardless of their legal order. This will also include kinship carers with Special Guardianship Orders (SGO) or Child Arrangement Orders (CAO) being able to request advice and information from the Virtual School.
- c. New government guidance has been published which provides an overview of best practice for supporting kinship carers at work, including adapting HR policies, and developing cultures of support. The Department for Education have committed to introduce a new leave and pay entitlement for kinship carers within their own workforce.
- d. The Adoption Support Fund to be renamed the Adoption and Special Guardianship Support Fund; the fund is used by local authorities and regional adoption agencies to pay for therapeutic support for kinship families where the child was previously looked after and is currently living on an SGO or CAO. There will be no changes to the eligibility of the fund, but the strategy does commit to analysing applications and therapies provided to understand how it is being used by kinship families.
- e. A new National Kinship Care Ambassador will be appointed in Spring 2024 to advocate for kinship carers and work with local authorities to improve their services and support. The existing Kinship Carer Reference Group that advises the Department for Education will be retained, and a new National Kinship Care Advisory Board of sector experts established to advise ministers on policy development and future funding.
- f. Updated local authority guidance will encourage local authorities to implement Family Group Conferences. The Department for Education will work towards every family being offered access to an FGC (Family Group Conference) at the pre-proceedings stage.
- g. Ofsted will provide their inspectors with additional specific training around kinship care and will also review their published guidance to ensure references that strengths and areas for development in relation to kinship care are included in their inspection reports.
- h. The Law Commission will carry out a review into the legal statuses and orders for kinship carers and make recommendations to government on how the legislative framework could be simplified and improved.

31 The Kinship Care Strategy has been broadly welcomed by stakeholders, with the charity Kinship welcoming the recognition it gives to kinship carers and the commitment to improving support available to them, which complements the previously announced commitment to establish a new national offer of training and support for kinship carers. The Kinship charity was awarded a £3m contract to deliver a bespoke package for all kinship carers in England, including those in informal arrangements, which will launch in spring 2024.

32 However, the charity expressed disappointment that the Strategy did not go further⁹; they note the number of carers who will be excluded from increased allowances by the four-year pilot in a limited number of local authorities when kinship carers are dealing with financial difficulties now, and that while the guidance encouraging businesses to improve their support to employees is welcome, it falls short of introducing a right to paid statutory leave similar to that which is available to people adopting a child. Similarly, while the Association of Directors of Children's Services (ADCS)¹⁰ welcomed the focus on kinship care and the commitment to simplifying the breadth of

⁹ [Kinship charity response to publication of the National Kinship Care Strategy](#)

¹⁰ [Kinship Care Strategy – ADCS response](#)

legal arrangements used for kinship carers, they argued that this may still bring carers into legal processes unnecessarily when financial support could be offered to carers through the welfare system instead, for example through an enhancement to child benefit payments.

- 33 Leeds Children's Services currently provide all approved kinship carers aligned with level one, a fostering maintenance allowance. Approved Kinship Carers can progress through Levels 2 – 4 on the fostering structure if they are able to evidence the appropriate skills and knowledge. This would provide them with the equivalent professional fostering fee, alongside the level one maintenance allowance. All approved Kinship Carers and Special Guardianship Order (SGO) carers (including those caring for children not previously looked after) can access Leeds City Council fostering training.
- 34 Leeds have been part of work across West Yorkshire around a regional Special Guardianship support offer led by One Adoption West Yorkshire to provide consistency across the region. A revised offer was presented and approved at the Executive Board on 13th March. The revised offer includes the removal of the age of the child and placement duration criteria and entitlement for ongoing post Special Guardianship Order support payments for young people remaining with their special guardianship carers between the ages of 18 and 21 becoming a universal entitlement where the carers were the young person's previous foster or kinship carer. Where a Special Guardianship Order has been made for a child who has not previously been a child looked after, any financial support to this arrangement will be means tested unless carers are already on means tested benefits. The principle underpinning the Leeds offer is that children who cannot live with their parents should be supported to grow up with permanent care arrangements that have the least statutory involvement as possible. The revised offer will support the ambition in the Children and Young Peoples Plan of safely reduce the number of Looked After Children.
- 35 All children in Leeds who are subject to Child Protection plans or Public Law Outline are entitled to the offer of a Family Group Conference. There is a Family Group Conference offer to all Kinship Carers during the assessment and care planning stages of any placement. There is a named person within the virtual school who supports families subject to Special Guardianship Orders where children have previously been looked after. The Special Guardianship support team can support families to access the Adoption Support Fund. They will also work alongside other, lead professionals to complete the Adoption Support Fund assessment if this is more appropriate for the family.

National rules on the use of agency social work staff – announced October 2023

- 36 The Review highlighted the problem within the social work sector of an over-reliance on agency staff to fill vacancies and described the 'profiteering' of staffing agencies taking advantage of competition between local authorities for staff. They estimated that the increased costs of agency staffing take around £100m per year out of social work budgets that could be better spent on working with children and families. The Review recommended a set of rules to be implemented for local authorities and social work staffing agencies.
- 37 In response to this, the Department for Education launched a consultation in February 2023 on proposed national rules for the use of agency staff within children's social work. The results of this consultation were published in October 2023¹¹. The original implementation date for the statutory guidance which will include these rules was intended to be spring 2024. However, as

¹¹ [This summary was written using information provided in this Community Care article](#)

outlined in their response to the consultation, the Department for Education now plan to issue draft statutory guidance for local authorities on implementing the rules in spring 2024, with a view to implementation in autumn 2024.

38 The rules will include the following:

- a) Councils are required to work within their region to agree and comply with agency social work price caps. This rule has been changed following the consultation; national hourly rate price caps, linked to the average pay for a permanent worker, were originally proposed.
- b) All social workers, regardless of when they qualified, must have acquired three years of experience in a permanent role before taking up an agency post; but this does not have to include completing the Assessed and Supported Year in Employment (ASYE). Again, the original proposal was more stringent; social workers who qualified after the implementation period would have needed five years of experience, including completing their ASYE, before taking up an agency post.
- c) Notice periods for agency staff must be aligned to the notice periods for permanent social workers in the same/ equivalent roles.
- d) It will not be permitted to engage social workers as locums within three months of them leaving a permanent post within the same region.
- e) Social work agencies often supply project teams; groups of practitioners who are often managed by the agency, rather than the local authority. The original proposed rule would have prevented local authorities from using agency project teams, but following consultation the rule will be that project teams are permitted, but their practice must be fully managed by the local authority, and the engagement of each worker must comply with the rest of the rules on agency staffing.
- f) All new contractual arrangements for hiring agency staff must comply with the rules from the point of implementation, with existing contractual arrangements transitioning to comply with the rules over time.
- g) Local authorities will be required to supply the Department for Education with quarterly survey data on the use and cost of agency social workers – including those engaged through project teams.

39 The proposed new rules have been contentious across the sector, between staff and employer groups and between permanent and agency social workers. This was illustrated well by the published results of the consultation, which was responded to by 453 permanent social workers and 309 agency social workers. In relation to support for the new rules in principle, 84% of permanent social workers were in favour, compared to only 16% of agency staff. 75% of permanent social workers supported the original implementation date of spring 2024, compared to only 10% of agency staff. And 81 % of permanent social workers felt there should be more consistency in social work salaries between local authorities, compared to 27% of agency staff.

40 Similarly, the ADCS response to the results of the consultation and amendments to the proposed rules expressed concern that project teams would still be allowed, as they argued that agencies are increasingly only supplying staff through these teams and not supplying individual practitioners, which increases costs to local authorities and often prevents local authorities from managing these teams of agency staff. They also emphasised the need to move at pace with the implementation of the rules, citing the number of local authorities on the brink of issuing section 114 notices.

41 Leeds Children's Services has a robust workforce plan which focuses on attraction, recruitment, retention and progression for social work and wider social care workforce. Leeds City Council has minimal use of agency workers only to cover essential vacant posts and do not use managed project teams.

What impact will this proposal have?

42 There are no new proposals in this report for the Board to consider; it is an update and summary of recent national developments in relation to the implementation of changes recommended by the Independent Review of Children's Social Care.

43 The four developments discussed above represent different ways in which the Independent Review of Children's Social Care and the Stable Homes, Built on Love government response are influencing reform of the children's social work sector. All the developments are recent, and as such colleagues in the Children's Social Work Service are working through what the changes mean for the ways in which we work with our corporate colleagues and our partners to provide effective, respectful, and restorative support for the children, young people, and families of Leeds. As noted in the September 2023 report to the Board, many of the themes of the Review and the Stable Homes response were introduced in Leeds as part of our improvement journey, and aspects of our strategic vision, ambition and practice – like our focus on the importance of relationships through restorative practice, and our commitment to ensuring that children and families have a voice, have influence and can effect change – are already embedded in our directorate.

44 In relation to the specifics of practice, we will of course meet our statutory obligations as set out in the updated Working Together and the Children's Social Care National Framework, and colleagues are working to update our practice and procedures in line with the changes required. We will also be preparing for the implementation of the new rules around the use of agency social workers from autumn 2024. However, for some of the other developments outlined in this report, we await further detail from the Department for Education; for example, in relation to the statutory guidance for local authorities in supporting kinship carers, which has not yet been published, and we await the Department for Education decisions on whether Leeds will be a pathfinder for phase two of the Family Network Pilot (FNP), and whether we will be invited to test the approach to Regional Care Co-operatives. Being selected for either of these initiatives could have a significant impact on policy and practice in Leeds, but we are not yet in a position to outline what that might be.

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

Health and Wellbeing

Inclusive Growth

Zero Carbon

45 There are no new proposals in this report for the Board to consider; it is an update and summary of recent national developments in relation to the implementation of changes recommended by the Independent Review of Children's Social Care.

46 However, the developments outlined in the report are expected to have a positive impact on the health and wellbeing of children in Leeds, and most are in alignment with the work we have been doing in Leeds for a number of years, to recognise the importance of relationships and promote the strengths of families and family networks to support the health and wellbeing of children and young people.

What consultation and engagement has taken place?

Wards affected: Not applicable

Have ward members been consulted? Yes No

47 There are no new proposals in this report for the Board to consider; it is an update and summary of recent national developments in relation to the implementation of changes recommended by the Independent Review of Children's Social Care.

What are the resource implications?

48 There are no new proposals in this report for the Board to consider; it is an update and summary of recent national developments in relation to the implementation of changes recommended by the Independent Review of Children's Social Care.

49 The national developments outlined above will likely have some resource implications for Leeds, and colleagues are working through the detail of what these recent developments will mean but the directorate is not currently in a position to outline these in detail. It is likely that the new rules around agency staffing will have the most direct and significant implications with regards to resources, but these will not be implemented until at least autumn 2024, and without a more specific timescale we are not able to forecast what those implications may be. The new rules are intended to cut the costs of agency staffing for local authorities, but it is not yet clear whether these rules will also have an impact on the recruitment and retention of social workers, and what that impact might look like.

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

50 As noted above, the four developments outlined are all recent, and colleagues are working on the detail of their implementation and what the implications and risks may be. We are not currently in a position to share these with the Board.

What are the legal implications?

51 The Working Together update and the Children's Social Care National Framework are both statutory guidance which set out the roles and responsibilities that the local authority and its partners must meet. Similarly, the Kinship Care Strategy commits to the publication of statutory guidance which will need to be followed in relation to support for kinship carers, and the national rules on the use of agency social workers will be published as draft statutory guidance in spring 2024, with a view to implementation from autumn 2024.

Options, timescales and measuring success

What other options were considered?

52 There are no new proposals in this report for the Board to consider; it is an update and summary of recent national developments in relation to the implementation of changes recommended by the Independent Review of Children's Social Care.

How will success be measured?

53 There are no new proposals in this report for the Board to consider; it is an update and summary of recent national developments in relation to the implementation of changes recommended by the Independent Review of Children's Social Care.

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

54 There are no new proposals in this report for the Board to consider; it is an update and summary of recent national developments in relation to the implementation of changes recommended by the Independent Review of Children's Social Care.

Appendices

- None

Background papers

- None

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Impact of asylum legislative/guidance changes on children

Date: 27th March 2024

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 impact of national legislation and changes affecting unaccompanied asylum-seeking children (UASC).

The report will also provide an update on the impact of national and local issues in relation to families who have no recourse to public funds (NRPF)

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

Recommendations

Scrutiny Board is asked to note and endorse this update report.

What is this report about?

- 1 As reported to Scrutiny Board in September 2023, there have been significant changes in asylum legislation and guidance that have impacting on children and families locally and nationally. This report will outline the impact on children and families in Leeds and how Leeds continues to support children and families who have No Recourse to Public funds and unaccompanied children in the role of corporate parent.
- 2 The main legislative change for consideration in relation to unaccompanied children is the Illegal Immigration Act 2023. The Act places a legal duty on the Home Secretary to remove anyone arriving by non-approved routes to the UK to claim asylum. This Act means that they will be removed to either their home country or a third country such as Rwanda. Although the duty does not apply to unaccompanied children, the Home Secretary retains power to remove them when they turn 18.

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?

Impact of Illegal Immigration Act 2023

- 7 We have seen delays in Leeds relating to decisions for unaccompanied children entering the UK since June 2023. Unaccompanied children who have arrived in Leeds since June 2023 have not received decisions around their immigration status with no indication of timescales given by the Home Office. For children approaching 18 or care leavers over 18, this is causing significant anxiety and instability due to the power of removal post 18 the Act places on the Home Secretary.
- 8 As children arriving in the UK unaccompanied have experienced loss and trauma, this anxiety adds to concerns over the impact on their mental health. It also means that they cannot make plans or feel secure, and this also impacts on practitioners who are supporting children and young people to manage the uncertainty without being able to provide them with reassurance or answers. Transition to adulthood is often a highly anxious time for any young person especially care leavers. The Act further disadvantages care leavers who have arrived in the UK as unaccompanied children as they cannot plan for their future as they could be removed from the UK at any time.
- 9 The Refugee Council and other organisations have shared that this will likely increase the number of young people who go missing or place them at increased risk of trafficking. As children and young people who arrive unaccompanied often do not have any family

connections in the UK, they can be more vulnerable and at a higher risk of exploitation. The uncertainty in their future caused by the Act, will add to this risk.

Age assessments

- 10 In October 2023 the Home Office advertised to recruit social workers to join the National Age Assessment Board. This was met with sector wide concerns and opposition around the ethical considerations for social workers in maintaining their professional standards and values. The British Association of Social Workers (BASW), the Royal College of Paediatrics and Child Health (RCPCH) and the British Dental Association (BDA) have all expressed their concerns over the proposal of scientific methods including MRI scanning of teeth and bones as being unethical and inaccurate method of determining age. Concerns from the sector are around the over reliance of visual assessments and physical appearance to assess age. Leeds as well as other local authorities use Merton-compliant social work assessments that are comprehensive and consider a holistic approach to assessing a child's age.
- 11 Research by the Helen Bamber, Foundation and Humans for Rights Network, shows that in 2022 approximately 850 children were incorrectly assessed as adults by border officials and sent to adult accommodation, they were assessed as children once they were referred to local authorities' social workers, but some have spent many months with adults in adult accommodation or detention.
- 12 Leeds has also seen an increase in unaccompanied children relating to under 18-year-olds who have been wrongly assessed by the Home Office as being adults and therefore relocated into the Leeds adult asylum hotels. In the week of 18th December to the 22nd of December Childrens Services received 16 referrals from the Welfare Officers from those hotels reporting that either the young person was claiming to be under 18 years of age or that they presented as being under the age of 18 years. This resulted in Childrens Services assessing that 12 of the 16 young people were either under 18 years of age or would need to be accommodated as looked after children whilst a full Merton Compliant Age Assessment was completed to determine their age. Leeds continues to receive 3 to 4 referrals for unaccompanied children weekly. This includes those through the NTS scheme, adults hotels and other means. We are concerned over the number of children whose age has been wrongly assessed and are placed in adult hotels.

Placement and support costs

- 13 The NTS was set up in 2016 by the Government and although initially voluntary, Leeds made the decision as an inclusive city to welcome unaccompanied children seeking asylum in our city. Due to the voluntary nature of the scheme border local authorities such as Kent have continued to see a surge in demand and therefore in February 2022 the Government directed all local authorities to receive unaccompanied children through the scheme.
- 14 As detailed in the report presented at Scrutiny Board in September 2023, the funding provided by the Home Office for unaccompanied children does not cover the full cost of the placement or support. Currently the payment is at £143 weekly per person per night for local authorities who have 0.07% or above of unaccompanied children per child population or £114 per person per night for those under 0.07%. The cost of external placements and impact on local authorities is highlighted nationally as an increased area of risk. For unaccompanied children and care leavers who arrived as unaccompanied children, the cost is as it is for any other child looked after and the placement will depend on their individual needs. The set amount by the Home Office does not reflect individual needs for children which can have a significant impact on the cost of placements. Additional costs for local authorities include staffing in relation to social workers, personal advisors, Independent Reviewing Officers and other support for the

child or young person's individual needs as per the local authorities corporate parenting responsibilities.

No Recourse to Public Funds (NRPF)

- 15 NRPF applies to a person who is subject to immigration control in the UK and has no entitlement to welfare benefits or social housing. Families who have the NRPF status can access school and NHS provision but are not entitled to any other support and cannot work. This means that where there are children in the household, the Local Authority under the Children Act 1989 have a duty to undertake a child in need assessment and provide support if needed.
- 16 Families who have this status are not considered to be asylum seekers and can find themselves in such circumstances for several reasons. They may have entered the UK supported by a family member or spouse and there is a breakdown in the relationship. This is a particular concern where there is domestic violence, honour-based violence and abuse or concerns of modern slavery. Victims in such circumstances are more likely to remain with perpetrators and at risk due to fear and dependency. Victims of domestic violence can apply for Destitute Domestic Violence Concession however people in such circumstances, mostly women, do not have access to legal advice or may face language and communication barriers.
- 17 Families who have NRPF can be fearful of asking for help or accessing services and therefore, can be hard to reach. They often are more likely to engage with community and faith groups who will refer for a child in need assessment if they feel a family needs support beyond the provision they can provide.
- 18 Social workers at the Front Door are skilled and experienced in directing referrals for child in need assessments whereby a family presents as having NRPF. Once the assessment is completed this is considered at the NRPF Panel which reviews and considers each family and the local authority's legal duties.
- 19 As reported in September 2023, the families presenting as having NRPF are reducing in Leeds in line with the national trend. We continue to have around 20 families needing support however due to increased housing costs, and cost of living there is a significant pressure on Sc17 spending in Leeds and other local authorities. There is no additional funding received to cover this cost.

Options, timescales and measuring success

What other options were considered?

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

How will success be measured?

- 21 As above

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

- 22 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](#)
- [RMCC-IMB-HoL-Report-Stage-Age-Assessments-June-23.pdf \(refugeechildrensconsortium.org.uk\)](https://refugeechildrensconsortium.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](#)
- [ECPAT -v- Kent Council judgment \(judiciary.uk\)](https://judiciary.uk)
- [Kent makes renewed legal threat over National Transfer Scheme for unaccompanied asylum-seeking children \(localgovernmentlawyer.co.uk\)](https://localgovernmentlawyer.co.uk)
- [Asylum backlog | Institute for Government](#)

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Draft Scrutiny Inquiry Report - Provision of EHCP Support in Leeds

Date: 27 March 2024

Report of: Head of Democratic Services

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

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.

As such the Board has initiated an inquiry into the provision of EHCP support in the city with the intention of supporting and providing check and challenge on the concurrent improvement work being led by the Children and Families directorate supported by PricewaterhouseCoopers (PwC). This is similarly aimed at delivering effective, sustainable change to improve outcomes for children and families accessing EHCP and SEND support services in Leeds.

The board has considered issues related to the provision of EHCP support throughout the 2023/24 municipal year both in the public board meetings and through working group sessions held in September and November. Appendix 1 to this report provides the draft inquiry report which brings together conclusion from this work taking account of the evidence heard during the municipal year.

The Board targeted completion of the inquiry in the 2023/24 municipal year and this draft report, to be followed by a final inquiry report on 18 April 2024, seeks to deliver against that timeline. The directorate led improvement is ongoing and will extend beyond the timeframe of the inquiry. Appendix 1 therefore contains a recommendation that ongoing check and challenge from the Board should be a feature of the Board's work programme in the 2024/25 municipal year.

Recommendations

Children and Families Scrutiny Board is asked to:

- a) comment on, amend and agree the draft inquiry report on the Provision of EHCP Support in Leeds, following consideration of this issue throughout the 2023/24 municipal year.
- b) note that a final inquiry report will be brought back to the Board at its meeting on 18 April 2024 taking account of discussion held at today's meeting.

What is this report about?

- 1 The Scrutiny Board procedure rules (Part J, Paragraph 52) require that: 'Before finalising any recommendations to be made the Scrutiny Board shall invite advice from the appropriate Director(s). The Director shall consult with the appropriate Executive Member before providing any such advice. The detail of that advice shall be reported to the Scrutiny Board and considered before the Board's recommendations are finalised.' This draft report initiates that process and comments received from the Director of Children and Families and Executive Board Member for Culture, Economy and Education will be incorporated into the final report scheduled for 18 April 2024.
- 2 Appendix 1 to this report contains details on when the Board heard evidence on this issue, the witnesses that have contributed and a summary of the evidence heard. The timeline for this work is as follows:
 - 5 July 2023 Public Board Meeting – Consideration of Inquiry Terms of Reference
 - 6 September 2023 Public Board Meeting – Agreement of Inquiry Terms of Reference
 - 22 September 2023 Working Group – focussed on the planned Improvement work being led by the Children and Families Directorate supported by PwC
 - October 2023 – Working group Summary considered at the Public Board Meeting
 - 23 November 2023 Working Group – Stakeholder Engagement with the Leeds Parent Carer Forum (LPCF)
 - 24 January 2024 Public Board Meeting – Working Group Summary and update on the directorate led improvement work
 - 22 February 2024 Public Board Meeting - overview of the engagement work that the directorate has done and a summary of findings from an ongoing survey of parents, carers, children and young people on EHCP and SEND support in Leeds.
 - 27 March 2024 Public Board Meeting – Consideration of the Draft Inquiry Report
 - 18 April 2024 Public Board Meeting – Consideration of the Final Inquiry Report

What impact will this proposal have?

- 3 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.
- 4 Consideration of this inquiry in 2023/24 has responded to performance data that has suggested a decline in meeting deadlines associated with EHCP processes and also anecdotal evidence from elected members through casework that has indicated that services in this area have not been consistently meeting the expectations of children and families in the city.
- 5 It is hoped that the inquiry into the provision of EHCP support, in conjunction with the directorate's own improvement work will lead to improved EHCP services in the city.

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

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 6 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

- 7 At the 7th of June Children and Families Scrutiny Board discussion with the Director and Executive Board members suggested that the Provision of EHCP Support would be a positive area of focus for the Board in 2023/24 and the Board supported the inclusion of the EHCP inquiry in its work programme for the year.
- 8 The draft terms of reference and final terms of reference for this inquiry have also been before the Board for comment and agreement in July and September along with a summary of a previous Working Groups held in September and November and ongoing inquiry sessions at public board meetings linked to this work stream.

What are the resource implications?

- 16 There are no specific resource implications associated with this report.

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. Although it should be noted that any new or revised arrangements should be legally sound and reflect the legal framework governing the EHC process.

Options, timescales and measuring success

What other options were considered?

- 19 Not applicable.

How will success be measured?

- 20 The completion of an inquiry report in the 2023/24 municipal year and a commitment to ongoing work in this area as part of the Scrutiny Board's future work programming.

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

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

Appendices

- Appendix 1 – Provision of EHCP Support – Draft Inquiry Report

Background papers

- None

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Children & Families Scrutiny Board

Provision of EHCP Support Draft Inquiry Report

Date: 27 March 2024





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Foreword

Foreword from the Chair

As elected members it has become increasingly clear that parents and carers accessing EHCP support services in Leeds were having difficulty in securing the outcomes they wanted for their children. They have faced frustration and anxiety and some have had nowhere to turn at a time when they need support the most.

Through the casework we do as elected members, in support of Leeds residents, there has been a noticeable increase in issues and concerns raised in relation to EHCPs. Furthermore performance data from the services providing support in this vital area indicated that there were significant issues both in terms of demand and overall adequacy of the services being accessed by Leeds residents.

The Scrutiny function is aimed at providing critical friend challenge to decision makers in our city and supporting residents by providing a route through which their voice and concerns can be heard. Data driven analysis of EHCP support suggested that as a Board we should closely examine the provision of EHCP support and undertake an end to end analysis of these services through a dedicated Scrutiny Inquiry.

Supporting the most vulnerable is a key priority for the Council and ensuring that we get support right for vulnerable children and young people is absolutely essential to ensure they can fulfil their potential and achieve success as they complete their education. As a parent of a child with SEND, I have a deep understanding of these issues and the anxieties faced by parents as they go through what can be quite a daunting experience, it is a challenging and difficult time and we should be providing the best support services we can for these families.

As this work has progressed we have been heartened by recognition from decision makers that improvement is needed in SENSAP and EHCP services and it has been pleasing to see the open and transparent way in which our work has been received from Executive Members and senior officers.

We have made 10 recommendations, key areas for improvement include modernising services through digital approaches, ensuring that engagement and communication is improved both in terms of providing updates and on EHCPs themselves, improving casework approaches to allow elected members to better advocate for residents and reducing the use of tribunals to reach EHCP outcomes.

It is vital that the Council meets its statutory commitments moving forward and that in turn services are quicker, more accurate and meet the needs of children and young people across the city.

I would like to thank all contributors to our work from senior leadership and their colleagues in the Children and Families Directorate to the contributions made by key stakeholders such as the Leeds Parent Carer Forum. Progress is being made but we remain committed to ensuring services are improved and remain improved in the future and we will continue to consider these issues and provide check and challenge on the improvement work as it continues in the future.

Councillor Dan Cohen

Chair of the Children and Families Scrutiny Board



Board Membership, EHCP Introduction and Aims of the Inquiry



Cllr David Blackburn



Cllr Jordan Bowden



Cllr Emmie Bromley



Cllr Amanda Carter



Cllr Dan Cohen



Cllr Ryk Downes



Cllr Oliver Edwards



Cllr Caroline Gruen



Cllr Jules Heselwood



Cllr Nkele Manaka



Cllr Lisa Martin



Cllr Karen Renshaw



Cllr Jane Senior



Cllr Ryan Stephenson



Tony Britten (co-opted)



Andrew Graham (co-opted)



Anas Khitou (co-opted)



Nick Tones (co-opted)



Helen Bellamy (co-opted)



Kate Blacker (co-opted)



Jackie Ward (co-opted)



Laura Whitaker (co-opted)

Children & Families Scrutiny Board

Focusing on services affecting the lives of children and families across the city to monitor progress towards becoming a child friendly city and putting children first.

Aims of the Inquiry

The Children and Families Scrutiny Board identified the Provision of EHCP Support in Leeds as a key area of focus in the 2023/24 municipal year. There were two main drivers behind this, anecdotal evidence from elected members through casework volumes relating to EHCP concerns from residents and information provided in both past and present performance reports provided by the directorate on a six monthly basis to the Scrutiny Board.

The performance data on EHCPs highlighted the significant increase in demand for them 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. These issues had fed through into performance with significant concerns around statutory timescales and satisfaction of families accessing services.

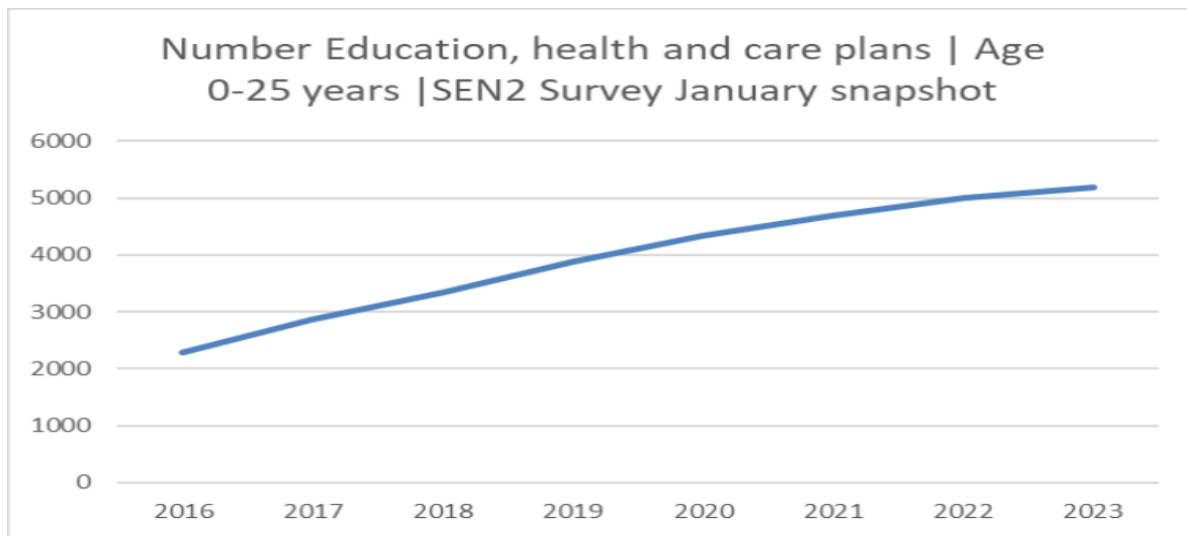
The scale of this challenge is perhaps best highlighted by overall volume, on 23 May 2023 there were 5,313 children and young people aged 0-25 with an EHCP in Leeds. The upward trend in EHCPs started in 2016 and the current figure is over double the figure in January 2016 which stood at 2,287. There has been a 118% increase in demand since 2016, with the upward trend set to continue in the future.



Aims of the Inquiry

Aims of the Inquiry (Continued)

The scale of growth in demand is highlighted by Figure 1 below:



As a result of the growing challenge in this area the Board believed that a detailed examination of EHCP processes could support the improvement work already being undertaken by the directorate through their work with PricewaterhouseCoopers (PwC), provide check and challenge on that improvement journey, ensure that the voices of children and families are integral to the improvement work and are being heard and acted on, provide additional elected member oversight and input into the improvement work and ultimately support ongoing work to improve EHCP services for children and families living in Leeds.

Local Context

Whilst the national context is important it was also recognised that there are local challenges that are unique to Leeds and that these will also be addressed as part of the work being undertaken by the directorate supported by PwC and as a focus of the Board's work.

It was noted that an important element of the issues faced in Leeds are related to staffing and resource. 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.

Issues around communication have also been consistently reported by families and these concerns were echoed in the direct engagement undertaken by the Board with the Leeds Parent Carer Forum (LPCF).

Inquiry Aims

The Board's work on EHCPs coincides with similar work being undertaken by the Children and Families Directorate, supported by PwC, both of these areas of work have identified issues with EHCP provision and both aim to support improved performance to support children and families accessing EHCP and SEND support in Leeds.

Recommendations

1

Communication Plan — As the Board has learned more about the issues facing children and families in the city and the demand led pressures on the SENSAP Team it has become clear that messaging on EHCPs and what they are for could be improved. Families and some practitioners see an EHCP as the only mechanism to get funding and support for children and young people. This means that services administering and delivering EHCP support are facing higher demand and this has a knock on impact on waiting times and the frustrations of families as they seek vital support for their children. The Board recommends that decision makers consider designing and delivering a clear communication plan on this to families and practitioners to address any misconceptions and enable more children to access support quicker.

2

Funding — The Board acknowledges the financial challenge facing local authorities both generally in terms of annual funding allocations for the General Fund from Government and specifically in relation to the Dedicated Schools Grant (DSG), where the funding cap on the DSG prevents the authority accessing the funding that it should be getting. Both of these funding streams impact the provision of EHCP support in the city. The Higher Needs Block of the DSG is used to meet the cost of provision and like other local authorities Leeds does not receive its full allocation due to the national funding formula. The Board notes a balanced DSG budget has been set in Leeds for 2024/25, this includes a £3.4m savings target and £3.5m use of DSG reserves. The Board also notes evidence received from council officers that in 2025/26 the DSG in Leeds is projected to overspend by £31m, and in 26/27 the forecast overspend is expected to increase to £51m. This is based on the Medium-Term Financial Strategy from September 2023, which will be updated during 2024/25. The Board therefore supports further action to lobby Government for additional funding for the general fund to support the cost of assessment, review and transport arising from EHCPs and the national funding formula for the DSG. Additional funding from either, or both, of these would support service improvements being delivered by the directorate.

3

Digital EHCPs — Through the Special Educational Needs and Disabilities and Alternative Provision Improvement Plan, the Government has noted that digital EHCPs could reduce bureaucracy and improve experiences for parents, carers and professionals. This view was mirrored when the Board received evidence from the Leeds Parent Carer Forum (LPCF) who noted that a dual access (accessible by both professionals and families) digital portal would improve communication and speed up the EHCP application process. Given this the Board believes that work should be prioritised to developing a digital portal that will enable families to complete forms and submissions on line, speeding up processes and enabling better information sharing and understanding of timescales linked to individual cases.

4

Improved Casework Processes — Elected members have noted an increase in EHCP casework in recent months, linked to delays in families being able to access support. The Board believes that a simple way of addressing casework would be the establishment of a dedicated EHCP/SEND inbox to enable elected members to quickly highlight cases of concern and assist in speedily accessing support and finding resolutions for residents. It is noted that development of digital approaches for EHCP support (Recommendation 3) may in time reduce casework volumes but certainly as an interim measure this approach would enhance the support available to residents by streamlining how elected members can raise cases and effectively deal with them.

5

Information Governance — Evidence submitted through a case study by the LPCF highlighted some concerns around Information Governance and the need to review processes to ensure that personal information is shared appropriately when dealing with EHCPs. The Board therefore recommends that a review of Information Governance processes takes place with a view to providing added assurance for practitioners and children and families around data protection and sharing information appropriately and with consent with schools and partners.

6

Tribunals — The evidence from the LPCF highlighted tribunals as a major cause of delays in EHCP processes in Leeds, specifically accessing placements, and that tribunal cases are often won by families. As services improve tribunals would likely reduce and that is noted by the Board. However, the Board believes that reduced reliance on tribunals should be an important part of the improvement journey and any resource spent in these areas would be better directed at service improvement as opposed to tribunal processes that can leave children and young people out of education settings, particularly when in many cases the tribunal leads to a finding in favour of the family. The Board also believes that reducing tribunals will enable Education Psychologists to have more time to support EHCP assessments, which again may speed up processes.

7

Placements — The Board has heard evidence regarding sufficiency, suitability and quality of placements available for SEND children and young people in the city. Some of this is due to challenges faced in meeting increasingly demanding needs which is a wider systemic issue but suitability of placements was highlighted by the LPCF as an area where different approaches or additional training may improve the service and also potentially reduce tribunals, and speed up access to placements. The Board therefore recommends that a review of training for caseworker staff is carried out to address consistency in approach and to increase the caseworker knowledge base of schools. This will ensure that there is a greater understanding of which schools are suitable to meet which needs. In respect of quality of placements the Board believes that more work should be done, subject to available resource as noted at Recommendation 2, on Monitoring and Quality Assurance linked to placements and the need to ensure that needs are being met by schools during a placement.

8

Practice over process — Throughout the inquiry the Board has welcomed the commitment to practice over process and acknowledges the significant demand led pressures that have created an over reliance on process. As part of ongoing scrutiny monitoring of the planned new arrangements the Board supports and therefore recommends that the key principles for new service arrangements remain central to future activity in the service. These being:

- Codesign of a future way of working with families.
- Designing processes that focus on the Child and value-adding staff effort.
- Creating an approach to the Code of Practice which aligns with the Leeds Way.
- Ensuring leadership which is stable and consistent.
- Delivery of a Culture which promotes equity and is obsessed with the voice of the child.

9

Communication and Engagement — The Board notes the initial progress made in providing more regular communication between senior management and families to improve relationships and provide assurance that services are being reviewed and improved. The Board welcomes this approach and recommends that this regular communication with groups such as the LPCF should form a permanent element of the new approach taken to communication and engagement. This would support Recommendation 8 (above) and ensure that co-design, consistent leadership and the voices of children and carers remain at the heart of the re-designed services.

10

Ongoing Check and Challenge —The Children and families Scrutiny Board has been working on this issue concurrently with similarly aligned work led by the Children and Families Directorate. The Board recognises the improvement work being done and that this will take time to bed in and see results on the ground over the coming 12 months. The Board therefore recommends that its role in checking and challenging the work on EHCPs should continue beyond this inquiry report and be a feature of the Board's work programme in the 2024/25 municipal year.

List of Witness

During the Inquiry the Board has heard evidence from the following:

- 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 Capacity and Development
- Chief Officer, Service Transformation and Partnerships
- Programme and Partnerships Manager
- Statutory Assessment and Provision Lead Officer
- Service users (Leeds Parent Carer Forum and wider information provided through the ongoing survey of EHCP and SEND provision in Leeds)
- Children and young people (through the survey referenced above)
- PricewaterhouseCoopers (PwC)



Inquiry Approach

Inquiry Structure

The Inquiry into the provision of EHCP support in Leeds has used a mixture of formal items at public board meetings and specifically designed working groups to consider detailed evidence on the services in question, the impacts on children and families and possible options to improve services. The following sessions have taken place in 2023/24:

Terms of Reference

5 July 2023 — [Draft Terms of Reference](#), consideration of an initial draft terms of reference early in the municipal year to enable the inquiry to commence as quickly as possible.

6 September 2023 — [Final Agreement of Terms of Reference](#) taking account of feedback from the directorate and Executive Board Members. This included initial overview of directorate led improvement work through a [project plan on a page](#).

Working Group—Directorate and PwC Improvement Work

22 September 2023 — Consideration of the planned work being developed by the directorate in partnership with PricewaterhouseCoopers (PwC). This included attendance from PwC and consideration of a briefing note on EHC Assessment in Leeds covering background, staffing, performance and a summary of service user feedback. In addition the Board considered the Government's [the Special Educational Needs and Disabilities and Alternative Provision Improvement Plan](#) as part of the agenda papers.

October Public Scrutiny Board Meeting — Working Group Summary

4 October 2023 — In order to report back to the full Board meeting from the 22 September Working group the evidence heard was summarised in a [working group summary document](#) which also focused on the key aims of the work being undertaken by the Children and Families Directorate and PwC.



Inquiry Approach

Working Group — Stakeholder Engagement Leeds Parent Carer Forum

23 November 2023 — A key element of the Board’s work in this area has been the desire to hear directly about lived experiences from stakeholders who access services within the EHCP ‘system’. As a result the Board met with parents and carers from the Leeds Parent Carer Forum (LPCF) who, through a working group, provided feedback on their experiences, offered suggestions as to what could work better and highlighted where services work effectively.

January Public Scrutiny Board Meeting

24 January 2024 — The Board considered a report which provided details of both the [November Working Group with LPCF](#) and the latest position on the directorate led improvement work through consideration of an item approved at Executive Board in December 2023. Given the clear links between the work of the Board and the work of the Directorate this item brought those two work streams together for Board member consideration.

February Public Scrutiny Board Meeting

22 February 2024 — As already noted the Board identified stakeholder engagement as a key area. To provide added depth to the LPCF feedback, the Board considered [a further item](#) which provided an overview of the engagement work that the directorate has done and a summary of findings from an ongoing survey of parents, carers, children and young people on EHCP and SEND support in Leeds. This survey therefore captured the voices of children and young people which had not been specifically considered in the inquiry work.

March and April Public Scrutiny Board Meetings

27 March & 18 April 2024 — These public sessions were used to consider and comment on the draft inquiry report and to agree the final report taking on board comments from the Director of Children and Families and Executive Board Member for Economy, Culture and Education.



Evidence Base

Summary of Evidence The following evidence has been heard by the Board which has led to the 10 Recommendations detailed on pages 6 to 8 of this report.

Recommendation 1 — Communication Plan

At the public Board meeting held on 22 February 2024 the minutes reflect discussion and acknowledgement that EHCPs are not in and of themselves the only thing that can be done to access support. In response to this the Board felt that improved signposting and communication with stakeholders would provide both better understanding of EHCPs and their uses and potentially assist in reducing demand for EHCPs as recognition grew in terms of other support services that are available and that other mechanisms exist to get support for children and young people with additional needs. It was also acknowledged that enhanced training to colleagues in schools and education settings could also be considered as part of the answer to the issue of greater understanding of EHCPs and their purpose.

Recommendation 2 — Funding

To contextualise the challenges faced by SENSAP services in Leeds, the Board has heard and supported concerns raised by Executive Board Members on funding and the fact that Leeds is one of many local authorities that has its DSG funding capped by the funding formula used by the Education and Skills Funding Agency. Leeds therefore does not currently receive the full allocation of DSG it is due under the formula, as there is a gains limit factor on some of the funding increases and this has contributed to creating pressures on the DSG budget. If the gains limit factor had not been in place, Leeds would have been allocated an additional £34.06m of funding between 2018/19 and 2023/24 across the schools' block (£9.5m) and high needs block (£24.56m), funding that would clearly have assisted in meeting the challenges faced in the provision of these services. This was discussed at the Board meeting held on 24 January 2024 and the minutes of that meeting reflect the concerns that were discussed: *'Moving on to finance the Board highlighted the funding cap that Leeds is subject to through the DSG. In response the board heard that this is a national funding formula which caps the amount of funding an authority can receive linked to population.'* The Board therefore support ongoing efforts to ensure additional funding through a review of the funding formula used at national level and any associated lobbying.

Recommendation 3 — Digital EHCPs

The Board has received evidence on lived experiences accessing EHCP provision in the city. This was provided through a dedicated working group held on 23 November 2023 which featured attendance from the Leeds Parent Carer Forum (LPCF) Steering Group. The forum is run by a group of parents, working in partnership with the local authority, to represent the parent/carer voice of families of children and young people aged 0-25 years, who have special educational needs and/or disabilities in the whole of the Leeds area. Their key aim is to create better outcomes for families through participation and co-production.

During the working group a number of observations were made, this recommendation relates to feedback from the LPCF around the use of hard copy forms, the level of bureaucracy required to complete EHCPs and the need for better communication between practitioners and families. It was suggested that the best way of delivering both better communication and simpler, more modern administrative process was a digital app that could be used to track progress of an EHCP, enable quick and easy communication between families and casework officers and enable digital submission of documentation and forms.



Evidence Base

Summary of Evidence (continued)

Recommendation 4 — Improved Casework Processes

Board members expressed a strong desire to be able to influence EHCP casework in a more direct manner and to be able to provide as much assistance as possible to families awaiting support or experiencing issues in accessing support. In terms of evidence specifically relating to this the working group summary from 22 September provides some background: *'SENSAP Inbox — Members questioned whether, like other services such as highways, there was potential for specific email inboxes to be established to deal with specific Cllr / MP SEND or EHCP related queries. This could ensure that all queries of this nature are collated and dealt with as quickly as possible.'* The views of the LPCF on casework also highlighted concerns with case handling by officers that could be impacted by elected member involvement to check and challenge casework processes and outcomes. Having a dedicated inbox approach would help to streamline elected member involvement and challenge.

Recommendation 5 — Information Governance

The evidence heard from the LPCF covered a range of issues and the session was also used to hear examples of individual case studies provided by LPCF Steering Group members. These were detailed in the Working group Summary considered by the Board on 24 January 2024 and one of them, Case Study 2, highlighted concerns around Information Governance and data handling.

The following is a quote from the working group summary: *'However, a key concern was around information governance, the Board heard that the EHCP was finalised and sent without the knowledge of the family and raised questions around IG and admin processes associated with EHCPs and how they are compiled. Ultimately this led to schools not accepting the child due to the drafting and quality of the EHCP, some of the detail was unchecked and therefore inaccurate and led to stigma being created largely due to the plan not being accurate. This raised concerns around IG and data security and the need for IG assurances to be in place to prevent this happening in the future.'* Conducting a review of IG processes as recommended would provide this assurance and identify any weak spots in the existing approach.

Recommendation 6 — Tribunals

A key area of concern from the LPCF again contained in evidence submitted to the Working group held on 22 November 2023 was around the length and volume of tribunal cases which often left children awaiting outcomes for months and in some case without being in education settings. Case Study 1 from the Working group summary highlights these concerns and more widely there were concerns around use of resources linked to tribunals in terms of cost, use of officer time and use of specialist staff time such as Education Psychologists. The Board acknowledges that with improved services there will be reduced tribunals and reduced waiting times for suitable placements but based on the evidence received there is a clear need to prioritise avoiding their use and to prioritise other forms of mediation to resolve disputes. This is particularly the case given that in the overwhelming majority of cases EHCP tribunals are won by the family. To support this further the Working Group summary from the 22 November 2023 contains clear evidence submitted by the LPCF on tribunals, the following provides a quote from this for added context: *'Waiting for Education Psychologist appointments. It is perceived that Ed Psych's time can be wasted on tribunal processes because of mainstream settings being recommended on EHCPs, due to lack of specialist provision. However, these settings cannot meet needs leading to more tribunals.'*



Evidence Base

Summary of Evidence (continued)

Recommendation 7 — Placements

The Board has heard that a key driver for dispute between families and the authority is around suitability of placements. This was clearly set out by the LPCF during the Working group held on 23 November with a number of concerns raised around placements, including delays linked tribunals, and follow up to provide placement quality assurance. Some of the issues raised are linked to Government funding in terms of meeting complexity of needs through facilities in schools and having both sufficient support staff and staff with enough expertise to deal with the need. As noted at Recommendation 2 and driven by the funding cap on the DSG those issues sit outside of the direct influence of the local authority. However, ensuring training and a greater knowledge base amongst caseworkers is something that could be reviewed and potentially improved. The LPCF submitted the following comment, amongst others, in relation to placements: *'Caseworkers need a better understanding of schools in the area so they can consult with the most appropriate settings, not just those that have spaces. This can lead to time being wasted for schools and families.'* Which provides the context for this recommendation.

Recommendation 8 — Practice over Process

Throughout the inquiry work it has been clear that senior officers and decision makers have recognised the challenges faced in providing EHCP support and have acknowledged that services can be improved even when set against the backdrop of funding reductions and increasing demand. This was clearly set out during the first working group undertaken by the Board on 22 September 2023 where there was a clear commitment to a practice over process approach with co-design and listening to the feedback from stakeholders at its heart. The Board has clearly communicated its support for this approach and welcomed the open and transparent way in which decision makers have received the scrutiny inquiry. The working group summary of the 22 September meeting adds further context to this recommendation through the following extract: *"It was recognised that some of the structures and processes are too rigid and do not always take account of exceptional cases which has led to people being unhappy with support which in turn has led to increases in complaints and escalation of complaints to Ombudsman level. A key focus of ongoing work being carried out by the Council is to emphasise flexibility of practice to meet needs and not an over reliance on process — 'practice over process.'"*

Recommendation 9 — Communication and Engagement

The Board has heard evidence in relation to communication and engagement both in terms of families receiving regular updates, (addressed as part of Recommendation 3) and also in terms of implementing a more consistent culture that encourages feedback from stakeholders and listens to those voices to inform more effective service delivery. At its meeting on 22 February 2024 the Board heard that initial discussions had taken place and more were planned in terms of senior management engaging with stakeholders as part of the commitment to co-production and this was welcomed by the Board. This approach will also support Recommendation 8 on Practice over Process and will ensure that the spirit of co-production is a central focus of the service review process. The minutes of the Board meeting held on 24 January perhaps best encapsulates the commitment made and the support this recommendation has for a renewed approach to communication and engagement: *The Director of Children and Families welcomed the feedback received from the LPCF through the working group and working group summary document. The directorate is committed to hearing from children and families and recognised that parents and carers are experts in the lives of their families.*



Evidence Base

Summary of Evidence (continued)

Recommendation 10 — Ongoing Check and Challenge

The Board has not been conducting work in isolation on the provision of EHCP support. The Children and Families Directorate, supported by PwC, has recognised and begun to address service issues through a Special Educational Needs and Disabilities (SEND) - Education, Health and Care Plans (EHCP) – Review Process. This work is ongoing and has featured on two occasions as part of the inquiry work. In the first instance a scrutiny board working group was established to understand the scope of the issues being faced by the SENSAP Team and also to understand the aims of the improvement work and review process being undertaken by the directorate, this took place on 22 September 2023. In addition, an update report was considered by the Board at its January meeting setting out the latest position in the review process. During consideration of this update report it emerged that the timescales for completion of the work go beyond the timescale for the board's inquiry and as such there will be a need to continue to monitor and check and challenge the progress being made and the improvement journey that is being undertaken. This will be led through work programming approaches in subsequent municipal years, most notably 2024/25 but potentially beyond.

Next Steps

As noted in Recommendation 10 above there is a need for the successor Board in municipal year 2024/25 to maintain a focus on EHCP and SEND services and to check and challenge the ongoing Service Review as it progresses into 2024/25. This will be picked up through work programming approaches early in the next municipal year.

More information about Leeds City Council's Scrutiny Service, along with the activity and membership of individual Scrutiny Boards, can be found on the Council's committee webpages.

You can also follow @ScrutinyLeeds on twitter.



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Work Programme

Date: 27 March 2024

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, Diversity and Inclusion 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.

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 over the course of the municipal year.
2. The latest Executive Board minutes from the meeting held on 13 March 2024 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 adjustments to the work programme since the last meeting in February. Today's meeting now has a further item on the Impact of asylum changes on children in Leeds, which is a follow up on a report considered in September 2023 on the same subject and reflects the Board's ongoing interest in this area.
4. As agreed at the February meeting the Draft Youth Justice Plan 2024/25, which falls under the Council's budget and policy framework and therefore is required to come to Scrutiny, has been re-scheduled to the April meeting to take account of a Joint Targeted Area Inspection which impacted the officers who draft the report.
5. Following past discussion work is underway to consider the allocation of one of the Board's co-opted member places to an individual representing the voice of children and families accessing SEND support and Alternative Provision in the city along with a wider review of co-opted positions on the Board linked to discussion in February which included the possibility of having the voice of children and young people specifically represented on the Board. This will require a more detailed report to be brought back setting out the options available and noting any comments received from stakeholders, an item is now programmed in for the April board meeting.

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 held on 13 March 2024.

Background papers

- None

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

June	July	August
Meeting Agenda for 7th June 2023 at 10 am	Meeting Agenda for 5th July 2023 at 10 am	No Scrutiny Board meeting
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/PDS) Annual Standards Report (PDS) SACRE Annual Report (PM)	
Working Group Meetings		
Site Visits		

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
Meeting Agenda for 6th September 2023 at 10 am	Meeting Agenda for 4th October 2023 at 10 am	Meeting Agenda for 29th November 2023 at 10 am
<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/PDS)</p>	<p>Leeds Safeguarding Children Partnership Update (PSR)</p> <p>School Attendance Update (PM)</p> <p>Impact of Vaping on Children and Young People (PSR)</p> <p>Provision of EHCP Support Working Group feedback (PM/PDS)</p>	<p>Impact of Vaping on Children and Young People (PSR)</p> <p>Children and Families Transformation Agenda (PDS)</p> <p>Refresh of the Leeds 3As Strategy (PDS)</p>
Working Group Meetings		
Provision of EHCP Support Inquiry Working Group – 22 September 10.00-11.30AM		23/11/23 - Provision of EHCP Support Inquiry Working Group – 23 November 10.00AM

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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

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December	January	February
No Scrutiny Board meeting.	Meeting Agenda for 24th January 2024 at 10 am	Meeting Agenda for 22nd February 2024 at 2 PM
	Performance report (PM) 2024/25 Initial Budget Proposals Financial Health Monitoring (PDS/PSR) Provision of EHCP Support Working Group feedback & Inquiry Session (PM/PDS)	Leeds Child Poverty Strategy Update (PSR) Voice and Influence Team – hearing the voices of Young People (PSR) Provision of EHCP Support Inquiry Session (PM/PDS)
Working Group Meetings		
2024/25 Initial Budget Proposals (PDS) – 19 December 2023 at 13.30 (remote working group)		
Site Visits		

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 27th March 2024 at 10 am	Meeting Agenda for 18th April 2024 at 1.30 pm	No Scrutiny Board meeting
<p>The independent review of children's social care (Macalister Review) – Implementation Update (PM)</p> <p>Impact of asylum changes on children – Follow Up (PSR)</p> <p>Draft Inquiry Report – Provision of EHCP Support (PM/PDS)</p>	<p>Inquiry Report – Provision of EHCP Support (PM)</p> <p>Draft Youth Justice Plan 2024/25 (PDS)</p> <p>Co-opted Members Review</p> <p>Children and Families Scrutiny Board End of Year Summary Statement</p>	
Working Group Meetings		
Site Visits		

Scrutiny Work Items Key:

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

EXECUTIVE BOARD

WEDNESDAY, 13TH MARCH, 2024

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

103 **Exempt Information - Possible Exclusion of the Press and Public**

RESOLVED – That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt from publication 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 public were present there would be disclosure to them of exempt information so designated as follows:-

- (A) That Appendix 1 to the report entitled, ‘District Heating Update – Investment Plans’, referred to in Minute No. 108 be designated as being exempt from publication in accordance with paragraph 10.4(3) of Schedule 12A(3) of the Local Government Act 1972 and be considered in private. This is on the grounds that it contains information relating to the financial and/or business affairs of any particular person (including the authority holding that information). Specifically, the appendix contains commercially sensitive information regarding pricing structures for customers, and considerations of the impact of different options for revising tariffs on both customers and the Council. Disclosure of this information could seriously harm the Council’s negotiating position when discussing heat sales with potential customers. Therefore, it is considered that the public interest in maintaining the content of Appendix 1 as being exempt from publication, outweighs the public interest in disclosing this information.

104 **Late Items**

Late Item of Business entitled, ‘Leeds Transformational Regeneration Partnership’

With the agreement of the Chair, a late item of business was admitted to the agenda entitled, ‘Leeds Transformational Regeneration Partnership’ within the ‘Sustainable Development and Infrastructure’ portfolio. This was due to the fact that the submitted report was in response to the recent Government announcement contained within the Spring Budget on 6th March 2024, and as such the report was not able to be included within the agenda as published on 5th March 2024. However, given the significance of this announcement, it was deemed appropriate for the matter to be brought to the attention of Executive

Board at the earliest opportunity. The report had been circulated to Board Members and published prior to the meeting. (Minute No. 115 refers).

105 Declaration of Interests

There were no Disclosable Pecuniary Interests declared at the meeting.

106 Minutes

RESOLVED – That the minutes of the previous meeting held on 7th February 2024 be approved as a correct record.

RESOURCES

107 Financial Reporting 2023/24 – Month 10 (January 2024)

The Chief Officer Financial Services submitted a report which presented the Council's financial position as at the end of the first 10 months of the 2023/24 financial year. Specifically, the report reviewed the current position against the 2023/24 Budget and also provided an update regarding the Housing Revenue Account (HRA) and the Council Tax and Business Rates Collection Fund.

In presenting the report the Executive Member provided an overview of the key points which included the current forecasting of a General Fund overspend of £36.3m as at month 10 of the financial year. The Board noted that the Council's reserves together with the one-off refund of transport levy reserves received from the West Yorkshire Combined Authority would need to be used to help achieve a balanced position for 2023/24. It was also reiterated that directorates continued to be required to present action plans to mitigate against pressures within their respective service areas.

Responding to a specific enquiry, the Board received further detail and assurance on the actions that continued to be taken to monitor and mitigate against the financial pressures arising from the services delivered by the Children and Families directorate, which were via the established directorate action plan and associated governance arrangements. The ongoing key sources of financial pressures, including the rising cost of external residential placements, were also highlighted.

RESOLVED –

- (a) That it be noted that at Month 10 of the financial year (January 2024), the Authority's General Fund revenue budget is forecasting an overspend of £36.3m for 2023/24 (6.3% of the approved net revenue budget) within a challenging national context, with it also being noted that a range of actions are being undertaken to address this position;
- (b) That it be noted that at Month 10 of the financial year (January 2024), the Authority's Housing Revenue Account is forecasting a balanced position;
- (c) That it be noted that known inflationary increases, including demand and demographic pressures in Social Care, known impacts of the rising cost of living, including the NJC pay settlement of £1,925 and the JNC

pay settlement of 3.5%, have been incorporated into this reported financial position, as submitted. That it also be noted that these pressures will continue to be reviewed during the year and reported to future Executive Board meetings as more information becomes available, and that proposals would need to be identified to absorb any additional pressures;

- (d) 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 and those of the Council's wider financial challenge where possible, in line with the Revenue Principles agreed by Executive Board in February 2023 through the annual Revenue Budget report.

CLIMATE. ENERGY, ENVIRONMENT AND GREEN SPACE

108 District Heating Update - Investment Plans

Further to Minute No. 28, 26th July 2023, the Director of Communities, Housing and Environment submitted a report presenting a further update on the progress of the Leeds PIPES district heating network and which also provided information on the policy context being developed around Heat Networks nationally. In addition, the report provided an update on the Council's successful application to the Green Heat Network Fund (GHNF) for the next phases of network extension, focussing upon the areas of Wellington Street and South Bank, and sought several approvals from the Board to progress both schemes.

In presenting the report, the Executive Member provided an overview of key points within it, including the recommended next steps for the scheme together with an update on the positive impact which it continued to make. In addition, the Executive Member extended their thanks to all officers involved in progressing the scheme to its current position.

Responding to a specific enquiry, the Board was advised of the actions which would be taken to minimise the level of disruption in the city centre arising from the proposed works, with the collaborative approach being taken with Highways around issues such as timeframes and routes being noted.

Following consideration of Appendix 1 to the submitted report designated as being exempt from publication under the provisions of Access to Information Procedure Rule 10.4(3), which was considered in private at the conclusion of the public part of the meeting, it was

RESOLVED –

- (a) That the entering into Grant Funding Agreements with the Green Heat Network Fund for both Wellington Street and South Bank schemes, be approved, with the related resolutions and approvals referenced below being noted;

- (b) That authority to inject £1.15m of commercialisation funding from the Green Heat Network Fund into the Capital Programme to support the development of the Wellington Street and South Bank schemes, be approved, and that authority to spend this same amount be approved, with it being noted that this is 100% grant funding;
- (c) That authority to award, including authority to procure, a contract for technical, commercial, and financial consultancy support to AECOM Ltd, to support the South Bank scheme, be approved, and in doing so, noting the justification outlined in the submitted report and in Appendix 3 (Procurement Strategy);
- (d) That authority to procure a legal contractor to support the South Bank scheme, in line with the procurement approach as outlined in Appendix 3 to the submitted report, be approved;
- (e) That the contract award decisions for the legal procurement be delegated to the Director for Communities, Housing and Environment;
- (f) That authority to award a contract to Vital Energi Utilities Ltd for the design and build of the Wellington Street extension, be approved;
- (g) That in noting the contents of exempt Appendix 1 to the submitted report, authority to spend of £6,755m from the Capital Programme be approved, which is funded by £2.561m of GHNF grant and £4.194m of borrowing, with it being noted that a decision on how the borrowing is funded will be taken by the S151 Officer;
- (h) That it be noted that an extension to Whitehall Road will be deferred, pending signed agreements being received from prospective customers on Whitehall Road, and further approval from Executive Board;
- (i) That it be noted that a further report will be submitted to Executive Board in due course specifically on the South Bank scheme, when sufficient work has been undertaken on the scheme to present the Board with a robust business case, to enable further investment decisions;
- (j) That authority to inject a maximum of £2,750,000 into the Capital Programme, funded with 100% grant funding from GHNF, be approved; and that authority to spend of this same amount for early construction works on the South Bank scheme in the Clarence Road area of the city, be approved.

109 Leeds Air Quality Strategy Report 2024

The Director of Communities, Housing and Environment submitted a report presenting the Leeds Air Quality Strategy report for 2024. The report provided an update on the range of work that continued to be undertaken in Leeds to improve air quality through mitigation projects, raise awareness of the issue

Draft minutes to be approved at the meeting
to be held on Wednesday, 17th April, 2024

through communication and engagement, and illustrate how the Council continued to develop greater understanding around the sources of air pollution through improved monitoring and engagement with academics and research groups. The report noted that such actions were in line with the Council's Air Quality Strategy and followed the related White Paper Motion, as agreed by Full Council at its meeting in September 2023.

In presenting the report, the Executive Member highlighted that relevant data illustrates that air quality continues to improve in Leeds, and in doing so thanked Council officers together with residents of Leeds for their continued efforts in this area.

Members welcomed the submitted report, and the fact that air quality continued to improve in Leeds.

RESOLVED –

- (a) That the current air quality data and the historical trends which show improvement and healthier air in the city, be noted;
- (b) That the work which has been undertaken to ensure delivery on the 2021-2030 Air Quality Strategy, be noted;
- (c) That the Council's position, pursuant to the new World Health Organisation's air quality guidelines, be approved;
- (d) That the continuing multi-stakeholder collaborative approach across the city and region for action to address the direct impact of air pollution on health, such as the work of the Air Pollution Health Group, be supported;
- (e) That it be noted that the Chief Officer, Climate, Energy & Green Spaces, and the Director of Public Health will be responsible for any actions arising and the subsequent implementation of those actions.

HOUSING

110 Improving the private rented sector - consideration of further selective licensing schemes in the city

The Director of Communities, Housing and Environment submitted a report on proposals regarding the potential development of business case(s) for the establishment of further selective licensing scheme(s) in the city with respect to the five priority Wards of Armley, Beeston and Holbeck, Burmantofts and Richmond Hill, Gipton and Harehills, and Hunslet and Riverside.

By way of introduction, the Executive Member highlighted that this report followed the Board's prior approval in June 2019 of two selective licensing schemes in Beeston and Harehills which commenced in January 2020. It was noted that those schemes were scheduled to expire in January 2025 in line with the maximum duration of five years allowed for such schemes. The report evaluated the impact of those current schemes and proposed appropriate

next steps around the consideration of potentially establishing further selective licensing scheme(s) in the city with respect to the five priority wards listed.

Members received further detail on the positive impact that had been experienced through the current selective licensing schemes in Beeston and Harehills.

A Member made a specific enquiry regarding the level of metrics available from the current selective licensing schemes and requested that the relevant data relating to this matter be submitted to Scrutiny for consideration as part of the next steps process prior to being further considered by Executive Board. In response, further details were provided to the Board regarding the positive outcomes that had been achieved by the current schemes to date, and it was undertaken that the Member request for Scrutiny involvement would be taken on board as part of the next steps for this process.

RESOLVED –

- (a) That the development of potential business case(s) under Part 3 of the Housing Act 2004 for further selective licensing scheme(s) in respect of the five priority Wards of: Armley; Beeston and Holbeck; Burmantofts and Richmond Hill; Gipton and Harehills; and Hunslet and Riverside, be approved;
- (b) That the Board consider the matter again at a future date once the final business case(s) have been fully developed and agreed, in order to consider whether to designate any further selective licensing area(s) under Part 3 of the Housing Act 2004 or to request the Secretary of State to consider an application to do so if it meets the threshold for their approval;
- (c) That it be noted that the Director of Communities, Housing and Environment is responsible for the implementation of the resolutions detailed above.

ADULT SOCIAL CARE, PUBLIC HEALTH AND ACTIVE LIFESTYLES

111 Design and Cost Report: Kirkland's Autism Project

Further to Minute No. 114, 9th February 2022, the Director of Adults and Health and the Director of City Development submitted a joint report regarding the development proposals for the Kirkland's Autism Project, on Queensway, Yeadon in the Guiseley and Rawdon Ward. The scheme would provide a bespoke registered residential care home consisting of six one storey homes for adults with severe learning disabilities and complex autism. The report sought a number of approvals in order progress the project.

The Executive Member provided the Board with an overview of the proposals detailed within the submitted report and the key positive outcomes which would be delivered as part of such proposals.

Members welcomed the submission of the report and provided support for the proposals within it.

RESOLVED –

- (a) That the contents of the submitted report, be noted, together with the progress made so far on the Kirkland's Autism Project;
- (b) That an injection of £9.2m capital expenditure, be authorised and that the approval to spend also be authorised. Capital expenditure of £8.1m will be from departmental borrowing to develop a high quality, six-bed bespoke Registered Residential care home for adults with severe learning disabilities and complex autism who display behaviours which challenge services. The remaining expenditure will be funded by a capital grant from the NHS for £1.09m. The cost of borrowing will be funded by West Yorkshire Integrated Care Board;
- (c) That approval be given for the Director of City Development, under delegated powers, to progress the scheme to construction completion;
- (d) That the project team be authorised to enter into a construction contract with Kier Construction Ltd T/A Kier North and Scotland (Kier) to construct the Kirkland Autism Project;
- (e) That Leeds City Council be authorised to enter into a legal capital grant agreement with NHS England for the receipt of £1.09m to Leeds City Council, which will involve a Land Registry restriction around one highly specialised home to be built on a portion of the site;
- (f) That the necessary authority be delegated to the Director of Adults and Health under the scheme of officer delegation to grant approval for the authorisation to enter the legal capital grant agreement (as referenced above);
- (g) That the resolutions arising from this report, as detailed above, be exempted from the Call In process for the reasons as set out in paragraphs 39 to 43 of the submitted report.

(The Council's Executive and Decision Making Procedure Rules state that a decision may be declared as being exempt from the Call In process by the decision taker if it is considered that the matter is urgent and any delay would seriously prejudice the Council's, or the public's interests. In line with this, the resolutions contained within this minute were exempted from the Call In process, as per resolution (g) above, and for the reasons as set out within sections 39 - 43 of the submitted report)

112 Adults and Health Market Position Statement

The Director of Adults and Health submitted a report presenting the refreshed Adults and Health Market Position Statement (MPS) for Leeds, and which noted that the current version of the Leeds MPS had been published in 2019

and had required a full refresh in order to reflect the changes in both the health and care system and the adult social care market.

The Executive Member provided a summary of the key elements of the updated MPS for Leeds, noting that it provided an overview of the support and care services people need, the current provision available within a Local Authority area, and which identified potential commissioning opportunities for the care and support provider market. It was also noted that the MPS formed an important element of the Local Authority's duties in this area, as required through the Care Act 2014.

A Member sought further information and assurance regarding the reference within the MPS that 27 of the 97 registered homes in Leeds had a 'requires improvement' CQC rating. In response, the Board was provided with further information, with it being noted that the CQC currently had a significant inspection backlog as a result of the pandemic. However, assurance was provided on the actions being taken by the Authority, with it being noted that the Council's commissioning team had operated its quality and monitoring service throughout the pandemic and continued to do so, taking necessary actions as appropriate. It was also highlighted that following the pandemic, the service had returned to visiting homes in order to review them, and in doing so, worked with relevant partner organisations. Further assurance was provided to the Board that when appropriate, the Council would suspend its use of a care home for a period of time, whilst an action plan is established and improvements delivered.

RESOLVED –

- (a) That the contents of the Leeds Market Position Statement, as presented at Appendix 1 to the submitted report, be noted, together with the intention of the Director of Adults and Health to publish it;
- (b) That it be noted that the Director of Adults and Health is responsible for keeping the Leeds Market Position Statement up to date through undertaking regular reviews and revisions.

CHILDREN'S SOCIAL CARE AND HEALTH PARTNERSHIPS

113 Revised Special Guardianship Support Offer

The Director of Children and Families submitted a report providing information on the review undertaken into current regional policies for Special Guardianship arrangements, including financial support, which had been led by One Adoption West Yorkshire. It was noted that the purpose of such work was with the aim of encouraging all Local Authorities within the region to provide a more consistent offer of support to Special Guardianship families. The report presented proposals in terms of a revised recommended regional approach towards Special Guardianship Order (SGO) support and also regarding local arrangements specific to the Leeds offer.

By way of introduction to the report, Members received further information on the SGO process and details of the improved offer that was being proposed in

West Yorkshire along with the proposed offer specifically for Leeds. The significant benefits of the proposals were highlighted with Members also receiving information on the financial implications arising.

Members welcomed the proposals within the submitted report and noted that children and young people in SGO care benefitted from the increased permanence and stability that special guardianship arrangements provided.

Responding to a Member's enquiry, it was undertaken that clear communications would be delivered around the improved SGO offer for carers and also in relation to the overall benefits of SGO care for children and young people.

The Board discussed the rising cost of external residential placements for children and young people. It was emphasised that action needed to be taken nationally to address this issue and that representations to Government needed to continue. However, the approach being taken in Leeds to mitigate the impact of such matters was acknowledged. Responding to Members' comments and following the Board's agreement, the Chief Executive, who is a member of the Children's Social Care National Implementation Board, undertook to write to the Minister for Children, Families and Wellbeing to express Executive Board's concerns regarding such matters.

RESOLVED –

- (a) That the recommendations, as set out within the submitted report, be approved, the first of which are aligned with the recommended regional approach in relation to SGO support, as follows:-
- Where children have been Looked After immediately prior to the SGO being made, carers will receive non means tested financial support (minus child related benefits) until the child is aged 18 years of age.
 - Where children have not been Looked After immediately prior to the SGO being made, carers will receive means tested financial support.
 - Where children have not been Looked After immediately prior to the SGO being made and carers are already in receipt of a means tested benefit, they will receive non means tested financial support.
- (b) That the recommendations, as set out within the submitted report, regarding local arrangements specific to the Leeds offer for special guardianship orders, be approved. These being:-
- Where children have been Looked After immediately prior to the SGO being made and remain with their special guardianship carers post 18, they will continue to get post 18 financial support, aligned with the current rates paid to care leavers as part of the councils 'staying put' policy.
 - That revised policies and procedures are put in place along with service training to set out the local authority's special guardianship support arrangements.

LEADER'S PORTFOLIO

114 Level 4 Devolution for West Yorkshire

The Director of Strategy and Resources submitted a report which provided an update on the opportunity to apply under the Government's recently published Devolution Framework for a Level 4 devolution deal for West Yorkshire. The report summarised the offer from Government and sought ratification of the Council's support for the Combined Authority's application for Level 4 devolution.

In considering the report, a Member highlighted the need to ensure that as part of the process moving forward, consideration was given to avoiding the potential duplication between the Local Authorities and the Combined Authority.

Responding to a specific enquiry regarding the potential future use of the Mayoral precept, it was noted that the Mayoral precept had not been used to date. It was also noted that to do so would require a comprehensive consultation process on a specific proposal, which it was highlighted was not a process being undertaken at present.

RESOLVED –

- (a) That the recent publication of the Government's Level 4 Devolution Framework which sets out guidance and the powers and flexibilities on offer through a Level 4 Devolution Deal together with the associated readiness conditions, be noted;
- (b) That the partnership work in West Yorkshire to consider the opportunities presented through further devolution, be noted, together with the activity undertaken to develop the West Yorkshire response, including the refreshed partnership principles;
- (c) That Executive Board formally ratifies the Council's support for the Combined Authority's application for Level 4 devolution.

SUSTAINABLE DEVELOPMENT AND INFRASTRUCTURE

115 Leeds Transformational Regeneration Partnership

The Director of City Development submitted a report which presented a proposal for the Council to enter a long-term Leeds Transformational Regeneration (LTR) Partnership with the Government, Homes England (the Government's national housing and regeneration agency) and West Yorkshire Mayoral Combined Authority to support a 10-year programme of change and investment focused on central Leeds.

With the agreement of the Chair, the submitted report had been circulated to Board Members and published as a late item of business prior to the meeting for the reasons as detailed in Minute No. 104.

In introducing the report, the Executive Member highlighted the fast paced nature of the partnership working which had been undertaken, with it being noted that the report was being submitted following a recent Government announcement at the Spring Budget of 6th March 2024. The range of regeneration opportunities that this partnership arrangement presented were highlighted and the commitment provided by Government was welcomed. The key elements of the proposals were noted, and it was undertaken that appropriate consultation would be conducted with communities and stakeholders during the development of proposals.

Members welcomed the proposals and acknowledged the effective collaborative working with Government and other partners, alongside the progress made by officers which had enabled the scheme to be developed to its current position.

RESOLVED –

- (a) That it be agreed that the Council enters into the Leeds Transformational Regeneration Partnership on the basis as set out within the submitted report, and that progress on the partnership and its activities be reported to the Board annually;
- (b) That the commitment of revenue funding from Government to support the Council in developing and delivering an LTR work programme, be welcomed;
- (c) That the capital grant commitments made by Government, as set out within the submitted report for City Partner projects, be welcomed, and that it be agreed that a future report be submitted to Executive Board to consider the detailed implications for the Council, including its continued role in supporting the development ambition for Temple Works;
- (d) That the necessary authority be delegated to the Director of City Development to enable the Director, in consultation with the Executive Member for ‘Sustainable Development and Infrastructure’, to take decisions relating to the Council’s contribution to the design and delivery of the LTR implementation plan and delivery programme.

DATE OF PUBLICATION: FRIDAY, 15TH MARCH 2024

LAST DATE FOR CALL IN OF ELIGIBLE DECISIONS: 5.00PM, FRIDAY, 22ND MARCH 2024

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