

# Minutes of the Safeguarding Overview and Scrutiny Committee Meeting held on 20 April 2023

Present: Bob Spencer (Chair)

<b>Attendance</b>	
Gill Burnett-Faulkner (Vice-Chair (Overview))	Kath Perry, MBE
Janet Eagland	Paul Snape (Vice-Chair (Scrutiny))
Johnny McMahon	Mike Wilcox
Gillian Pardesi	Conor Wileman

**Also in attendance:** Tina Clements, Julia Jessel, Paul Northcott and Jonathan Price

## **Apologies:**

## **PART ONE**

### **50. Declarations of Interest**

Name of Member	Nature of Association	Minute No
Kath Perry MBE	Son is a Vice President of an Academy Trust	52

### **51. Minutes of the meeting held on 16 February 2023**

**Resolved:** That the minutes of the Safeguarding Overview and Scrutiny Committee held on 16 February 2023 be confirmed and signed by the Chairman.

### **52. Safeguarding of Permanently Excluded Pupils**

[Councillor Mrs Tina Clements, Chairman of Prosperous Overview and Scrutiny Committee, in attendance for this item.]

The Scrutiny Committee were aware of the significant impact a permanent exclusion could have on an individual and had requested detail of the potential safeguarding impacts. Members received details of the exclusion process and the Local Authorities (LAs) role within this, including the role of the Education Inclusion Officers (EIOs).

Members heard that a key safeguarding function of the EIO's was to arrange suitable full-time education for the excluded pupil, to being from

the sixth day after the first day that permanent exclusion took place. In most cases this was provided through the pupil attending a Pupil Referral Unit (PRU). Staffordshire had six secondary PRUs, a secondary Progress Centre and one primary PRU.

Each excluded pupil was also discussed at the weekly Alternative Provision Panel (APP), where their sixth day provision was confirmed and monitored. Attendees at the APP included representatives from Youth Offending, PRU Headteacher, SEND, EIOs, education welfare and the education commissioner. The Panel challenged and reconsidered education provision if it appeared not to be meeting the needs of the pupil. Where a pupil was unable to attend a PRU, the APP would consider other alternative provision, possibly requiring the LA to commission a service. This may mean the six-day window for provision was not met. In these circumstances the EIO would work closely with the family to ensure the pupil was safeguarded.

All the commissioned providers had undergone a robust process before becoming an approved provider, which included the scrutiny of their safeguarding policy. For excluded pupils with special educational needs or disabilities (SEND) the EIO would liaise closely with the SEND key worker to ensure whatever provision was put in place met their needs, until another long-term provision could be secured.

Members heard that there had been 167 students permanently excluded from Staffordshire schools (both academy and maintained) during this academic year. The EIO worked with the school to help consider alternatives to exclusion, such as a managed move to another school or a prevention placement at a PRU. Where an exclusion was made, for the first five days after the exclusion the school remained responsible for the pupil's education, which was normally through virtual learning packages.

The Committee heard about the innovative work of the Progress Centre, working on instances where the pupil was under threat of exclusion for a one off, out of character event. The Progress Centre was a unit within another school. The pupil would spend a short, concentrated amount of time receiving education in the Unit, but quickly starts receiving part of their education within the school that hosts the Unit. This enabled the individual to retain some continuity with mainstream education and, so far, had a 90% success rate in returning pupils to mainstream education.

The Committee discussed the role of governors in the exclusion process, understanding the importance they had in reviewing the headteachers decisions and the formal part they had in the process.

Members queried the appeal process, having concern that the process was weighted in the school's favour and questioning why the appeal was brought by parents, with pupils not able to appeal in their own right. The legal responsibility for a child's education lay with the parent, which was why they had the right to appeal an exclusion. The child could attend the review panel and have their voice heard, although there was a need to consider the impact this might have on the child, and whether it was in their best interests. Recent changes had made the exclusion appeals process more balanced, including where a child had a social worker, the requirement for their social worker to be included in all meetings to help give context to the child's circumstances. EIO also worked to support the family in this process. The Review Panel's ultimate power would be to direct the school to readmit the pupil. The school could veto this, but would receive a £4000 to £5000 fine if they did so.

The Committee queried whether PRU's had adequate capacity, or if excluded pupils would find themselves on a waiting list before receiving their sixth day provision. In some cases there could be a slight delay, but this would be due to specific placement requirements, such as transport provision or risk assessments for a child presenting with particular needs.

PRU staff had great expertise in managing challenging behaviours. Sharing this expertise with mainstream school colleagues helped prevent exclusions, however large numbers of pupils in PRU's meant that capacity for this preventative work would be limited.

The Committee considered differences between school structures and cultures. They heard about the successful pilot project, initially in Newcastle, which was now County wide. The pilot looked at restorative practice and relationships to support schools being more inclusive, with an example shared with the Committee of its impact and success.

The Committee queried whether Ofsted had a role in the exclusion process. The culture of a school and its behaviour was considered by Ofsted as well as its results. To achieve an outstanding judgement from Ofsted a school would need to have excellent results, behaviours and be fully inclusive.

Members queried whether the process was different for those pupils who attend Staffordshire schools but lived in neighbouring counties. In these instances the sixth day provision would be the responsibility of the LA within the county they lived rather than the county of the school they had been attending.

Members heard that no displaced or asylum-seeking children had currently come through the exclusion system. Significant resource within

school supported these children, with schools welcoming them and work in place to understand their trauma.

Members asked for further detail on the following:

- the number of permanently excluded pupils who were now being home educated;
- the number of permanent exclusions in the last 12 months;
- how many permanently excluded pupils took the school to appeal, and how many of these appeals were successful;
- the split between maintained and academy schools of the number of pupils who appealed and the number of appeals that were successful;
- numbers of permanently excluded pupils showing race, gender, SEND to help establish whether certain groups were disproportionately excluded;
- the numbers of permanently excluded pupils who were open to early help, earliest help or with a social worker;
- exclusion comparison figures from previous years to help identify trends;
- exclusion comparison figures from other shire counties;
- whether the bulk of exclusions were from particular schools and/or particular areas of the County.

The Chairman thanked the Cabinet Member and Officer for sharing their knowledge and expertise with the Committee. The Scrutiny Committee were very encouraged by the work undertaken and the way the different circumstances were managed.

**Resolved:** That:

- a) the Committee's thanks go to the Cabinet Member for Education (and SEND) and the Head of Attendance and Inclusion and his team for the work to safeguard permanently excluded pupils; and,
- b) the requested further detail listed above be forwarded to the Scrutiny Members.

### **53. Deprivation of Liberty Safeguards**

The Council has a statutory duty to manage Deprivation of Liberty Safeguard (DoLS) applications. The Scrutiny Committee had last considered a report on DoLS applications at their meeting of 10 January 2022. At that time it had been expected that DoLS would have been replaced by new legislation and a new process called Liberty Protection Safeguards (LPS) by October 2022. LPS would have reduced demand and time requirements that currently exist with DoLS, having less demand for specialist workforce. However, LPS had been delayed with no implementation date identified.

The Scrutiny Committee were aware that Staffordshire had a large number of care homes which resulted in a large number of DoLS applications compared with other LAs. They heard that during 2022/23 on average per month 550 applications were received, an increase of more than 20% compared with the average of 450 monthly applications in 2021/22. Up to half of these applications may be reapplications, with rising numbers of reapplications impacting on the overall increase.

The Scrutiny Committee were aware that historically there had been a large waiting list for DoLS applications. Following the Local Government and Social Care Ombudsman report in 2019 there had been a sustained effort to reduce the waiting list. Members received details of the reduced figures throughout 2021 – 2022.

It was noted that Staffordshire reported all uncompleted DoLS applications, whereas some LAs only reported those applications outstanding for more than 28 days. Currently in Staffordshire the majority of DoLS applications were undertaken within 36 days. There were a very small number assessed as low risk that had been waiting for over a year and these were being looked at as a matter of urgency. Changes to processes had also been made to make these more efficient, including a proportionate response to requests and changes to administration. During the autumn of 2022 the Council had increased capacity from an external provider to help manage additional demand. Whilst the provider had been anticipated to complete 80 assessments per week, they were in fact completing between 40-60 per week. Members heard that the provider was paid per completed assessment, however when retendering consideration would be given to assessment amounts within the new contract.

Members queried whether the Council had enough Best Interest Assessors (BIA). Whilst Staffordshire had BIAs, training new BIAs had been paused as it was expected the number needed would reduce once LPS were introduced. As the timescales for LPS were now unsure there was a need to train more. There had also been a rota for BIAs, which had also been paused but would need to be reintroduced.

Members queried the difference between DoLS requested by hospital or care homes as opposed to those for individuals that remained in their own home. Community DoLS underwent a similar assessment but in a different format undertaken by the Community Team.

Members received trend and forecast figures for completing 500 and 450 applications per month, and asked how realistic these were. These targets were challenging but realistic. There was a commitment to continued funding to help reduce the backlog, including the retendering for the private contractor assessments and a commitment to reduce the

timescales from 36 days, which would also help reduce the backlog. Performance was monitored on a quarterly basis and the Cabinet Member for Health and Care had fortnightly briefings with the Director for Health and Care.

Comparative data with other LAs would be available in the Autumn and Members asked for detail of this at that time.

**Resolved:** That:

- a) the Committee is reassured by the work undertaken to manage the Deprivation of Liberty Safeguards applications; and
- b) comparative data on application figures with other LAs be forwarded to the Committee once available.

#### **54. Work Programme**

This was the last meeting for this municipal year. There were a number of items to carry forward for possible addition on the 2023/24 work programme, including:

- the role of the PSHE co-ordinator after the first twelve months; and
- meeting with the Police, Fire and Crime Commissioner following the February Panel meeting to discuss the PEEL report (a briefing from this meeting having been forwarded to Members).

Members also requested that the previous inquiry day report on Edge of Care should be circulated to Members along with implementation of recommendations to consider whether there was further follow-on work.

Members had previously completed work with young carers and agreed to become Young Carer Advocates. Further work was suggested on how this could be progressed.

**Resolved:** That the additions to the to work programme be noted.

**Chairman**