

## Minutes of the Safe and Strong Communities Select Committee Meeting held on 6 January 2021

Present: John Francis (Chairman)

### Attendance

Ann Beech  
Ron Clarke  
Ann Edgeller  
Bryan Jones

Paul Snape  
Bob Spencer (Vice-Chairman)  
Mike Worthington

**Apologies:** Trevor Johnson and Jason Jones

### PART ONE

#### 55. Declarations of Interest

There were no Declarations of Interest made.

#### 56. Minutes of meeting held on 5 November 2020

**RESOLVED** – That the minutes of the meeting held on 5 November be confirmed and signed by the Chairman.

#### 57. Customer Feedback and Complaints Service

##### (a) Children's Social Services Annual Report 2019/20

The Committee considered a report of the Cabinet Member for Children and Young People (Schedule 1 to the signed minutes) informing them of the Customer Feedback and Complaints Service – Children's Social Services Annual Report 2019/20 (schedule 1 to the signed minutes). Preliminary consideration had been given to the report at their meeting 5 November 2020. However, the Cabinet Member had undertaken to provide background details of its contents, including lessons learned from complaints, to assist the Committee in providing full and detailed scrutiny.

The Annual Report had been prepared in order to comply with the Authority's statutory duty under the Children Act 1989 Representation Procedure (England) Regulations 2006 to publish details of (i) the number of complaints recorded regarding children's services; (ii) the outcome of each complaint made and; (iii) whether relevant statutory timescales had been adhered to. As such, it provided a historical snapshot of the Authority's performance during the year.

The Committee noted that during 2019/20 there had been a total of 324 complaints investigated through the various statutory and Corporate Complaints' procedures of which:- (i) 124 dealt with under Statutory Stage 1 (Local Resolution) procedures; (ii) 12

dealt with under Statutory Stage 2 (Independent Review/Investigation) procedures; (iii) 1 dealt with under Statutory Stage 3 (Complaint Review Panel) procedures; (iv) 187 dealt with under Corporate Complaints Stage 1 (Local Resolution) procedures; (v) 18 dealt with under Corporate Complaints Stage 2 (Internal Review/Investigation) procedures and (vi) 47 investigated by the Local Government and Social Care Ombudsman (LGSCO). However, there had also been 225 complements received by the Authority relating to Children's services.

During the discussion which ensued, Members queried the Authority's performance by reference to the above-mentioned statistics, the majority of which had shown significant increases when compared to those for the preceding year (2018/19). Stage 1 Corporate Complaints had increased by 49% whereas the number of complements received from service users had decreased by 6%. In addition, complaints referred to the LGSCO had increased by 62%. In reply, the Cabinet Member explained that many of the Stage 1 Corporate Complaints received had been in respect of the Special Educational Needs and Disabilities (SEND) service. However, the backlog of cases which had largely arisen owing to staff shortages had both been addressed. Also, it was anticipated that the appointment of a new SEND Complaints Officer within the Corporate Complaints service would enable early resolution of issues, in the future, as they arose. Further measures were being implemented in order to manage expectations although complainants retained their right to refer matters to the LGSCO in the event they remained dissatisfied with the outcome of both statutory and legal investigations/reviews.

Members also raised the impact of the 2020 Covid-19 pandemic on the figures for the year which they acknowledged was likely to be minimal although performance for the current year might be significantly affected.

In response to a question from a Member regarding some of the outcomes of the Independent Investigations/reviews included in the report which involved relatively low level recommendations eg "Communications – letters, emails, phone calls – should be responded to promptly whether or not an immediate answer can be provided", the Cabinet Member acknowledged that performance had been lacking in certain circumstances and the Authority had occasionally fallen short of required standards owing to administrative oversight. However, he re-assured them that robust measures were in place to share best practice across the service and learn from previous mistakes in order to improve future performance.

**RESOLVED** – That the report be received and noted.

#### **(b) Learning from Complaints**

The Committee considered a report of the Cabinet Member for Children and Young People (Schedule 2 to the signed minutes) informing them of how the Children and Families' Service had learned from complaints received during 2019/20 implementing change where necessary. This followed a request by the Committee at their previous meeting for further information on how the Authority dealt positively with complaints to improve service delivery for the residents of Staffordshire.

Members heard that the County Council were committed to continuous service improvement and as such, focused on outcomes rather than the total number of

complaints received. However, it was recognised that all complaints, whether upheld or not, could provide the Authority with:- (i) a better understanding of the needs of service users; (ii) how these needs could be better met and; (iii) opportunities to avoid similar complaints arising in the future. The Committee were provided with specific examples of remedial measures which had been implemented in various service areas following complaints received and were encouraged by the steps which had been taken to resolve issues of concern.

In response to a question from the Chairman, the Cabinet Member outlined the progress which had been made by the Family and Friends Fostering Team Service in reviewing the information and training provided to Special Guardians. The Authority had made a significant financial investment during 2020 to establish a support hub for Special Guardians and, following the outcome of a complaint received during the year, other remedial measures with timescales had been included in an Action Plan, progress against which was being closely monitored by management.

The Cabinet Member also outlined various the efforts made by the Authority to share key messages, themes and learning across the service to ensure all practitioners were fully aligned/trained as appropriate. These included Practitioner Briefings, Practice Forum and Team meetings etc. However, following feedback from staff it had become apparent that there was a need to share information on best practice in a more routine and accessible way having regard to their heavy workloads and further consideration was being given as to how best this could be achieved.

In response to another question, the Cabinet Member explained the changes which had been implemented by the Specialist Safeguarding and Early Help Service following a recommendation to review the inclusion of tick boxes in templates for special work reports. Staff had been reminded that written assessments must also include critical narratives and reasons behind any ticked boxes used so as to avoid the misleading binary approach which could otherwise arise.

In conclusion Members were encouraged that the volume of complaints over the year had been relatively small having regard to the extent of Children's Social Services provided by the Authority during 2019/20 under difficult circumstances. However, they expressed their wish to receive more real-time data in the future rather than just the historical snapshots provided by Annual Reports, in order to assist them in their overview and scrutiny role. They also noted that whilst benchmarking with other Local Authorities in the area of complaints could, in theory, provide useful comparisons, this was not possible at present owing to inconsistencies in the methods of recording data between Councils.

**RESOLVED** – (a) That the report be received and noted.

(b) That the Cabinet Member for Children and Young People and Chairman give further consideration as to how the reporting of information on complaints to the Committee could be enhanced so as to improve scrutiny and provide greater assistance to the Authority in their efforts towards service improvement in the future.

## **58. Elective Home Education**

The Committee considered a report of the Cabinet Member for Education and SEND (Schedule 3 to the signed minutes) giving details of the Elective Home Education Service in the County during 2020/21.

Members were informed that under the Education Act 1996 all parents had a duty to secure appropriate full-time education for their children which could include 'Elective Home Education' (EHE). However, the current legal framework did not provide a system for either regulating home education or enforcing education by a particular method. Instead, it specified a system for identifying and dealing with children who were not receiving a suitable full-time education. If a child was not attending school fulltime, the law required the Local Authority to ascertain what education was being provided and to take further action, if required. In addition, Local Authorities' safeguarding responsibilities were the same for all children whether educated in school or not.

In line with national trends, the number of children in EHE in Staffordshire had been increasing year on year. This had given rise to concerns by the Corporate Parenting Panel over the potential vulnerability of EHE pupils. In response, a joint review had been undertaken by the Committee and Prosperous Staffordshire Select Committee in 2018 following which it was recommended that:-

“(i) the Cabinet Member supports representation being made to Ofsted with regard to the mechanism in place to take account of the reasons for deregistration and, where there is a disproportionately high number de-registering for EHE, consider more closely the reasons behind this;

(ii) the Cabinet Member consider how staffing can be increased in recognition of the significant increase in the numbers of EHE and the consequent implications to workload and resources;

(iii) the Cabinet Member consider how this event (development of an annual event to celebrate the achievements of the EHE community) can be supported and facilitated and;

(iv) supporting the introduction of a registration scheme for all children of statutory school age who are or become electively home educated and ask the Cabinet Member to make representations and lobby in support of the current Private Members Bill introduced by Lord Soley on Home Education”.

The Cabinet Member highlighted that total number of children in EHE had increased by 1296 during the current year. This represented an increase of 537 over the same period in 2019/20 and whilst in-line with national trends was directly attributed to the effects of the 2020 Covid-19 pandemic. Also, the proportion of children with an Education Health and Care Plan (EHCP) had decreased from 82 during 2019/20 to 54 in the current year to date. Whilst the majority of children in EHE identified as British/English, 11% had chosen not to express their ethnicity, with the third largest group being Gypsy/Roma at 8%. Furthermore, according to EHE Population Vulnerability Indicators, there were currently 315 children categorised as a concern (educational or welfare) compared to only 29 cases at the start of the Educational Year.

During their full and detailed scrutiny of the Authority, the Committee sought an update on progress which had made in implementing the above-mentioned recommendations. Whilst new guidance on managing EHE had been published by the Department for Education (DfE), requests to review and amend the law had so far not been taken up by Government. However, Members were encouraged to learn that a consultation on the establishment of a register of children not attending mainstream schools (together with other changes) had been held in April 2019 and a report on the outcome was expected to be published in January 2021.

With regard to the County Council's EHE support service, they were pleased to learn that three additional members of staff had made good progress in achieving the targets set out in DfE guidance which stated that all EHE families should be contacted on 12 month rolling programme. However, since the Pandemic slippage against this target had occurred, although additional resources had been secured to help manage the influx of new families. Whilst it was hoped the team would be able to resume their contacts with existing families in the near future their priority would remain those families where education provision had given rise to concerns and those known to social care services.

Members heard that arrangements were on-going for the establishment of an annual event to celebrate the achievements of EHE students. Although they acknowledged the significant additional pressure on the service caused by the Pandemic, they expressed their wish for the recommendation to be implemented as soon as possible.

Further discussion ensued on the need for a Long-Term Plan for the management of EHE. However, they noted that, as the legislation currently stood, the Authority were unable to promote or require education in a school setting as a preference over that of EHE. They also noted the role of the County Council was to provide additional support needed by families who chose EHE. Members were mindful that the quality of EHE could vary widely between families depending on socio-economic, educational and other factors. They were particularly concerned about CiN, those children with Child Protection Plans and those not currently known to the Local Authority. In conclusion, they spoke of the need to continue to lobby Government about the legislative changes required, (as identified by their previous Working Group), having regard to the time since the 2019 consultation and publication of the report and expressed support for a further Working Group to be convened during 2021 to evaluate progress.

**RESOLVED** – (a) That the report be received and noted.

(b) That the Chairman, in consultation with the Cabinet Member for Education (and SEND), continue to lobby Government on the need for legislative changes governing Elective Home Education in particular the introduction of a registration scheme for all children of statutory school age who are or become electively home educated.

(c) That the Prosperous Staffordshire Select Committee be invited to participate in a further Working Group to evaluate progress against the recommendations of the 2018 Joint Working Group, following publication of the report on the findings of the April 2019 Department for Education consultation entitled 'Children not in School'.

## **59. Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership Board Annual Report 2019/20**

The Committee considered a report of the Cabinet Member for Health Care and Wellbeing (Schedule 4 to the signed minutes) regarding the Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership Board Annual Report 2019/20.

The meeting was attended by John Wood, the Independent Chair of the Board who presented the report on behalf of the Cabinet Member.

Members were informed that there had been 4,150 occasions where concerns had been reported that adults with care and support needs might have been at risk or were experiencing abuse or neglect. This was an increase of 439 (11%) compared to 2019/20 and was reflective of the national figure of 8.7%. Following an initial assessment, it had been determined that the duty of enquiry requirement had been met in 93% of concerns.

Of those subject to a Section 42 enquiry under the Care Act 2014, individuals aged between 75-84 and 85-94 represented the largest cohort (both 27%), followed by 64-74 (12.5%). An analysis of the general population in Staffordshire indicated that adults over 65 were disproportionately over-represented in Section 42 enquiries.

Neglect and acts of omission, physical harm or financial abuse continued to be the most frequent types of harm or abuse identified for Section 42 enquiries, accounting for 75% of all harm and/or abuse recorded. The proportion of people subject of a Section 42 enquiry whose outcome was fully met had increased from 80% in 2018/19 to 88% the year.

Members noted the progress made by the Board against their strategic priorities of: (i) Engagement and; (ii) Reducing Financial and Material Abuse. The Partnership had developed a range of methods to engage and communicate with people including the establishment of a website containing a variety of adult safeguarding information. There had been in excess of 58,000 visitors to the site during the year with the most popular pages being "Safeguarding Adult Reviews" and "What is abuse". With regard to (ii) above the key focus was on raising awareness. Training had been provided to staff working at the Multi-Agency Safeguarding Hub and Partners were sharing information on their experiences with incidence of Financial and Material Abuse in order to gain a better understanding of the problem Countywide.

In full and wide-ranging discussion which ensued Members expressed concern over apparent discrepancies highlighted in the report relating to the:- (i) relatively low number of Safeguarding Adult Review Referrals (SARs) (5) during year compared to the total number of safeguarding concerns received; (ii) differences in the statistics for Staffordshire compared to those for Stoke-on-Trent and; (iii) ethnic groups who were under/over represented in the statistics.

In reply, the Chair explained the Partnership's robust processes and criteria used for determining whether a SAR should be undertaken or not following a report of concern. Only the most serious cases were the subject of a Review and typically these arose very infrequently. However, in the interests of transparency, all those cases examined by the

Board's Scoping Panel were included in the Annual Report, whereas the Care Act only required inclusion of actual Reviews undertaken. Reviews were always undertaken by persons independent of the Partnership. The Chair also stressed the learning taken by the Board from both SAR and those cases considered by the Scoping Panel.

Continuing, the Chair explained the differences in the statistics between the County and City Councils were largely as a result of ongoing difficulties with the Care Director computer system, conversion rates and methods of recording cases. However, although additional investment was required, attempts were being made to resolve inconsistencies between the two Authorities and he reassured Members that safeguarding concerns in both Council's areas were dealt with consistently and in an appropriate manner.

With regard to ethnicity, the Chair explained that the statistics for Staffordshire and Stoke-on-Trent mirrored those nationwide. However, the 7.6% of reports during the year which didn't include a record of ethnic background was a cause for concern owing to the likelihood that these might involve people who lacked the mental capacity to self-identify in a particular group. Efforts were therefore being made to revise the "Not Known" category to differentiate between those who were unable to self-identify and those who had refused to state their ethnic origin.

In response to the concerns expressed by the Committee the Chair undertook to include an additional paragraph in future Annual Reports to clarify the processes and procedures adopted by the Board for deciding whether or not to undertake a SAR in cases brought to their attention.

The Chairman then thanked the Independent Chair for an interesting and informative presentation and paid tribute to the Board for their valuable work in promoting adult safeguarding in Staffordshire and Stoke-on-Trent during the year.

**RESOLVED** – That the Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership Board Annual Report from April 2018 to March be received and noted.

## **60. Work Programme**

The Committee considered their rolling Work Programme for 2020/21 (Schedule 5 to the signed minutes).

**RESOLVED** – (a) That the report be received and noted.

(b) That, with the inclusion of:-

- An additional meeting on a date and at a time to be arranged in February 2021 to consider the outcome of a Serious Case Review which had recently been published.
- Following the briefing notes previously provided to the committee, 'Catch 22' on the Agenda for the meeting scheduled for 1 March 2021 and 'Domestic Abuse' on the Agenda for the meeting scheduled for 22 April 2021';

- 'Contextual Safeguarding' on the Agenda for the meeting scheduled for 1 March 2021'.

and deletion of;-

- 'MTFS Reforms and; Assessing the "No Impact Claims"',

the updated Work Programme for 2020/21 be approved.

(c) That the updated Work Programme 2020/21 be brought to their next meeting for consideration.

**61. Date of Next Meeting - Monday 1 March 2021 at 10.00 am, Virtual/On-line**

**RESOLVED** – That the date, time and venue of the next meeting be noted.

**Chairman**