

# CHILDREN AND EDUCATION SCRUTINY SUB-COMMITTEE

Tuesday, 8 October 2019 at 6.30 p.m.

MP702 - Town Hall Mulberry Place

This meeting is open to the public to attend.

**Members:**

Chair: Councillor Sufia Alam

Vice-Chair: Councillor Gabriela Salva Macallan

Councillor Shah Ameen, Councillor Mohammed Pappu, Councillor Kyrsten Perry,  
Councillor Helal Uddin and Councillor Andrew Wood

**Substitutes:**

Councillor Denise Jones, Councillor Eve McQuillan and Councillor Ayas Miah

**Co-opted Members:**

Neil Cunningham

Joanna Hannan

Ahmed Hussain

Fatiha Kassouri

Dr Phillip Rice

Khoyrul Shaheed

Parent Governors

Representative of Diocese of Westminster

Parent Governors

Parent Governors

(Church of England Representative)

Muslim Faith Community

[The quorum for this body is 3 voting Members]

**Contact for further enquiries:**

Democratic Services

1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG

Tel: 020 7364 0842

E-mail: [farhana.zia@towerhamlets.gov.uk](mailto:farhana.zia@towerhamlets.gov.uk)

Web: <http://www.towerhamlets.gov.uk>

Scan this code for  
an electronic  
agenda



## Public Information

### **Attendance at meetings.**

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

### **Audio/Visual recording of meetings.**

Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page.

### **Mobile telephones**

Please switch your mobile telephone on to silent mode whilst in the meeting.

### **Access information for the Town Hall, Mulberry Place.**



**Bus:** Routes: D3, D6, D7, D8, 15, 108, and 115 all stop near the Town Hall.

**Docklands Light Railway:** Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

**Blackwall station:** Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

**Tube:** The closest tube stations are Canning Town and Canary Wharf

**Car Parking:** There is limited visitor pay and

display parking at the Town Hall (free from 6pm)

If you are viewing this on line: ([http://www.towerhamlets.gov.uk/content\\_pages/contact\\_us.aspx](http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx))

### **Meeting access/special requirements.**

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda



### **Fire alarm**

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

### **Electronic agendas reports and minutes.**

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, iPad and Android apps.



QR code for smart phone users.

	<b>PAGE NUMBER(S)</b>
<b>1. APOLOGIES FOR ABSENCE</b> To receive any apologies for absence.	
<b>2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST</b> To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.	<b>5 - 8</b>
<b>3. MINUTES OF THE PREVIOUS MEETING</b> To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the held on 25 <sup>th</sup> June 2019.	<b>9 - 16</b>
<b>4. REPORTS FOR CONSIDERATION</b>	
4.1 <b>SEND IMPROVEMENT UPDATE</b>	<b>17 - 28</b>
4.2 <b>EXCLUSIONS SCRUTINY REVIEW REPORT</b> Report to follow.	
<b>5. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT</b>	

**Next Meeting of the Sub- Committee**

The next meeting of the Children and Education Scrutiny Sub-Committee will be held on Tuesday, 17 December 2019 at 6.30 p.m. in Committee Room One - Town Hall Mulberry Place

This page is intentionally left blank

# Agenda Item 2

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

**Further advice**

For further advice please contact:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer. Tel 020 7364 4800

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

This page is intentionally left blank



**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE CHILDREN AND EDUCATION SCRUTINY SUB-COMMITTEE**

**HELD AT 6.30 P.M. ON TUESDAY, 25 JUNE 2019**

**C3 - TOWN HALL MULBERRY PLACE**

**Members Present:**

Councillor Sufia Alam (Chair)

Councillor Mohammed Pappu  
Councillor Gabriela Salva Macallan

Councillor Kyrsten Perry  
Councillor Andrew Wood

**Co-opted Members Present:**

Neil Cunningham  
Ahmed Hussain  
Fatiha Kassouri  
Dr Phillip Rice

- Parent Governors
- Parent Governors
- Parent Governors
- (Church of England Representative)

**Other Councillors Present:**

Councillor Danny Hassell

**Apologies:**

Councillor Helal Uddin

Councillor Bex White

**Others Present:**

Mrs Gillespie

Spokesperson for the Members of the public in attendance at the meeting.

**Officers Present:**

Terry Bryan

- (Head of Pupil Services and School Sufficiency)

Debbie Jones

- (Corporate Director, Children and Culture)

Christine McInnes

- (Divisional Director, Education and Partnership, Children's)

Adam Boey

- (Senior Strategy & Policy Manager - Corporate)

Elizabeth Freer

- (Strategy and Policy Manager, Children and Culture)

Farhana Zia

- Senior Committee Services Officer

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Helal Uddin and Bex White.

## 2. APPOINTMENT OF VICE-CHAIR

Councillor Mohammed Pappu proposed and Councillor Kyrsten Perry seconded the nomination of Councillor Gabriela Salva – Macallan as vice-chair of the sub-committee.

The nomination was unanimously agreed by the members of sub-committee.

The Sub-Committee **RESOLVED**:

- To appoint Councillor Gabriela Salva Macallan as vice-chair of the Children and Education Sub-Committee.

## 3. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Dr Phillip Rice declared he was a co-opted member of the sub-committee to represent the interest of the Church of England. However he had no pecuniary interest in item 4.2 relating to the Raines Foundation School.

## 4. REPORTS FOR CONSIDERATION

### 4.1 TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETING 2019/20

The Chair, Councillor Sufia Alam asked Members to note the Terms of reference, Quorum, Membership and dates of meeting report.

She informed Members the report confirmed the decision made at the Annual General Meeting of the Council held on the 15th May 2019, which approved the proportionality and the establishment of Committees, Sub-Committees and Panels of the Council. The Overview and Scrutiny Committee at its meeting of 20th May 2019 agreed to set up three sub-committees including the Children and Education Scrutiny Sub-Committee.

Councillor Alam asked Members to agree her list of priorities which she had circulated to Members and stated the work programme for the Sub-Committee would be available on the council website.

Members of the Sub-Committee **NOTED** the contents of the report and agreed to meet at 6:30 p.m. for the remaining meetings in the municipal calendar.

### 4.2 SCHOOL ORGANISATION: Raines Foundation School

The Chair, Councillor Sufia Alam made clear to all present the Sub-Committee would hear from the elected spokesperson for the members' of public in attendance at the meeting first before receiving the presentation from Ms Christine McInnes, Service Head of Education and Partnership and Mr Terry Bryan, Head of Pupil Services and School Sufficiency.

Councillor Alam stated the spokesperson for the public would have three minutes to present their concerns in relation to the proposed closure of Raines Foundation School.

Mrs Gillespie addressed the Sub-Committee and made the following remarks:

- The timing of the consultation to close Raines Foundation School was unhelpful and created uncertainty for pupils before their exams. No pastoral care had been offered by the Council, after the announcement of the proposed closure, which had impacted on pupils and parents alike.
- The Raines School website automatically forwards parents to the Oaklands School website despite the consultation having not been concluded and in contradiction to the advertising banner on the school railings telling parents to apply for sixth form places at Raines.
- Mrs Gillespie requested Members to give careful consideration to the proposed closure and asked Members to question the validity of the evidence before them. She said the consultation was riddled with inaccuracies and from the paperwork she had seen, it appeared the school was unlawfully run down to make the case that it was not a viable option. Mrs Gillespie said it would be a great shame to close a school with 300 years of history.

Councillor Sufia Alam thanked Mrs Gillespie for her contribution and asked Members if they had any questions for Mrs Gillespie.

In response to questions from Members the following was noted:

- The evidence referred to were the financial accounts published on the school website. Mrs Gillespie said it showed the school was being systematically run down. Mrs Gillespie said she had made a freedom of information request to look at the minute books and was waiting to hear back from the school.
- Mrs Gillespie confirmed the Raines website automatically redirected parents to the Oaklands School website. She said this was her experience when she had applied for a sixth form place for her daughter. Mrs Gillespie continued stating that other parents had also received confusing and contradictory information. For example, parents who had applied for a Year 7 place at the School had initially received acceptance letters to say their child had been offered a place at Raines, only to be told later that this was not the case. At one of the consultation meetings, an independent adjudicator had stated parents had the legal right to accept the place offered.
- In response to what evidence Mrs Gillespie had seen to suggest the Governing Body had been unlawfully constituted, Mrs Gillespie said the

statutory instrument required a Trust and Parent representative to be on the board, however no such persons had been appointed.

- Ms McInnes clarified the independent adjudicator referred to, is a retired school's adjudicator and spoke of his personal experience and as such the advice given was open to challenge.

The Chair then invited the Portfolio Lead for Children, Schools and Young People, Councillor Danny Hassell to address the Sub-Committee.

Councillor Hassell said schools faced three big challenges at present.

1. Cuts to school funding from Central government meant schools were facing huge financial pressures and therefore needed to ensure their schools was financially robust and viable.
2. There had been a change in financial regulations whereby schools had to demonstrate they were not in deficit for a *maximum* of three years rather than over three years.
3. The changing demographics of the borough in terms of population and demand means the Council needs to ensure school places are in the right locations within the borough.

Councillor Hassell continued that there was no perfect time to look at school closures. The Council had done everything possible to work with the Governing Body at Raines to prevent the current situation and the decision to consult parents and the wider community had not been taken lightly. The Council was obligated to protect the Education offer and to provide a good standard of Education across the borough.

Members of the Sub-Committee then received a presentation from Ms Christine McInnes and Mr Terry Bryan.

- Mr Bryan explained that Tower Hamlets ambition is for all schools to be judged good or outstanding schools. Parental choice means some schools are oversubscribed while other can become unsustainable.
- With regard to the consultation for Raines Foundation School, views of all interested parties and the community are being sought. Once the consultation has been analysed, a recommendation will be put to the Cabinet for consideration. If a proposal for closure is agreed by Cabinet then the council will publish a statutory notice and this is a further opportunity for interested parties to voice their objections. It is the Secretary of State for Education, who will make the final decision on whether or not the school will close.
- The Council had worked with the Governing Body at Raines Foundation School and had looked at alternative courses of action. However with the current deficit, the school is not financially viable and this has restricted the options available. An amalgamation could address some of the problems but other schools would be reluctant to take on Raines' debt.

- From the table, slide 6 of the presentation, it is clear the school has been in long term decline with the number of applications and offers made falling year on year since 2011.
- Ms McInnes said in November 2015, the Ofsted inspection judged the school to require improvement. The Governing Body resigned in December 2015 and a new governing body was appointed in January 2016.
- A second Ofsted inspection took place in October 2017 but the school had not improved and was judged to require improvement a second time. When compared with other schools in Tower Hamlets and nationally, slide 9, it is clear the standards at Raines Foundation School were and continue to be below the Tower Hamlets average.
- In October 2018 the Governing Body was replaced with an Interim Executive Board. The membership of the IEB has to be approved by the DfE and the nomination from the Raine's Foundation Trust was not approved by the DfE.
- Prior to September 2018, the council had provided support to the school using a collegiate model, that is the Raine's school leadership and governors had the scope to manage the advice, guidance and training provided through another high performing school. This model was shown not to be effective in raising standards and from September 2018 an executive headteacher (the headteacher of Sir John Cass) was put in to take over the leadership of Raine's. In a monitoring visit which took place in December 2018 Ofsted acknowledged an improvement, but the improvement was from a low base and standards required further improvement.

In response to questions from Members the following was noted:

- The Ofsted report had acknowledged that support had been put in place for Raines however the School did not make use of this.
- Raines had been given support to improve their attainment but there was a significant gap in grades achieved by pupils at Raines, especially in Maths and English and it would be a disservice to allow standards to drop further. With pupil numbers continuing to decrease and the impact this has on the school budget, it is very unlikely that a continuing improvement in standards can be achieved. Raine's Foundation is no longer a popular school within the community.
- In comparison, Oaklands is a school which is consistently good with high standards. It is a popular with parents and students and has been chosen for further expansion in that locality.
- Of the 150 places that would become available, if Raine's were to close, Mr Bryan stated the Council would like to expand Oaklands by 60-90 places. There was capacity elsewhere with possibility to expand schools in Stepney and Bethnal Green where population change shows there is need to provide further secondary school places.
- In response to how the consultation had been launched and handled, Mr Bryan said the Local Authority had reached a consensus with the Governing Body and it was only at that stage it was agreed to consult

the public on a proposal to close Raine's. Two public meetings have taken place. Mr Bryan said the timing of the consultation was unavoidable because there is a statutory framework and timescale that needs to be adhered to.

- In addition to the public meetings, parents have been able to have one to one discussions with council officers about their own circumstances. Following these meetings some parents have exercised their choice and decided to apply for places at other schools. Parents were under no duress to accept places at other schools.
- In response to why the Raines Lower Site had been part developed, and the speculation that this site could possibly be used as the new Oaklands sixth form, Mr Bryan said the section 106 monies allocated by the council for the development of the site would have to be returned if the site was not made available for an appropriate community use.
- With regard to other schools that are in deficit, Ms McInnes stated there were others. Whilst in the past the Local Authority had a flexible approach, giving schools five years rather than three years to clear their debt, the new regulations from Government made this much harder. It requires debts to be cleared in a strictly applied three year period. With falling numbers of pupils attending Raines, the debt would not be repaid.
- Ms McInnes stated 13 children had SEND and EHC plans. Their families would be consulted with a transition plan in place for the child concerned.
- A full Equalities assessment would be done after the first round of consultation had concluded.
- In response to why parents were being pushed onto the Oaklands website, Mr Bryan said that at key transition stages, Year 6 primary to Year 7 and then Year 9 to Year 10, parents need to be aware of the possibility of the closure of Raines Foundation. They are given information to help them decide what is best for their child. Oaklands is nearby and is a possible option for displaced students although parents can apply to other schools as well.
- In response to why an Interim Executive Board was appointed, Ms McInnes said the Governing Body resigned following the 2015 Ofsted inspection. A new Governing Body was constituted in January 2016 and two local authority officers were on the Governing Body in order to strengthen and challenge the leadership at the school. The school did not improve and an application was made to the Department for Education to remove the governing body and to form an Interim Executive Board to help turn around the school.

The Chair thanked Ms Christine McInnes and Mr Terry Bryan for their presentation.

The Chair summarised the key points of discussion stating the following:

- Going forward the Council needs to reflect on its consultation process to ensure the timing of consultations are done in a sensitive way whilst still meeting with statutory requirements; and
- That information should be made accessible to members of the public.

#### 4.3 SCHOOL IMPROVEMENT

Ms Tracy Smith, Executive Director for Tower Hamlets Education Partnership (THE Partnership) gave a presentation outlining the work of The Partnership and the successes it had achieved.

Ms Smith said the concept of The Partnership came about as a result of changes to school improvement and as a response to the 2016 white paper. Schools in Tower Hamlets have had an incredible improvement journey from a very low point about 20 years ago and this had been achieved through partnership working and collaboration between schools, the council and wider stakeholders. There had been a very clear vision and exceptional leadership and The Partnership is building in that tradition.

Ms Smith said of the 104 schools in the borough 97 schools were currently members of THEP. The organisation offered a core offer and an additional offer to support school improvement. Ms Smith cited the Future Headteacher Programme which is focused on developing the next generation of school leaders; 6 of the 30 delegates had been promoted this year to leadership posts within Tower Hamlets. Ms Smith said that whilst the quality and leadership of teachers in Tower Hamlets was of a very high standard one issue faced in relation to recruitment and retention of staff, was the lack of affordable housing for key workers.

In response to questions from Members the following was noted:

- The THEP offer does not include training for governors, although THEP do offer a Governors' Forum and do work in partnership with Governor Services to offer training at the annual conference. However the council itself does offer training to anyone looking to be a governor.
- Schools pay a membership fee of £7.00 per pupil which equates to almost half the income THEP receives; the other sources are the Commission from the LA.
- In response to what had been done to ensure White British boys do not fall behind, Ms Smith said the picture was mixed, with very good outcomes in primary but with a less positive results at secondary school level. THEP is working with schools to ensure additional support is in place and for literacy rates to be maintained.
- Diversity in leadership and headteacher posts is progressing. Some headteachers have been in post for a long time and are close to retirement. As such the THEP have worked with Headteachers in succession planning and the Future Heads Programme has resulted in six promotions.

The Chair thanked Ms Smith for her presentation and summarised the key points of discussion.

- THEP delivers value for money;
- More affordable housing for key workers is needed in the borough;
- Funding is used to support schools, which includes providing essential data;
- Diversity in the workforce is reflective of the population and changes are happening in Leadership roles too.

**5. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT**


No other business was discussed at the meeting.

Members were reminded the next meeting of the Children and Education Overview and Scrutiny Sub-Committee was scheduled to take place on the 8<sup>th</sup> October 2019.

The meeting ended at 8.51 p.m.

Chair, Councillor Sufia Alam  
Children and Education Scrutiny Sub-Committee



<p>Non-Executive Cover Report of the:</p> <p><b>Children and Education Scrutiny Sub-Committee</b></p> <p>8<sup>th</sup> October 2019</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Cover Report: Elizabeth Freer, Strategy and Policy Manager, Children and Culture Main Report: Debbie Jones, Corporate Director for Children and Culture</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>SEND Improvement Update</b></p>	

<b>Originating Officer(s)</b>	John O'Shea – Head of SEND
<b>Wards affected</b>	All wards

## 1. Executive Summary

- 1.1 The Children and Education Scrutiny Sub-Committee will be taking a “deep dive” into SEND on October 8<sup>th</sup>.
- 1.2 The attached report provides an overview of the improvement journey the service is taking in preparation for an upcoming inspection, and has been previously presented to the Health and Wellbeing Board.
- 1.3 Information from the report will allow the Sub-Committee to scrutinise the steps taken so far and identify key lines of enquiry to ask of relevant officers at the session.

## 2. Recommendations:

- 2.1 The Children and Education Scrutiny Sub-Committee is recommended to:
  1. Consider and note the report as appended to this cover sheet.

This page is intentionally left blank

Non-Executive Report of the:  <b>Health and Wellbeing Board</b>  17 September 2019	
<b>Report of:</b> Debbie Jones – Corporate Director for Children and Culture	<b>Classification:</b> Unrestricted
<b>SEND Improvement Update</b>	

<b>Originating Officer(s)</b>	John O'Shea – Head of SEND
<b>Wards affected</b>	All Wards

### Executive Summary

This briefing has been produced to provide an update regarding:

- Inspection preparation
- Self-Evaluation Framework
- Governance
- Monitoring against the SEND Action Plan
- Finance
- Next Steps

The majority of this briefing has been discussed separately at Health, Adults and Communities (HA&C) DLT, Children and Culture (C&C) DLT, and JCE before coming to the Health and Wellbeing Board for a joint senior discussion.

### Recommendations:

The Health and Wellbeing Board is recommended to:

1. Note the contents of the report
2. Discuss the report and feedback on any of the points raised
3. Support the preparation for Local Area Inspection by ensuring that SEN Inspection work is a priority for services across the Local Area
4. Support the on-going SEND Improvement work to ensure that services across the Local Area are aware of their responsibilities in relation to supplying information to inform action planning and the data dashboard.
5. Advise whether or not the SEND Workforce issues need to be taken on by the Tower Hamlets Together workforce enabler
6. Ensure that the various parts of the Local Area SEND system have data readily available for use during the inspection and to support strategic decision-making.

## **1. REASONS FOR THE DECISIONS**

- 1.1 Under the *Children and Family Act 2014*, all local authorities have a statutory duty to identify resident children and young people under 25 who have special educational needs and/or disabilities (SEND) and ensure that the necessary statutory provision is made available to deliver their entitlement to education. *The SEND Code of Practice (2015)* goes further by outlining roles, responsibilities and statutory duties for health, commissioners, health providers and the local authority.
- 1.2 Ofsted (Schools) and the Care Quality Commission (CQC) have been tasked with providing independent external evaluation of these responsibilities and duties through an inspection process. The SEND Inspection process makes its judgements on the Local Area, that is, the local authority and the CCG. It looks at identification, assessment, provision and outcomes for children and young people.
- 1.3 The Health and Wellbeing Board is asked to support the recommendations in this report to ensure the delivery of the Tower Hamlets SEND Strategy 2018-23, which will lead to improved progress and outcomes for children with SEND.
- 1.4 These recommendations will also ensure a successful Local Area inspection.

## **2. ALTERNATIVE OPTIONS**

- 2.1 The alternative to the recommendations above is that monitoring, reporting and evaluation of the work done across the local area in supporting children and young people with SEND will remain within individual services. This type of 'silo' approach will lead to a lack of co-ordinated services across the local area, gaps in future planning, poorer experiences for service users, poorer outcomes and progress for those with SEND and the failure to deliver the Tower Hamlets SEND Strategy within timescales set out.
- 2.2 The inspection process triangulates the local area's evaluation with the experiences of service users and providers and a disjointed approach to meeting the needs of children and young people with SEND may result in a written statement of action under the inspection schedule.

## **3. DETAILS OF THE REPORT**

### **3.1 SEND INSPECTION PREPARATION**

The SEND Inspection will differ from the Inspection of Local Authority Children's Services (ILACS) in that it will inspect the local area as a collective, and not just the local authority. The local area includes the local authority, Tower Hamlets Clinical Commissioning Group (THCCG), and local education settings and institutions. Educational establishments, including schools and

colleges, are not directly inspected as individual institutions, but their input will be an essential part of the inspection.

Documentation has been produced to support the logistics of the SEND inspection, including the compilation of a list of attendees required for meetings with inspectors and the contact list of staff likely to be involved in meetings with inspectors.

Key documentation such as the Local Area Self Evaluation, the contextual presentation for day one and, following on from learning from the CSC inspection, 'One minute guides' to brief key officers and ensure consistent messaging, is being produced through the SEND Progress Group. Local area officers have been identified to lead on key themes during inspection.

A meeting between the logistical inspection lead for Tower Hamlets and CCG officers has taken place clarifying practical arrangements ahead of the local area visit, which will take place across two sites. (CCG at Mile End Hospital and LBTH at Mulberry Place).

A series of SEND Roadshow sessions are planned for local area staff to prime officers on key messages from the SEF and provide an overview of the inspection process. Events are scheduled to take place on 12<sup>th</sup> and 13<sup>th</sup> September 2019.

An SEN Executive group has been convened to receive regular reports from the SEN Progress Group Inspection Preparation Group to ensure that the focus on the inspection remains sharp and that service leaders across the local area are held to account.

### **3.2 SELF-EVALUATION FRAMEWORK (SEF)**

A draft SEND Self-Evaluation Form (SEF) has been produced outlining the initial responses to the three key questions on identification and assessment, provision and outcomes, which will be used to inspect the Local Area. The narrative for the SEND Improvement journey has been revised and this is attached as appendix 2. The full SEF document includes a summary, as well as contextual and governance information and will be presented as evidence for the inspection.

Key to the success of the inspection will be a SEF that reflects a unified response from the Local Authority and the CCG with judgements supported by robust data. To this end a final revision of the SEF is being undertaken using updates from services across the Local Area, and evidence from the recent Inspection of Children's Services and externally commissioned reviews.

### **3.3 GOVERNANCE**

A clear governance structure is now in place enabling effective oversight and accountability.

The SEND Progress Group is a subset of the SEND Improvement Group that meets fortnightly to drive forward the SEND improvement agenda between SEND Improvement Group meetings. The Progress Group is now the main operational group driving preparation for the Local Area inspection.

### **3.4 MONITORING AGAINST SEND ACTION PLAN**

The SEND strategic action plan, which covers actions to deliver the Tower Hamlets SEND Strategy 2018-23, has been reviewed to focus specifically on system improvement, with activities rag-rated and reviewed by the SEND Improvement Group at each bi-monthly meeting.

A separate inspection plan is being developed, which will be reviewed on a weekly basis by the SEND Progress Group.

Most action plan activity is currently rated as amber or green, with some items now completed. Progress has been noted on some aspects of joint commissioning, the Local Offer and engagement with parents and carers. It was also noted that live birth data is now being shared across the Local Area.

A small proportion of activities are rated as red, including those listed below:

#### SEND Workforce

- o The workforce to educate and care for children and young people with SEND will be well understood and effective responses have resulted in fewer occupations with recruitment pressures
- o A profile of the core SEND workforce will start being developed and strengths and pressures for future recruitment identified

Robust planning for the future development of the SEND workforce across the local area will ensure that the needs of children and young people are planned for and result in the best outcomes for them. This will support the delivery of the Tower Hamlets SEND Strategy 2018-23 and provide an expert, inclusive Local Area.

#### Accessing and sharing data

- o Access data on children from 1-5 years who have never accessed Early Years Services so that they can be targeted by Children's Centres for support
- o The data dashboard will inform leaders and the SEND strategic group where performance is good and where improvements are needed, across education, social care and health
- o There will be good access for key practitioners to a data profile which summarises key data for all children and young people with

SEND, including academic progress, exclusions and destinations at age 16 and 19

- o Provide regular analysis of service performance of children and young people with SEND

The SEND Local Area covers a wide range of service providers across the council, CCG and the voluntary sector. Within the SEND Code of Practice, the Inspection schedule and the SEND Strategy there is clear direction about the data that is required to inform decision-making and to ensure that statutory timelines are met. The development of the data dashboard is in progress, supported by an SEND Data analyst, but the dashboard, which will evidence the progress and outcomes, requires robust data timely returns from all services to be a useful strategic tool.

#### Joint Strategic Needs Assessment (JSNA)

- o JSNA provides commissioners with the understanding they need to draw up clear commissioning specifications that enable effective commissioning

Work on a refreshed JSNA has started and this work is being reported through Born Well Growing Well to ensure that it meets its remit to inform future commissioning.

### **3.5 FINANCE UPDATE**

A deficit on the High Needs Funding Block has been reported for 2018-19. This overspend has largely been the result of continued increases in the numbers of EHCPs, and is reflected in the national picture for high needs funding. An action plan to reduce the deficit has been produced by officers.

In Tower Hamlets and across many other local areas, increasing numbers of pupils with EHCPs has led to continuing pressure on the top-up budget of the HNFB. The number of plans is rising by between 11-14% a year locally. However, the average spend per pupil based on the number of EHCPs and the total HNFB (minus the retained element and the money spent on AP) remains roughly the same.

Tower Hamlets remains committed to a mixed economy of schools within the local area educational offer – including mainstream schools, specialist schools and mainstream schools with resource-based provision. Ensuring high quality provision within the local area will reduce the costs of expensive out of borough provision as well as reducing pressure on the SEND external travel budget.

Despite an expansion of special school provision in the LA's 2 PMLD schools and its specialist ASD school pressure remains on the specialist school system. There are over 360 pupils in Phoenix School and the Phoenix Outreach team now have a caseload of over 500 pupils in mainstream

education. There are also identified shortages in SEMH provision – for girls and within the primary sector. This results in parents requesting specialist provision, sometimes independent or non-maintained out of borough provision.

The increased budget pressure on the HNFB is mirrored by increasing pressure on associated budgets for children and young people with SEND, noticeably the budget for SEND travel.

The local authority has formally consulted on making changes to the way that the high needs funding block is spent to ensure that good quality support continues to be available for all children and young people with SEND. The Consultation took place over July and August, with a series of pre-consultation engagement activities for parents taking place in May. The analysis of the formal consultation will be reported to senior leaders in September and will contribute to the decision making process around the new model of inclusion support for children with high needs.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 The SEND system in Tower Hamlets seeks to ensure that no child or young person is disadvantaged in the services and support that they receive due to any special educational need or disability that they have.

#### **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

#### **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 As stated in paragraph 3.5 above there are budget pressures for the SEND service for 2019-20. The reported pressure is £1.6m for the general fund and £9.6m for DSG. A recovery plan outlining a 3 year action plan for the DSG pressure has recently been submitted to the DfE. If the current level of DSG funding were to continue for the next 3 years, it is unlikely the DSG budget will breakeven.



- 6.2 A £2.5m growth bid has been submitted for the next 3 year MTFS budget bid process for 2020-21 to 2022-23. This is to cover historical pressures on the general fund and the reversal of the 2019-20 one off funding of £1m.
- 6.3 The SEND action plan details the transformation of the SEND service delivery which is expected to reduce future budget pressures on the service.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1. Section 25 of the Children and Families Act 2014 places a duty on the Council to ensure integration between educational provision and training provision, health and social care provision, where this would promote wellbeing and improve the quality of provision for disabled young people and those with SEN. The oversight provided by the Health and Wellbeing Board is consistent with ensuring SEND provision being delivered in an integrated manner, which is important to ensure a positive outcome in the Local Area Inspection.
- 

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- List any linked reports
- State NONE if none.

### **Appendices**

- Action Plan summary sheet

### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

NONE.

#### **Officer contact details for documents:**

Or state N/A

This page is intentionally left blank

SEND Action Plan Dashboard

	August 2019			
				Completed
1. Leading SEND	13%	36%	36%	13%
2. Timely Identification and assessment	23%	77%	0%	0%
3. Better Outcomes and Pathways	15%	54%	23%	8%
4. Clear Information and Involvement	19%	36%	36%	9%
5. Moving On	37%	25%	13%	25%
	19%	46%	24%	11%

This page is intentionally left blank