

EDUCATION & YOUTH OVERVIEW & SCRUTINY COMMITTEE
30 JANUARY 2020

Minutes of the meeting of the Education & Youth Overview & Scrutiny Committee of Flintshire County Council held in the Delyn Room, County Hall, Mold on Thursday 30th January 2020.

PRESENT: Councillor David Healey (Chair)

Councillors: Janet Axworthy, Geoff Collett, Bob Connah, Paul Cunningham, Andy Dunbobbin, Gladys Healey, Patrick Heesom, Kevin Hughes, Tudor Jones, Dave Mackie, Ian Smith, Martin White and David Williams

CO-OPTED MEMBERS: Lynn Bartlett, David Hytch and Rebecca Stark

APOLOGIES: Councillor Sian Braun, Wendy White, Leader of the Council and Vicky Barlow

CONTRIBUTORS: Chief Officer (Education & Youth), Senior Manager (Inclusion & Progression) for minute number 41 and 42 and John Grant (Senior Learning Advisor Inclusion Services) minute number 42.

IN ATTENDANCE: Democratic Services Manager and Democratic Services Support Officer

39. DECLARATIONS OF INTERESTS

There were no declarations of interest.

40. MINUTES

The minutes of the meeting held on 20 December 2019, were submitted.

Mr David Hytch had two comments to make on the minutes. Firstly on page 4 he was referred to as Councillor Hytch and secondly on page 8 that he asked that his comment regarding the graph be changed to "Mr Hytch referred to the graph which he felt was open to misinterpretation and did not reflect well for Flintshire and that as soon as public accountability was taken away there was a decline in standards".

Councillor Gladys Healey proposed that, subject to the amendments listed above, the minutes be approved as a correct record and signed by the Chairman. The proposal was seconded by Councillor Martin White.

RESOLVED:

That, subject to the amendments listed above, the minutes be approved as a correct record and signed by the Chairman.

41. FORWARD WORK PROGRAMME AND ACTION TRACKING

The Democratic Services Manager presented the Forward Work Programme which had been updated following the last meeting and was attached at Appendix 1. All actions arising from the previous meeting on the 20th December had been completed

Councillor Kevin Hughes reported on a recent meeting he had attended in Cardiff following consideration of his notice of motion seeking support for First Aid Training in Schools with other organisations such as The Red Cross in attendance. Flintshire was the only local authority represented. The Group was created to ensure First Aid and Lifesaving Training was available in schools and it was hoped that CPR and Defibrillator training would also become compulsory. Councillor David Williams commented that in his school First Aid training already formed part of PSE sessions and said he was happy to provide members with information on what his school covered in this training.

Councillor David Mackie asked why the Child Poverty item had been moved back a cycle. In response the Chief Officer (Education & Youth) provided an update and explained that the draft Strategy was still being worked through and would be submitted to the next meeting in March, 2020.

The recommendations within the report were moved by Councillor Dave Mackie and seconded by Councillor Janet Axworthy.

RESOLVED:

- (a) That the Forward Work Programme as amended, be approved;
- (b) That the Facilitator, in consultation with the Chairman of the Committee, be authorised to vary the Forward Work Programme between meetings, as the need arises; and
- (c) That the Committee notes the progress made in completing the outstanding items.

42. ADDITIONAL LEARNING NEEDS AND EDUCATION TRIBUNAL (WALES) ACT 2018

The Senior Manager introduced an update on the Additional Learning Needs (ALN) and Education Tribunal (Wales) Act 2018. The new statutory framework for supporting children and young people with additional learning needs would replace the current legislation covering Special Educational Needs (SEN) and Young People with Learning Difficulties or Disabilities (LDD) in Post 16 education and training. The timescale for implementation had now been moved to September 2021 to enable Welsh Government (WG) to work through all the comments received during the consultation process.

The Senior Manager reported on a meeting of the ALN Forum held the previous day which discussed the draft Additional Learning Needs Coordinator

(ALNCo) job description for schools. She confirmed that Jan Williams had been temporarily appointed as the Early Years Additional Learning Needs Lead Officer (ALNLo) and that the Health Board were looking at funding and recruitment for the Designated Clinical Lead Officer (DECLo) role. She referred to the Flintshire ALN Transformation Plan and the work being carried out to understand 'what universal provision was'. Schools were working in clusters within Flintshire and regionally with Further Education and Health Board colleagues included in these discussions. She also referred to the WG timescale, the cost implications for the Council and the need for clear legal advice to understand how to interpret the Act to ensure that the pupils who needed this most would benefit. As regards Post 16 she said the situation was unclear at present with the need for clarity on the universal provision and the mechanism for devolving the money for Post 16 specialist provision.

The Chair was pleased that WG had listened to the concerns raised by local authorities.

Councillor Mackie raised concern that WG were not introducing the IT support required immediately and raised concern regarding the potential 2 to 3 year timescale for this to be sourced and implemented. In response the Senior Manager clarified that no formal decision had been made by WG yet. The feasibility study completed by the North Wales region had been considered by WG and a paper was being written to be presented to the Cabinet Secretary for Education for consideration; the complexity of the required system would cause the potential delay.

Mrs Rebecca Stark asked questions on the job description, raising concerns on the workload, the delay in provision of IT support, the definition of universal provision and asked if this would remain regional or become national. She also asked if the staff training programme was sufficiently robust to ensure it addressed the needs of pupils. The Senior Manager responded that WG saw this as a cost neutral act and there had been no indication of whether additional funding to cover the additional responsibilities brought about by the Act would be provided. There was funding available through the ALN Transformation Grant to support preparation for implementation in September 2021 and this was being used to support cluster working and in-house training; the potential cost pressure on schools around implementation had been flagged corporately as a risk. WG have announced a further ALN £7.2m grant funding across all local authorities in Wales and we were awaiting further detail around the amount and terms and conditions for the grant.

Mrs Stark added there were serious concerns especially around case law and asked what the authority's position was on this. In response the Senior Manager said that the lack of detailed information from WG on universal provision could leave schools and the Council at risk at Tribunals and additional specialist legal support may be required once the reforms were implemented.

Mr David Hytch felt the incidents of mental health could fall under the act and impact pupil attendance and sought clarification on the roles and capacity of the ALN officers. The Senior Manager agreed, and reported on regional half termly meetings at which attendance by health colleagues was sporadic. She advised that Health professionals would be responsible for identifying any provision required in response to health needs and that the Tribunal could not direct the Health Board to include

provision. She also advised that the parents would have to engage with the NHS complaints process where there was a disagreement over requirements and that the Council may have to make provision whilst the dispute is resolved. With regards to Post 16, WG were suggesting up to 2 years targeted provision with local authorities responsible for commissioning and funding this. In response to the second point the ALN Officers would have an advisory role and support parents, teachers and key workers to ensure schools were prepared.

Councillor Tudor Jones referred to point 2.07 in the report and asked who would be responsible for holding the data and providing support to young people in custody, elective home educated and traveller children. The Senior Manager confirmed it would fall to the authority to identify if a young person required ALN support and develop a plan for that person. The authority would not be responsible for making provision for young people whilst they were in custody. As regards the elective home educated, there was no funding in current budgets to support this but that this could change when the Code was released. Data on these young people was collected annually by local authorities and provided to WG. Councillor Jones asked if these children would need to be assessed too. The Senior Manager confirmed they would be aware of some of the children as they may have accessed school prior to becoming home educated but it was likely that they would have a role to undertake assessment where this had not taken place. A particular difficulty with the traveller community was where families move whilst the assessment process was partially completed. She added that one of the benefits of the new process was that schools would determine if ALN support was required rather than waiting to be assessed as they do now.

Councillor Hughes suggested the committee write to WG for a fuller explanation on why this had been deemed cost neutral. The Chief Officer referred to the previous letter already sent on this matter. Councillor Hughes suggested that a similar letter be written to reinforce the level of concern and that another paragraph be added to the letter to ask for a definition of universal provision. The Senior Manager said there had been resistance by WG to do this and felt there was an expectation that Local Authorities and Schools absorb the costs. The Chair suggested the Chief Officer write another letter requesting clarification on what WG deemed costs neutral and asking for clarification on what was WG's definition of universal provision.

Mrs Stark asked if more information could be provided on what costs schools had already borne for this and also if some evidence based projections could be brought back to committee

This additional recommendation was proposed by Councillor Hughes and seconded by Mrs Stark.

RESOLVED:

- (a) That the report be noted;

- (b) That a letter requesting clarification on how the Act would be cost neutral and the term 'universal provision' be sent to the Cabinet Secretary for Education at Welsh Government; and
- (c) That a further report be provided to the committee following implementation.

43. SCHOOL ATTENDANCE

The Senior Manager firstly introduced Mr John Grant (Senior Learning Advisor - Engagement, Inclusion & Progression Service) who provided an outline to committee of his experience. He was welcomed by the Chair and Committee Members.

The Senior Manager presented the report which provided information on the attendance levels across Flintshire schools. It was noted that illness accounts for the majority of absences and that the levels of persistent absenteeism remained comparatively high.

The Senior Learning Advisor added that ensuring school attendance was difficult as there had been an increase in the number of pupils presenting with mental health problems who did not engage in school and that CAMHS colleagues were involved supporting these pupils. He explained the service was looking to be more flexible and responsive to the children's needs and that understanding the challenges would enable a long term plan to be progressed. He then referred to a Head Teachers Conference where colleagues had discussed and acknowledged the pressures involved. He referred Members to Appendix 1 of the report.

Mr Hytch referred to term time holidays and asked if it was legal to authorise them and how robust were the figures and questioned the quartile attendance figures which could move from green to red if many pupils caught the flu. With regard to secondary education he asked if non-attendance figures included a child's inability to cope with the education provided and could this pressure cause absence due to mental health. He felt that modifying the curriculum did not always work and that it was the next layer down from special needs that required support. He also asked if the Health Service was equipped to support this.

Councillor Hughes referred to unauthorised absences and agreed absences for family holidays and asked how many were repeat offenders? He understood WG guidance was for 10 days approved leave and that holidays were cheaper in term time even if parents factored in the penalty. The Chief Officer endorsed this comment saying it was very difficult, especially in secondary schools, for a child to catch up with their education but that these occurrences were more frequent in primary than secondary schools. The Senior Manager added that officers work with Head Teachers to give them the confidence to challenge parents. It was a different situation if a child was repeatedly away from school due to illness but that Heads were now challenging parents to provide medical evidence.

The Chief Officer agreed with Mr Hytch's comments on quartiles but said that this was a small percentage. She also reported that she had met Head Teachers to discuss budgets for a range of needs. The Senior Manager advised that positive

relationships were in place with CAMHS colleagues and advised on a range of services that were being considered by health to support pupils with mental health.

Mrs Stark referred to Table 5 (Reasons for authorised absence) and felt reason C was very high and asked if the codes were missed and why the illness level had reduced. In response the Senior Manager said the additional post in the service would look at the data to gain a better understanding on this and that the C codes included the impact on mental health especially in secondary schools. The Senior Learning Advisor provided background to the data led approach and said WG were reviewing all codes currently in the All Wales Attendance Framework. Mrs Stark was concerned for the individuals if this was driven by statistics.

Councillor Jones commented a lot of the children who were unable to cope with the curriculum were premature babies and asked if parents could be given the right for those children to start school later, at their due date rather than birth date, it should be parental choice. The Senior Manager replied saying in some cases discussions would be held with parents of children who were very young in year to facilitate this where appropriate. She advised that stage not age was an integral part of the new curriculum which should be a positive development for these pupils and the success will be how schools implement this.

Councillor Gladys Healey referred to page 28 saying it was not only the gypsy/traveller children but also the children from different nationalities speaking more than one language who needed support to understand the difficulties they encountered at school. The Senior Manager was very proud of the excellent service provided by the gypsy/traveller and English as an Additional Language service which went beyond school assisting with health appointments for example. In Flintshire there were 43 languages spoken and there was support in schools for these pupils.

Mrs Lynn Bartlett referred to page 35 of the report Table 6: (Persistent Absenteeism) and said these were the parents and pupils where more focus was required. The Chief Officer said putting pressure on schools did not help and WG recognised this now. Estyn Inspectors stipulated to stop absenteeism there was a need to understand the problem in schools.

In response to a question from Mr Hytch regarding persistent absenteeism, the Senior Manger confirmed that the figure quoted was the percentage of all absences that were deemed to be persistent.

Councillor Geoff Collett asked how the percentage absentee was defined. It was confirmed it was attendance below 80%. Councillor Ian Smith asked how one day would show to which it was confirmed it would be shown as two sessions (morning and afternoon) with one week equating to 10 absences.

Mrs Stark asked when this would be expected to come back to committee. The Chief Officer confirmed data was collated annually but an interim report could be brought to Committee in September and include detail on persistent absenteeism, review and audit, service improvement, support for schools and mental health and well-being.

The recommendation outlined within the report was moved by Councillor Kevin Hughes and seconded by Councillor Gladys Healey.

RESOLVED:

- (a) That the attendance data for Flintshire schools and the actions undertaken by officers to support schools to improve levels of engagement be noted; and
- (b) That an interim report be brought to the committee in September, to include detail on persistent absenteeism, review and audit, service improvement, support for schools and mental health and well-being.

44. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There was one members of the press in attendance.

(The meeting started at 2.00 pm and ended at 3.38 pm)

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Chairman