

Friday, 22 April 2022

**CHILDREN AND YOUNG PEOPLE'S OVERVIEW AND SCRUTINY
SUB-BOARD**

A meeting of **Children and Young People's Overview and Scrutiny Sub-Board**
will be held on

Tuesday, 3 May 2022

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room - Town Hall

Members of the Board

Councillor Bye (Chairman)

Councillor Barnby
Councillor Mandy Darling

Councillor Douglas-Dunbar
Councillor Mills (Vice-Chair)

Co-opted Members of the Board

Tatiana Wilson, Church of England Diocesan Representative

Laura Colman, Primary Parent Governor Representative

Together Torbay will thrive

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Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

CHILDREN AND YOUNG PEOPLE'S OVERVIEW AND SCRUTINY SUB-BOARD AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Board.

2. **Minutes** (Pages 4 - 8)
To confirm as a correct record the Minutes of the meetings of the Children and Young People's Overview and Scrutiny Board held on 28 March 2022.

3. **Declarations of Interest**
 - a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

 - b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent Items**
To consider any other items that the Chairman decides are urgent.

5. **Ofsted Annual Conversation Letter** (Pages 9 - 11)
To receive an overview of the Annual Conversation Letter and identify areas for overview and scrutiny.

6. **Elected Home Education Review January 2022** (Pages 12 - 40)
To consider a report on Elected Home Education once it has been through the Children's Continued Improvement Board.

(Note: Dan Hamer, Head of Service (Vulnerable Pupils) will be present for this item).

7. **Update on Five Child Friendly Task and Finish Groups** (Pages 41 - 42)
To review the progress in implementing the actions arising from the five Child Friendly Task and Finish Groups to support the Child Friendly Torbay Vision.

(Note: Sarah Pengelly (Project Manager) will be present for this item).
8. **Children's Improvement Plan Quarterly Update** (Pages 43 - 45)
To receive an update on the progress in redrafting the Torbay's Children's Continuous Improvement Plan.

(Note: Steve Hart, Independent Chair, Torbay Children's Continuous Improvement Board will be present for this item).
9. **Children and Young People's Overview and Scrutiny Board Work Programme for 2022/23** (Pages 46 - 49)
To approve the draft work programme for the Children and Young People's Overview and Scrutiny Board for 2022/2023 Municipal Year.
10. **Children and Young People's Overview and Scrutiny Sub-Board Action Tracker** (Page 50)
To receive an update on the implementation of the actions of the Board and consider any further actions required (as set out in the submitted action tracker).

Meeting Attendance

Torbay Council has taken the decision to continue operating in a Covid-19 secure manner in order to protect staff and visitors entering Council buildings and to help reduce the spread of Covid-19 in Torbay. This includes social distancing and other protective measures (e.g. wearing a face covering whilst moving around the building (unless exempt), the face covering can be removed once seated and using hand sanitiser). Our public meetings will continue to operate with social distancing measures in place and as such there are limited numbers that can access our meeting rooms. If you have symptoms, including runny nose, sore throat, fever, new continuous cough and loss of taste and smell please do not come into the office.

If you wish to attend a public meeting, please contact us to confirm arrangements for your attendance.

Minutes of the Children and Young People's Overview and Scrutiny Board

28 March 2022

-: Present :-

Councillor Bye (Chairman)

Councillors Mandy Darling, Douglas-Dunbar, Loxton and David Thomas

Co-opted Members

Tatiana Wilson, Church of England Diocesan Representative
Laura Colman, Primary Parent Governor Representative

Non-voting Co-opted Members

Jo Morrell, Torbay Youth Trust
Ian Stevens, Devon and Cornwall Police

(Also in attendance: Councillor Law)

37. Apologies

It was reported that, in accordance with the wishes of the Conservative Group and Independent Group, the membership of the Board had been amended for this meeting by including Councillors David Thomas and Loxton instead of Councillors Barnby and Mills respectively. An apology for absence was also received from Edward Wright (non-voting co-opted Member who was represented by Inspector Ian Stevens).

38. Minutes

The Minutes of the meeting of the Board held on 24 January 2022 were confirmed as a correct record and signed by the Chairman.

39. Our Promise to You - The Torbay Pledge to cared for and care experienced children/young people 2021-2022

The Cabinet member for Children's Services, Councillor Law, and Jo Morrell from Torbay Youth Trust provided an update on the implementation of the 'Our Promise to You – Torbay Pledge' for cared for and care experienced young people. All Councillors were given a copy of the Pledge booklet at the Council meeting in December and it was agreed that the Co-opted Members on the Children and Young People's Overview and Scrutiny Board would also be provided with a copy. Councillor Law and Jo Morrell responded to questions in relation to the following:

- The young people had said they wanted people to find out their story first so that they don't have to repeat it. How do we ensure that this happened and how do we adapt our approach to meet individual children's wishes.
- The Pledge relates to cared for and care experienced children how do we engage with children and families at the edge of care or from low income families.
- Young people would be able to hold everyone to account, how was this monitored.

Members of the Board welcomed the progress made to implement the Pledge and were encouraged to come along to meet young people through My Voice and the Circle to gain a better understanding of what our young people want and need.

40. Updated Response to Care Quality Commission and Ofsted Joint Area SEND Inspection

Graham Pirt, SEND (Special Educational Needs and Disability) Strategic Lead, Hannah Pugliese, Head of Women and Children's Commissioning, and Darryn Allcorn, Chief Nursing Officer, from NHS Devon Clinical Commissioning Group attended the meeting to provide an update on the progress made to produce a written statement of action in response to the Care Quality Commission and Ofsted Joint Area SEND Inspection which was required to be submitted on 14 April 2022. Members noted the report contained 8 areas for improvement, with one of the most significant areas being the requirement for a culture change across all parties. The submitted paperwork included version 2.4 and this was being updated on a daily basis with version 2.8 currently being worked on. This now included details of the proposed outcomes and impact but required further data before it could be finalised.

Members acknowledged that parents and carers had been supportive of the process and the action being taken to address issues within SEND support and provision across Torbay.

The Board received reassurance that work was on track to meet the deadline of 14 April 2022 and significant engagement and progress had been made to address the issues raised through the inspection. It was noted that around 50% of statements were rejected, normally relating to the deliverability of timescales for actions. If the statement was accepted we would be monitored against it in September and then every three months after.

Members asked and received responses to the following questions:

- How were we going to make improvement and build on existing strengths.
- Who has provided input into the written statement and how have people been engaged.
- How were you ensuring that the voices of the children were taken into account as well as the voice of the families.
- What were the proposed SMART targets around embedding the vision and values of the children and how long would this take to achieve.

- What were the anticipated milestones.
- Would the final version include a glossary of terms and would acronyms still be used.
- How many schools still need to sign up to work with you on this and what would be the role of the Regional Schools Commissioner.
- Were we in touch with the schools that had been identified during the inspection.
- What was the involvement of South Devon College in this work.
- How were we ensuring that action was followed up with those who had not responded to surveys to ensure that their views were also taken into consideration.
- The number of exclusions for children with SEND was too high, what action was being taken to address this.
- What action was being taken to ensure that health and/or social care representatives attend the annual SEND reviews as well as education representatives.

Resolved (unanimously):

1. that the final written statement of action be circulated to the Board; and
2. that the Children and Young People's Overview and Scrutiny Board receives an update on the progress of the implementation of the action plan.

41. Review of Child Safeguarding Practice Review Child C80 Action Plan

The Cabinet Member for Children's Services, Councillor Law, and the Director of Children's Services, Nancy Meehan, provided an update as set out in the submitted report on the implementation of the 23 activities arising from the Child Safeguarding Practice Review in respect of Child C80. Members noted the important role of the LADO (Local Authority Designated Officer) who works within Children's Services to help people who were worried about an adult who works with children may or could cause them harm – further details can be found on the website at <https://www.torbay.gov.uk/children-and-families/services-and-support/sars/lado/>. Questions were answered in respect of the following:

- There was an expectation that people in early years would undertake training on safeguarding and whistleblowing how would this be carried out and how was it monitored to ensure that it was undertaken.
- What was the difference between AIM3 and the Brook Traffic Light tool which would need to be purchased.
- Was there a local contact person for people to speak to who had safeguarding concerns and what was being done to raise awareness of this person.
- How could we ensure in future that CCTV covers all areas and was used in accordance with the Data Protection Act and other relevant legislation.
- Was the PowerPoint presentation on training for early years providers on the Safeguarding Children's website. (A response to this would be provided after the meeting.)

The Board welcomed the progress made to implement the actions arising from the Child Safeguarding Practice Review and were encouraged by the support and training which had been made available to early years' providers to raise awareness and help prevent such incidents from happening again as well as the role of the LADO.

42. Exploitation Update

The Exploitation Team Manager, Katie Buckley, provided an update on the progress made to address issues in connection with exploitation as set out in the submitted presentation. Katie provided reassurance that some excellent work had been carried out across the partnership and she was working with peers across the Country to ensure that they provided key information and support in respect of vulnerable young people and those who had been involved in various aspects of exploitation. The website at <http://www.torbaysafeguarding.org.uk/> had been updated to provide clear messages to children, parents or carers and professionals around safeguarding and exploitation and the support available.

It was noted that many vulnerable young people were also living in poor family environments facing domestic abuse, or alcohol or substance misuse and partners were identifying parent's vulnerability and also providing them with support. Education of children experiencing exploitation was identified as a high area for risk due to children often facing multiple exclusions due to deregulating or not attending school, which was not the appropriate course of action for these young people and work was underway with primary and secondary schools to raise awareness of these individuals to try to reduce some of these exclusions.

Inspector Ian Stevens provided an update on his role as part of the partnership dealing with exploitation in Torbay.

Katie responded to questions on the following:

- How have you been sharing good practice cross border.
- Was county lines the biggest problem or were other types of exploitation more of a concern e.g. sexual exploitation.
- How was antisocial behaviour addressed.
- What action was being taken to ensure that young people have a safe place to go and know where to find such places within their communities where they can see someone that they know and feel safe.
- What after care was put in place for those who had been exploited.
- What was MACE (Multi-Agency Child Exploitation Forum).
- What progress had been made to improve the records for missing children through Liquid Logic.
- How far can you go with criminal exploitation prevention as this is a huge area.

Members noted the progress made and requested regular updates on this important issue.

Resolved (unanimously):

That the Cabinet be recommended to support a review of the impact of the Safe Places project to develop and work with our partners and young people to identify safe places for young people to go to within their communities linked to the Family Hub and Spoke Model and learning from best practice from others.

43. Children and Young People's Overview and Scrutiny Board Action Tracker

Members noted the submitted action tracker.

Chairman

TORBAY COUNCIL

Update on the Ofsted Annual Conversation

Prepared by: Nancy Meehan - DCS
Date prepared: 21.04.2022
Meeting: Children and Young People's Overview and Scrutiny Board
Date of meeting: 03.05.2022

1. Purpose

1. To provide an update on the Ofsted Annual Conversation that took place on 28.2.2022. This part of the Inspecting Local Authorities Children's Services Framework (ILACS) is voluntary, but it plays an important role in supporting Ofsted's understanding of the Local Authorities self-evaluation of their services.
2. The meeting can be about solely Children's Social Care (CSC) or part of a broader meeting covering education and early years.
3. The meeting should cover a number of areas and in particular:
 1. the content of the self-evaluation – what leaders know about practice and outcomes, and the evidence that supports this
 2. the impact of the self-evaluation – what leaders are doing to address weaknesses in practice and maintain or improve good practice, including evidence demonstrating the effectiveness of their actions
 3. actions taken in response to previous inspections
 4. the Local Authority's current financial, political and professional practice context
 5. the broader issues that affect delivery of children's social care services, for example schools and early years provision
 6. the possible scope of a focused visit
 7. the approximate timing of the next self-evaluation and annual engagement meeting
1. The meeting between Torbay Children's Services and regional representatives from Ofsted took place in February 2022 and was prior to the recent ILACS inspection. The outcome of the Annual Conversation identified positive improvement by Torbay on its journey to deliver improved services for children.

8. Summary of Key Actions

1. The meeting between Torbay representatives and Ofsted regional representatives was a broader meeting and covered both CSC and early years and education.
2. The meeting was a positive one with a consensus that Torbay, from the self-evaluation presented and the discussion, was continuing to improve services to children.
3. The data presented also evidenced an improving picture and one that was viewed positively by Ofsted.

9. Milestones

1. The process following the Annual Conversation, is that Ofsted will write to the DCS within a month of the meeting. The letter is not a published letter and does not contain any judgements about practice. The letter will set out the following:
 1. the date of the meeting and who attended
 2. a factual summary of the agenda items discussed
 3. the possible scope of a future focused visit
 4. the approximate timing of the following year's self-evaluation and annual engagement meeting
 5. any next steps

6. Key Issues

1. The meeting was positive and identified that despite the pressures of the pandemic, we had been able to keep a focus on the most vulnerable children.
2. We had strengthened our governance and scrutiny arrangements and our partner arrangements were more mature both strategically and operationally.
3. We were reducing our cared for numbers, our children subject to child protection and had reduced the number of children in residential establishments.
4. We were continuing to reduce our use of agency and staff turnover which supported a more consistent response to our children.
5. Acknowledging our significant challenges within SEND we were pleased that the early years provision was identified as a strength.
6. We have enough early year placements for children who require one, however, acknowledge reduced capacity within childminding places.
7. We acknowledge the number of young people not in education or training

(NEET) had reduced but in respect of our care experience who are NEET this had risen and was not yet at pre-pandemic levels.

8. We had been successful in a bid for £45 000 to enable young people aged 16 or over to complete work experience with Great Western Railway.

7. Key Risks

1. If the self-evaluation had identified weaknesses in practice but the local authority had credible plans to take clear, appropriate and effective action in response, Ofsted would treat this as effective leadership. However, it could, if the plans are not felt to be robust, trigger an inspection or focused visit. If this was the position the Ofsted regional representatives would highlight these issues with the Local Authority at the annual engagement meeting.

**Elective Home Education (EHE)
Review
January 2022**

Introduction

Recent case reviews have highlighted safeguarding risks to children who were elected home educated (EHE) as a factor in their abuse and neglect. Media reports and high-profile child deaths have described the risk of EHE children being invisible and isolated with the potential for safeguarding concerns not being identified.

The most recent death of Arthur Labinjo- Hughes highlighted that schools play a significant role in the safeguarding of children by identifying and reporting signs of abuse. During the recent pandemic lockdowns, whilst vulnerable children were encouraged to maintain on site education, this was not always achieved leaving some children at heightened risk of abuse and neglect.

There has been a national increase of parents choosing to EHE. Although EHE is one of parental choice, and many of these situations are positive for children and without concern, in order to assure ourselves that the children in Torbay who are EHE are safe and are receiving good education and are not at risk through this arrangement, we are undertaking a review of all EHE to consider if our processes are effective and the current cohort of EHE children are in receipt of suitable education.

In 2019 new legislation was issued that detailed local authorities roles and responsibilities, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LAv2.0.pdf

In the report, the Government states that although it respects the right to home education and recognises there are many parents who perform the task well, the rise in numbers of home educated children in recent years is a cause for concern.

The Government stated that there was evidence of some parents turning to a variety of unregulated settings such as part-time alternative provision or unregistered independent schools. These settings could pose safeguarding concerns, and increase the risk of exposure to extremism, radicalisation, corporal punishment, or sexual exploitation.

Since 2016, ADCS has undertaken an annual EHE survey to capture the number and characteristics of children and young people who are known to be home educated. The survey also aims to understand the reasons behind a family's decision to electively home educate, how LAs across the country are supporting these families, and how any available resources are being deployed in this area.

In its November 2020 survey of EHE, the Association of Directors of Children's Services (ADCS) used survey data from local authorities to estimate that on 1 October 2020, 75,668 children and young people were being home educated across all 151 local authorities in England. This is an increase of 38% compared to estimates for 1 October 2019. (Source: Lords library 2021)

The most recent survey also highlighted those trends prior to the pandemic showed a regular yearly increase (dating back five years) of home educated children. This has led to concerns over educational quality, oversight and safeguarding provided by local authorities for this group of children. It estimated that the cumulative number of children and young people being electively home educated (EHE) across 152 local authorities at some point during the 2020-21 academic year was 115,542 – a 34% increase on 2019-20 totals.

The report warned however that many of the EHE notifications received since September 2021 had been for families with multiple layers of vulnerability where elective home education “does not seem the most appropriate route for the children concerned”.

There are several reasons for a parent choosing to provide an elective home education may include:

- ideological or philosophical views regarding benefits of the wider school system.
- religious or cultural belief.
- bullying.
- special educational needs; or
- a child being unwilling or unable to cope in a school environment.

During Covid 19 parental concerns about the virus and the impact on physical and mental health on them and their children, may have also been a reason to choose EHE. During the pandemic lockdowns, vulnerable children were encouraged to maintain on site education, this was not always achieved leaving some children at heightened risk of abuse and neglect.

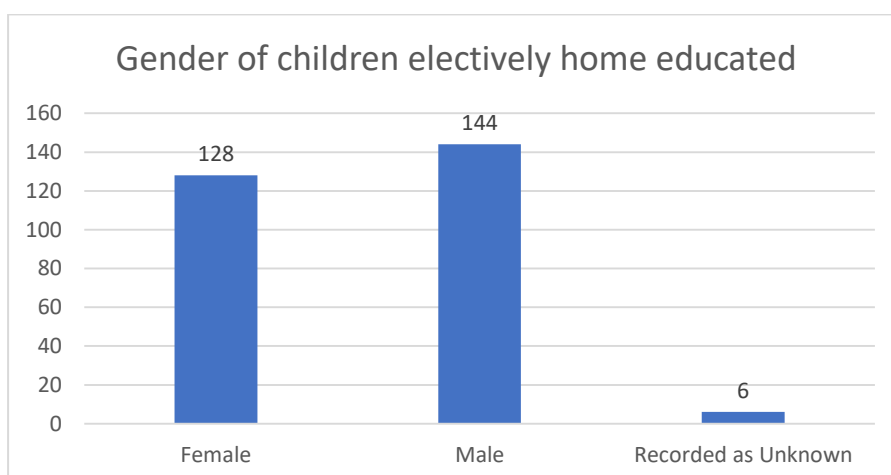
It is noted that the influx of additional requests to EHE due to the pandemic has caused issues in respect of capacity within the VPT and as a result some EHE reviews have been delayed.

The review of EHE children will take place in two stages:

- Stage 1 – review of the data
- Stage 2 – review of children who are EHE

Profile of EHE in Torbay

Currently within Torbay there are 278 children who are EHE

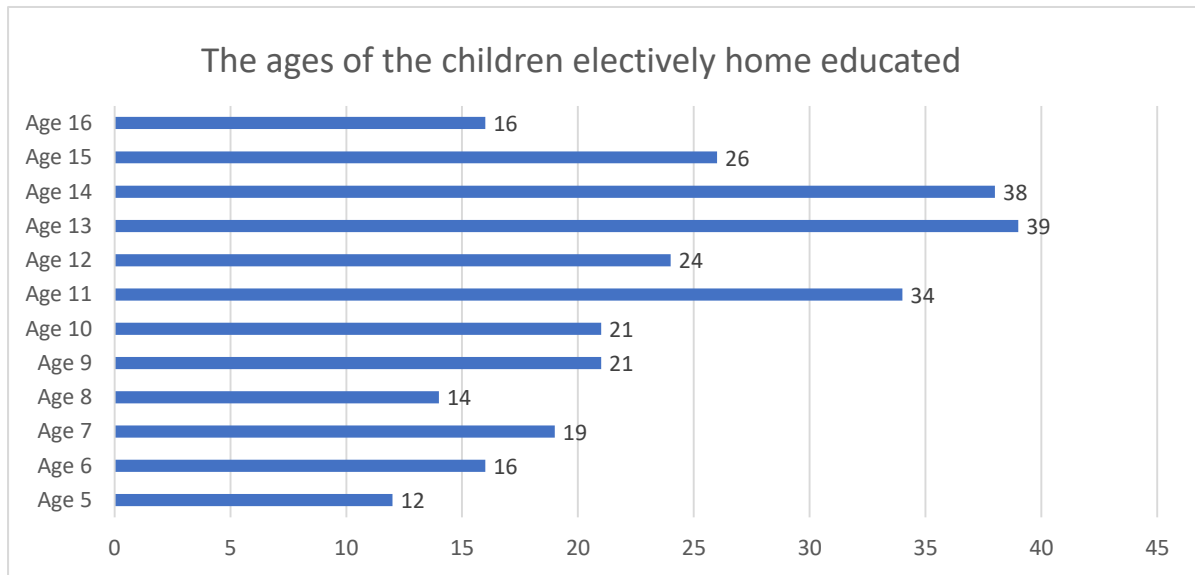


118 Children who are EHE are from sibling groups:

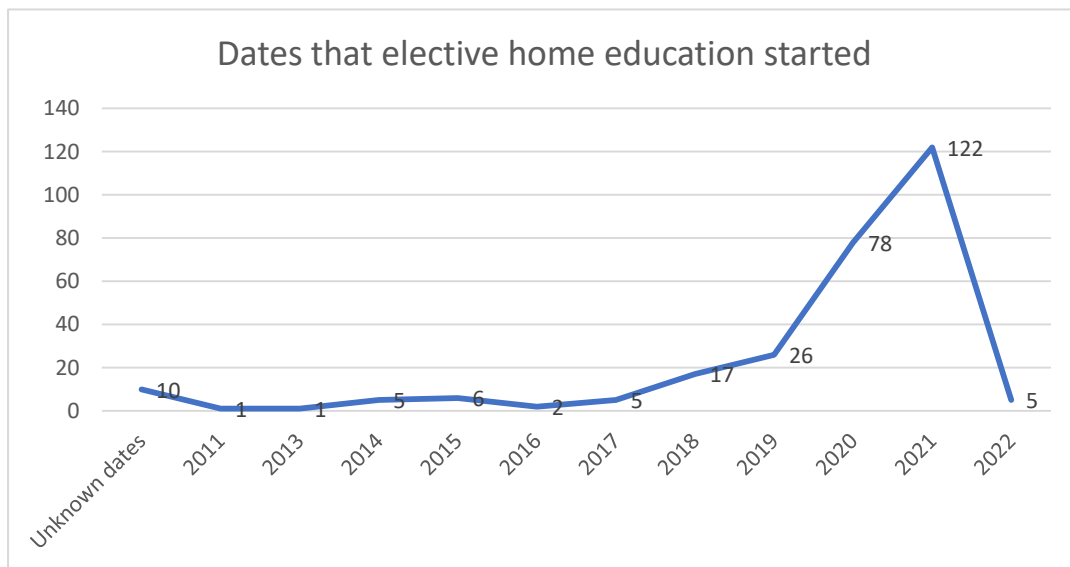
- 45 sibling group of two children

- 7 sibling group of three children
- 2 from a sibling group of four children
- 160 are sole children being EHE

175 children who are EHE are over the age of 11.



The dates that elective home education started ranged from



Impact of COVID 19 on numbers of EHE

Since 2016 and prior to the pandemic, it was recorded that the EHE population was growing by approximately 20% annually.

Over the course of the pandemic, the number of children who were EHE increased significantly as reported in the EHE Survey 2021

[ADCS EHE Survey 2021 Report FINAL.pdf](#)

The report highlighted that there is not a clear understanding of the cohort of EHE given that there is no statutory register.

Since May 2020 159 children in Torbay have become EHE. From the data available the reasons that parents choose EHE are not consistently recorded and therefore it is unclear as to if this rise has been due COVID anxiety, mental health concerns, or other reasons including if parents had experienced home educating during lockdown and wished to continue to do this.

Phase 1 – Data Review

At present data is held on EHE on Microsoft Team folders and an excel spreadsheet. Other relevant data is held on other systems accessible to the Vulnerable Pupils Team (VPT)

The initial data provided covered:

- Basic demographics and information re date EHE started / ended
- Date of last contact with parents where evidence of education standards was gained or provided
- Educational standards
- Notification method for EHE
- Date of contact letter being sent to parents
- Vulnerability (RAG)
- SEND details and
- Known to SC / Education

Additional data was requested for the dip sample to understand strategic trends in relation to EHE.

This included:

- Last school attended
- If the child had been on a part time / excluded from education prior to EHE

Maintaining spreadsheets can be problematic, with the risk of data loss, no access control, data validation and no version controls. The spreadsheet used for the dip sample evidenced all of this and data cleansing was necessary before reviewing children's records could start, this has impacted on the timeliness of the completing the review process.

The lack of reliable information from the spreadsheet indicates that the current system for recording and monitoring EHE children is unreliable. EHE arrangements for some children were not fully recorded, and therefore may not have been fully understood.

The data fields on the spread sheet provided didn't include some details that would support strategic understanding around EHE children in Torbay including the last school attended and if children were subject of school exclusions prior to EHE.

The data sheet currently does not indicate if children are seen by officer or their voices are captured in relation to their views on their EHE or if children are seen annually as part of their EHE review.

Data cleansing has not brought the information fully up to date as there is a reported backlog within the service in annual assessments being completed.

A business case to ensure that the information held by the Vulnerable Pupils Team (including EHE) and the Education Psychology Service can be entered into an information management system has been taken forward. There are solutions within the Capita One management system to host this information and create when appropriate join up with Liquid Logic. The business case has been reviewed at Children's Services DLT management group and progressed to the IT board. Work is in train to bring forward a management solution to the hosting of this information.

Recommendations:

1. Once the management system is in place that this is used to record children who are EHE and is functional to run reports that will enable strategic oversight of the cohort.
2. Until this time for the spreadsheet to be maintained in a way that ensures that it is kept fully up to date and is an accurate record and reflection of all children in Torbay who are EHE.
3. Data that informs the Local Authority about its cohort of EHE to be agreed by ADCS and DCS.
4. To use the data to consider trends in home education as identified in 2019 guidance.
5. Consideration to record "children being seen" as part of the EHE review process.
6. For the data to indicate when education is deemed unsuitable that partner agencies are notified of concerns.

That the reasons why EHE continue to be recorded, where known, and annually reviewed to understand any strategic trends.

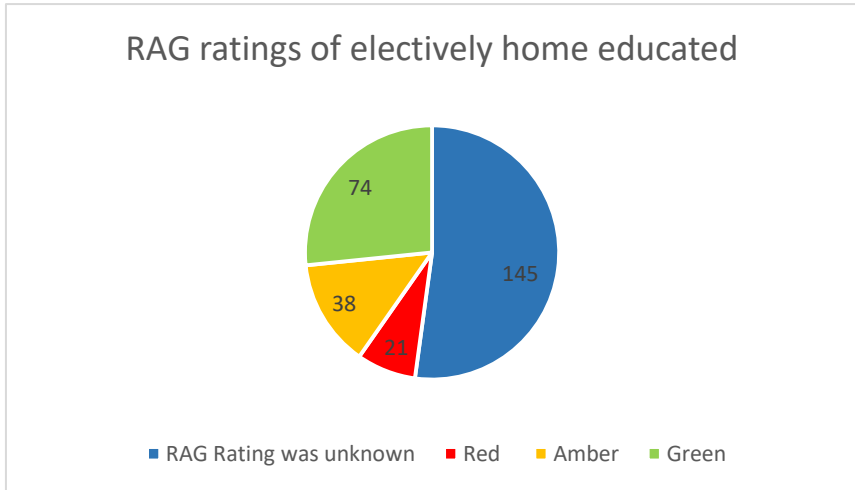
RAG rating

RAG rating was introduced in 2020 at the start of the COVID 19 pandemic by the VPT as a response to a backlog created by rapidly increasing numbers of EHE. It is a temporary measure as the intention is to return to a zero backlog. There is no written guidance on the RAG rating of children, but it was reported that the RAG ratings indicated the urgency of EHE assessments and first contacts.

Any child who becomes EHE and is known to Social Care would automatically be RAG rated red and this would indicate the urgency of assessment and first contact, in the absence of a clear policy it was unclear what these timescales are.

Amber RAG rating is for children who are known to Early Help Service and whom education services may have had some concerns about. These were described as families who may have "limited capacity" to educate or where there had been of concern whilst in education provisions. Green RAG would be all other children.

The RAG rating for some children could be reviewed following contact with other professionals. Parents who were looking for another school provision could also be downgraded whilst the application is monitored. When reviewing the initial RAG ratings on receipt of the data there were:



Of the 21 children who had red RAG

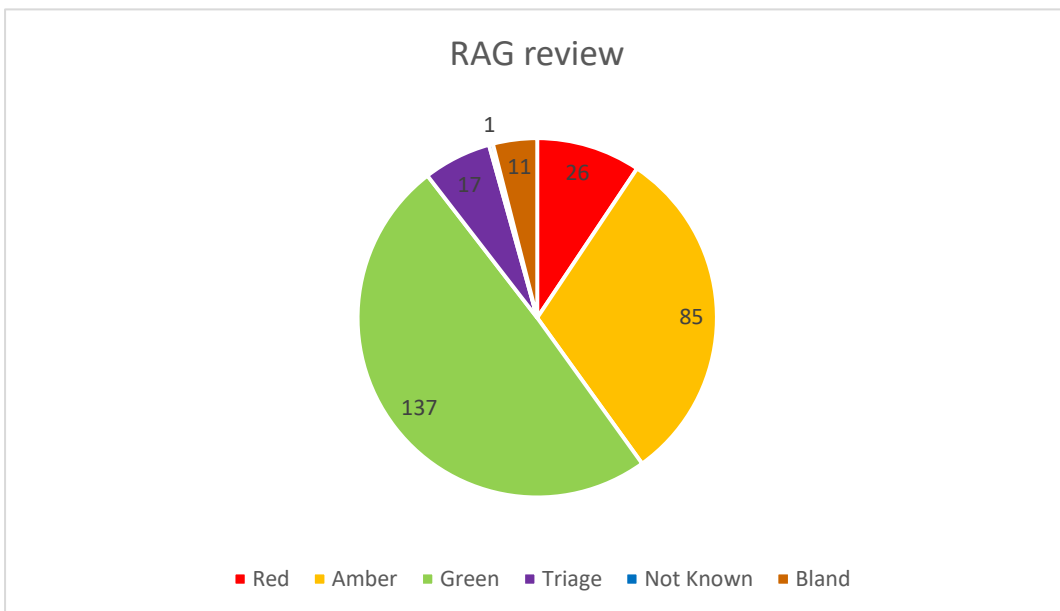
- 5 children were known to have EHCP (4 known to SC)
- 4 children were recorded at SEN(K) (these were described as children at SEN Support who would receive support short of an EHCP were they in school)
- 4 Children had no SEN detail known
- 8 had no SEN
- 10 children were known to SC
- 2 children were known to EH

6 had not been assessed with EHE notification other dates ranging from

- 1 in October 2021
- 4 in November 2021
- 1 in December 2021

3 children had concerns raised around their education 2 of which were on child protection plans.

RAG rating of children was reviewed w/c 14th January 2022:



As there is no written guidance in respect of the RAG rating process, its application and timeliness, it is difficult to say if this this process enables the vulnerable children to be identified in a timely way.

The lack of detail available on the data set would indicate that full information was not known about children who were / applied to be EHE and therefore the application of the RAG rating wouldn't be effective or efficient.

The red RAG data reviewed indicated that an assessment of a child RAG rated RED could take 2 – 3 months, which could leave a vulnerable child at risk.

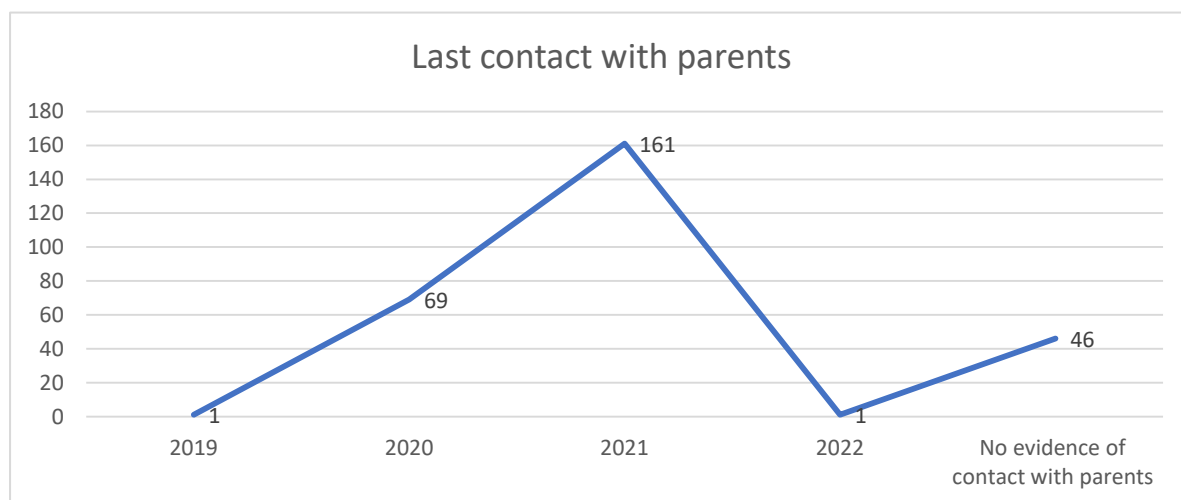
Recommendations:

- That there is written guidance on the RAG rating system with clear guidance as to timescales between notification of EHE and visits should take place using the RAG rating system
- All RAG is reviewed to ensure the data set is accurate and any child RAG rated RED is reviewed within 2 weeks.
- When parents report they are considering alternative school provision that this is monitored and doesn't delay assessment process and recorded on the data set.

Last contact with parents

The 2019 guidance is clear that when parents are educating a child well at home, the need for contact should be minimal. It also states that each local authority should

"Ordinarily makes contact with home educated parents on at least an annual basis so the authority may reasonably inform itself of the current suitability of the education provided. In cases where there were no previous concerns about the education provided and no reason to think that has changed because the parents are continuing to do a good job, such contact would often be very brief"



From the data it would indicate that 162 parents and children have had contact with the local authority over the past year to review education standards, with 116 parents and

children. There is a known backlog of annual reviews with the VPT which is expected to be cleared by April 2022.

The data collected indicates the last contact with parents, it does not indicate if a child was seen during this or consulted, or if visits were made to the home or via email, or other media.

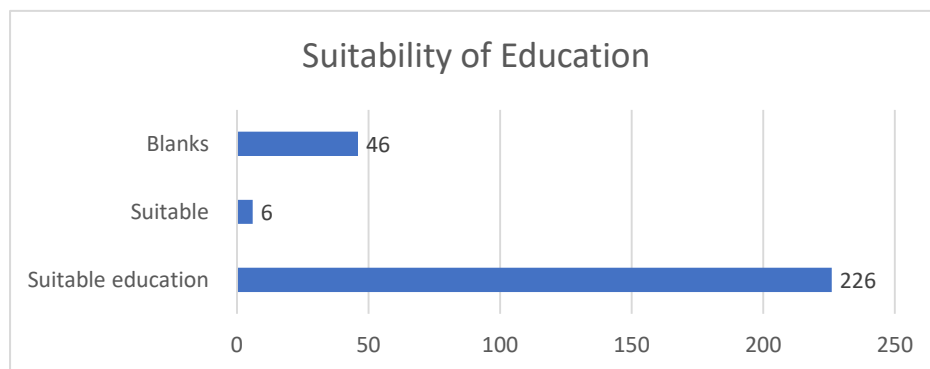
Children's rights and views should be considered as part of the EHE assessment process, and whilst children do not have weight over parental decision, if their views give cause for concern around the EHE arrangement this may inform the decision as to if EHE is suitable or unsuitable. The data also does not indicate children's voices or if the child's home environment was seen, this may be evident in a deeper dive on children's records.

As serious case reviews on some children indicate, EHE children can be invisible to other professionals and organisations, whilst local authorities don't have the power to enter a home, or insist on seeing a child, there are opportunities to have access to children annually and to record a child's voice, these are currently not captured on the data set.

Recommendations

1. That data collected indicates if children are seen as part of the EHE assessment and review.
2. That children's voices are captured as part of the assessment and review where possible.

Suitable education



Information was sought as to what would be deemed suitable and efficient and it was advised that this is a national issue as there is no definition and it was noted that local authorities are not allowed to define it as it would be seen to restrict parental choice as to the best education for their child.

Reference was made to Portsmouth vs Goodred which was a high court judgement given on 16 November 2021 which stated that for a council to be assured that a child was receiving suitable education, it could request that evidence to support this could be sought and that a report alone should not be relied on, and that until the local authority is satisfied that a home educating child is receiving a suitable full-time education, then the child being educated at home falls under the scope of the powers and duties in relation to children missing education.

Torbay's EHE website, in a document for parents, describes suitable as

the child receives an efficient full-time education suitable –

- 1. to their age, ability and aptitude, and*
- 2. to any special educational needs, they may have.*

The document on the website that is accessible for parents and uploaded in 2018, describes efficient and suitable as

"Education can be regarded as efficient if it achieves what it sets out to do and "suitable" if it prepares the child for life in modern society and enables the young person to achieve their full potential."

The 2019 guidance states that

"Until a local authority is satisfied that a home-educated child is receiving a suitable full-time education, then a child being educated at home is potentially in scope of this duty. The department's children missing education statutory guidance for local authorities applies."

The guidance further offers 9 points for local authorities to use when determining if education is suitable.

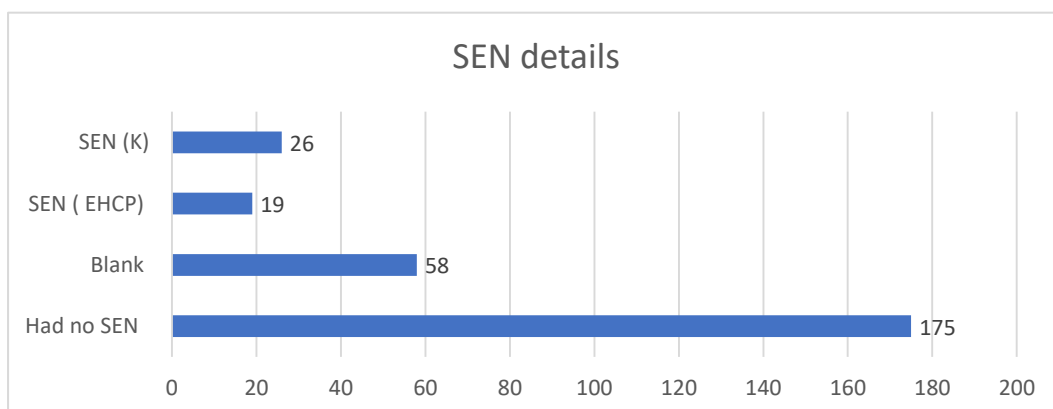
The data set evidenced that there were 6 children where there are concerns about suitability, 266 were felt to have suitable education and 46 children didn't have anything recorded.

The data doesn't indicate what action is being taken in respect of the children whose education isn't deemed suitable, this will be considered in the deeper dive.

Recommendations

- That Torbay review that is deemed suitable and effective in line with the 2019 guidance and High Court Judgement and updates its website accordingly, whilst being mindful that the guidance explicitly prevents an absolute definition.
- That reviews of EHE seek evidence of what is being provided by parents when appropriate
- That the 46 children whose annual reviews are outstanding are contacted as a matter of importance and that updates are requested within 6 weeks.
- For consideration of the data base to record children who are unassessed as "missing from education / under review " until the assessment is completed.

Special Educational Needs and Disability



Parents of children with SEN have equal rights to EHE if they so choose. If a child attends a special school prior to EHE the agreement of the LA must be obtained before a child's name is removed from a school roll. The current data base did not record if permission had been agreed and this detail will be reviewed in the dip sampling of children's records.

The initial data recorded that there were 175 children currently EHE with no SEN details. 19 children had EHCP plans.

Of the 19 children with EHCP:

- 11 were currently or previously known to social care
- 15 children had become EHE since the start of the pandemic in 2020
- 15 were felt to be in suitable education.
- 4 children awaiting assessment

26 children were recorded as SEN (k). These were described as children at SEN Support who would receive support short of an EHCP were they in school.

Of the 26

- 3 children had concerns about suitability of education
- 3 were unknown
- 9 children the last recorded contact was in 2020
- 2 children had no contact date recorded.

Notifications around EHE

There is no legal obligation on parents to provide notification, either in writing or otherwise, if they choose to EHE, or provide any reason for withdrawal (other than children in special schools) From 2016 the LA have to be informed of deletions from admissions registers in School.

Torbay works with other Local Authorities to identify children who have move across areas, and share data in respect of those children when they move from one authority to another.

On the data there were 35 different fields recorded as to where notifications came from in respect of EHE. These were under a number of categories and were often difficult to understand.

72 children had no notification source noted, and 18 were blank.

The 2019 guidance indicates that local authorities should consider using data to identify patterns in respect of withdrawal rates.

Recommendations

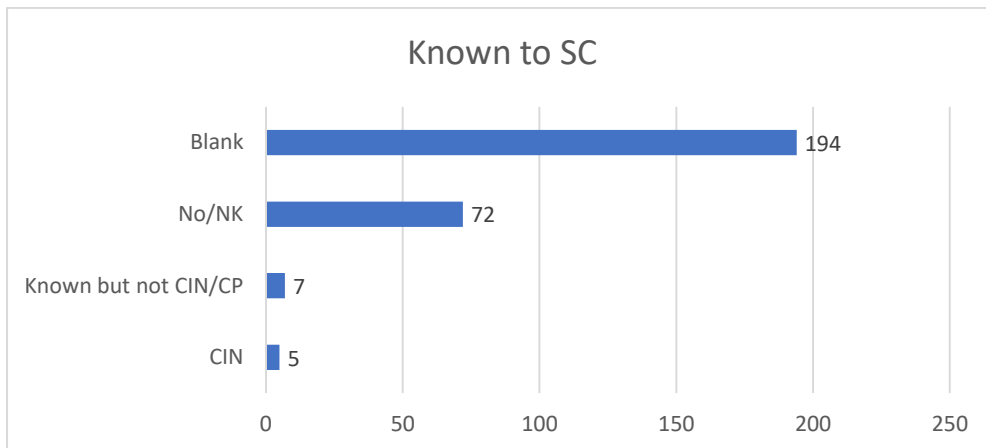
1.It is recommended that the notification sources on the data set are reviewed and that notifications from school in respect of register deletions are appropriately recorded and reviewed to ensure school compliance. These are recorded in Capita and schools challenged when an escalating incidence is noted.

2. Schools are encouraged to identify if known the reason why parents withdraw children from school.

EHE known to Social Care

Sections 10 and 11 of the Children Act 2004 give local authorities general duties for promoting the well-being and (in relation to their non-education functions) safeguarding and promoting the welfare of children in their areas. This includes children educated at home as well as those attending school. Section 175 of the Education Act 2002 requires authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting children's welfare.

Therefore, the general duties of local authorities in relation to safeguarding are the same for all children, however they are educated.



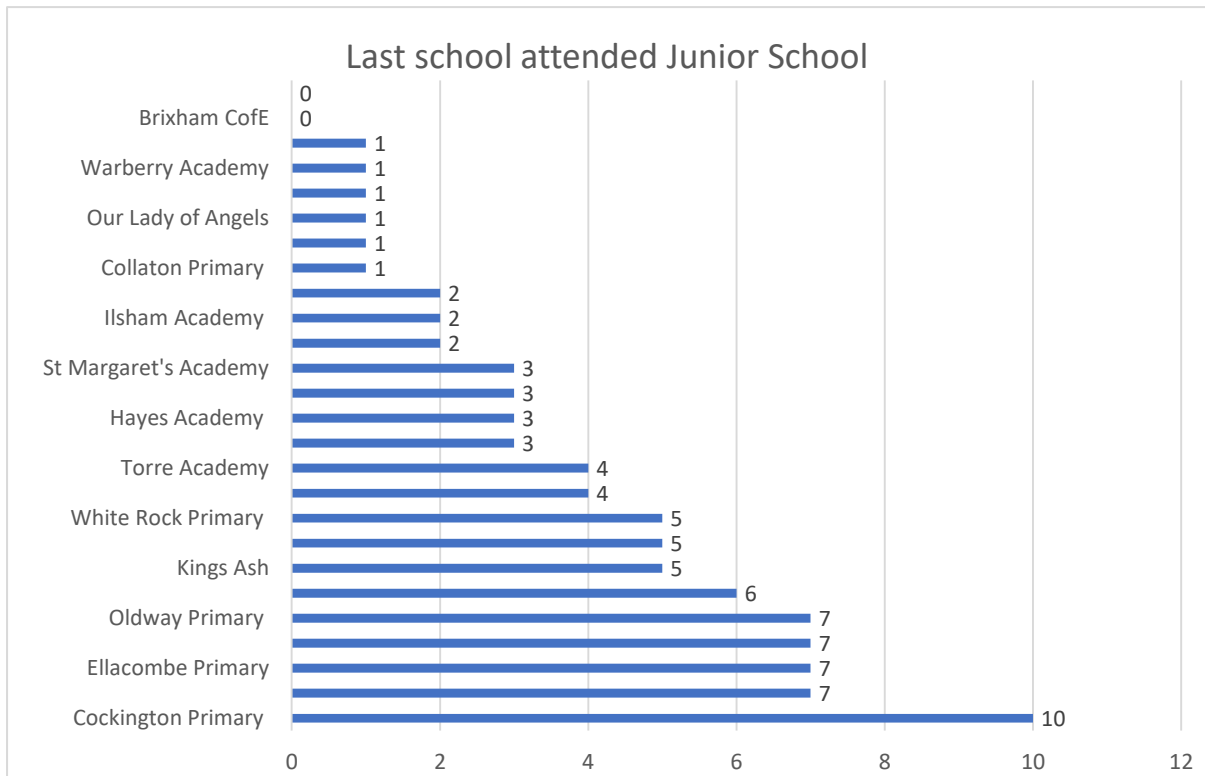
After the cross referencing the data provided with liquid logic systems there were an additional 48 children that were known / had been known to SC. (this was reliant on names being the same as on the LL system and therefore manual cross referencing will take place during the dip sampling process)

The data set doesn't evidence if consultation with other professionals takes place when a child becomes EHE, this will be reviewed in the dip sampling.

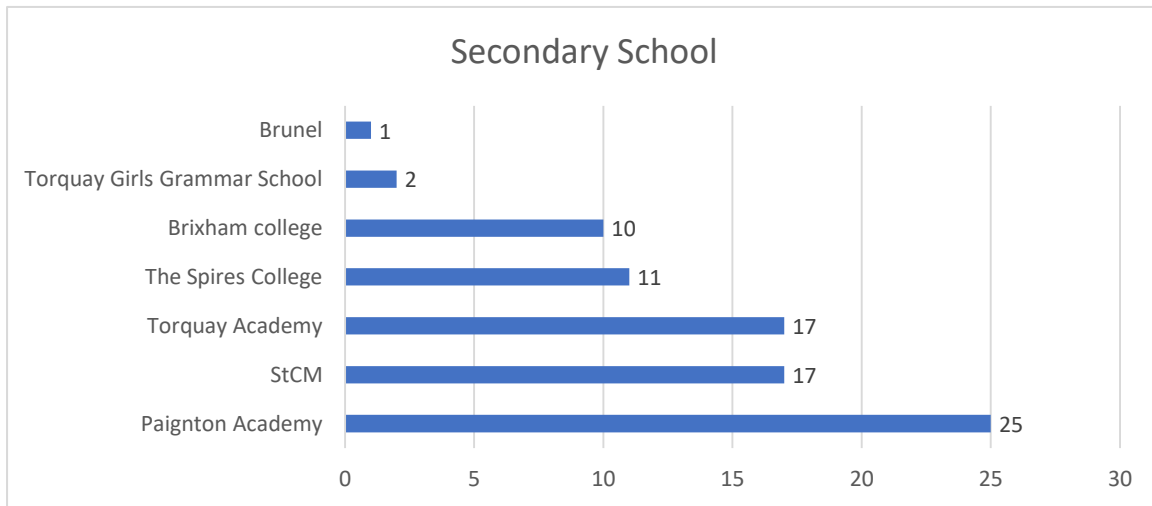
Previous Education Provision

It is important that trends in home education in a wider strategic context are explored. From the data provided 192 children who were receiving education within Junior Schools in Torbay choose to become EHE from the start of COVID 19 restrictions in 2020. From the initial data it was unclear as to if there was a trend / similarity in reasons for this.

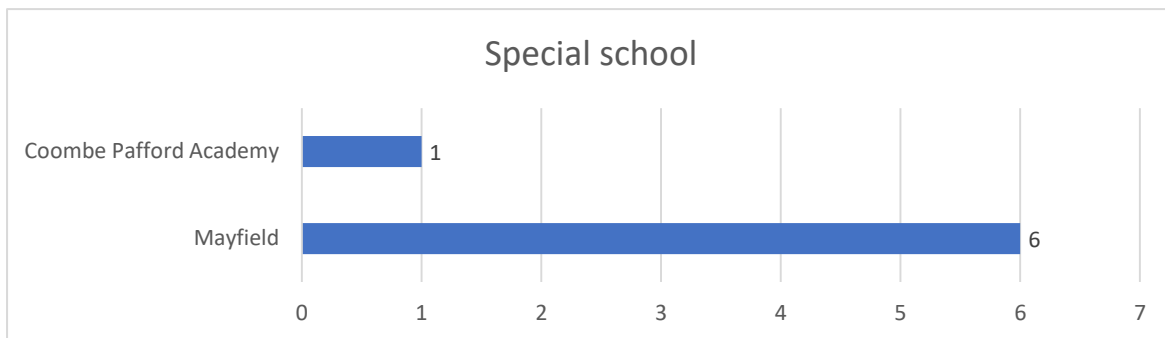
Last junior school attended



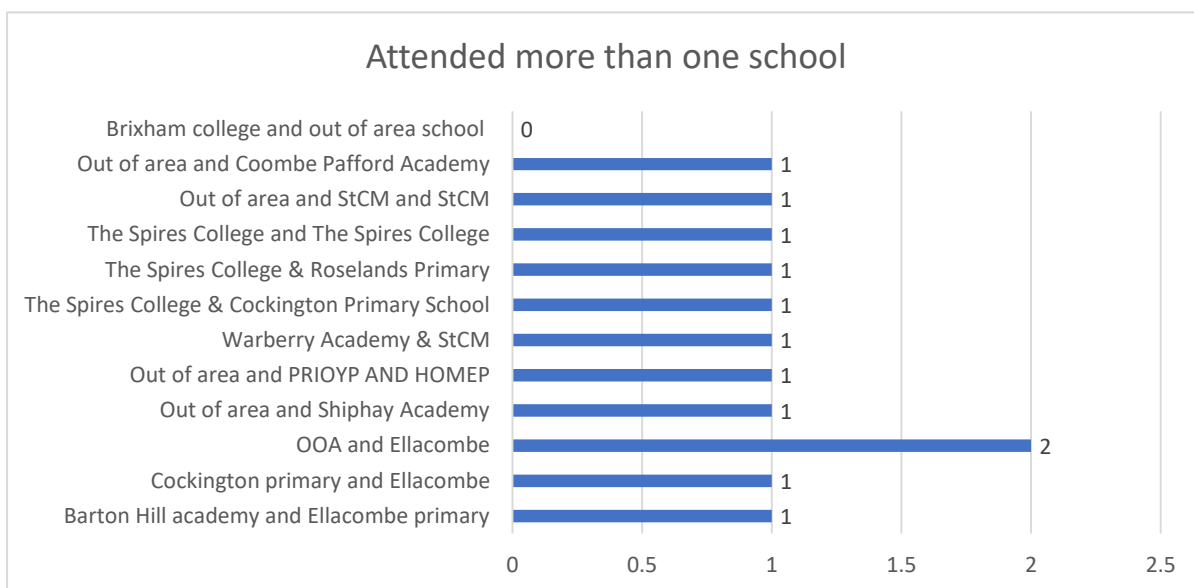
Last secondary school attended



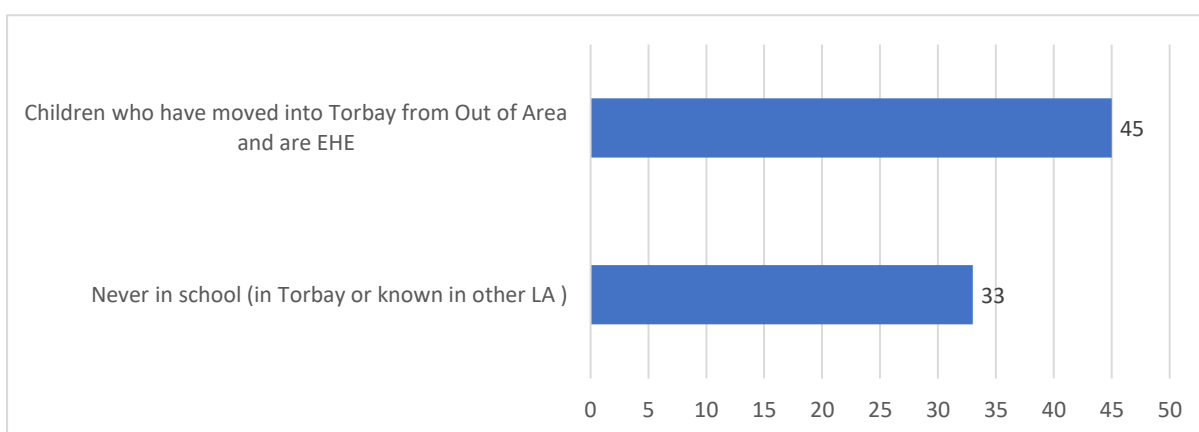
56 children from secondary schools became EHE since the start of COVID 19 in March 2020. 29 children were in year 10 or 11. Paignton Academy had the highest number of children become EHE in Torbay during the COVID pandemic.



Attended more than one school.



Never in School



Recommendations

1. That data is routinely collected and strategically reviewed to understand any trends in education provision for children who become EHE, and to reassure the local authority that "off-rolling" isn't occurring.

Summary and conclusions

The current system from recording data in respect of children who are EHE is not a reliable method of understanding the cohort of children and any potential safeguarding concerns with the EHE arrangements.

Several recommendations have been made to strengthen the current process until such time that a reliable electronic system is in place.

Sue Whitmore

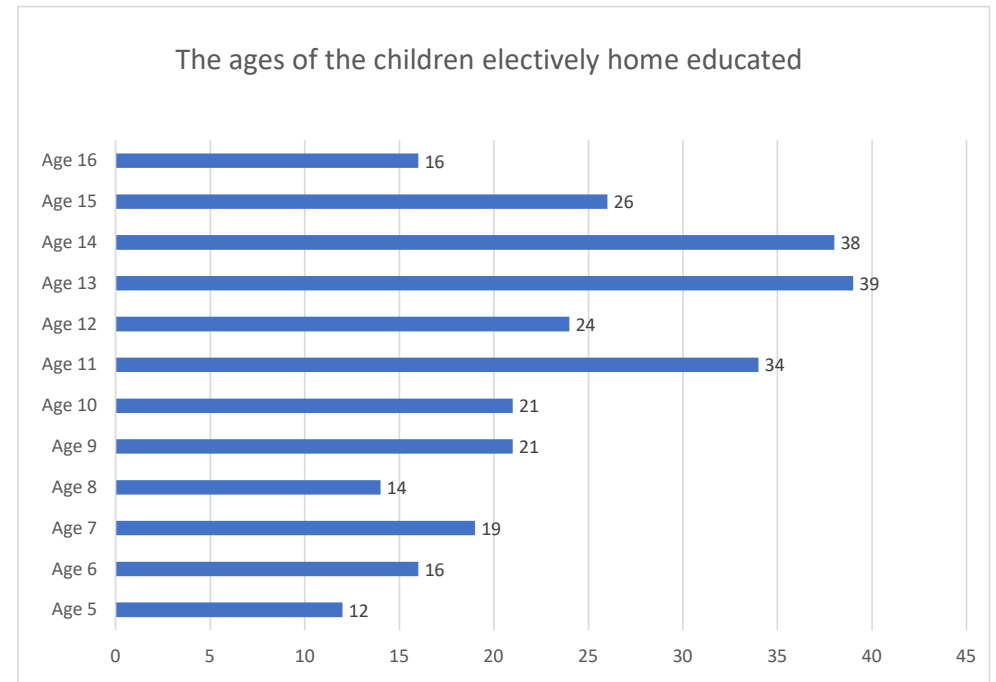
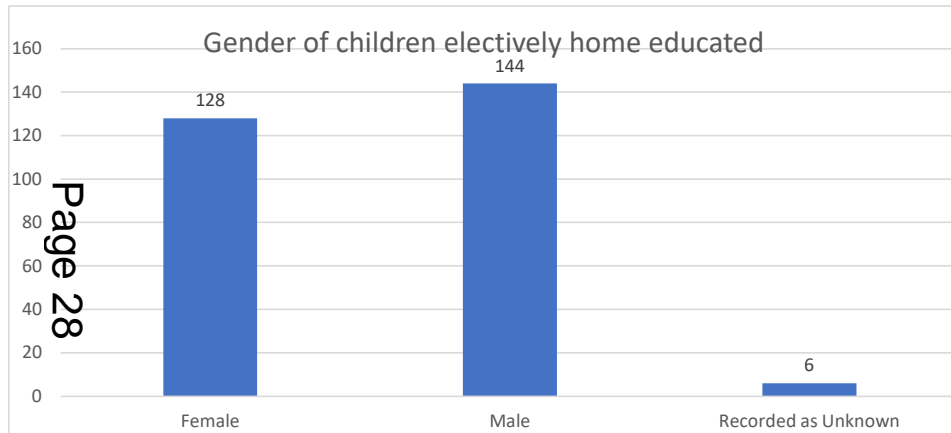
Head of Service – Quality Assurance

February 2022

Elective Home Education (EHE) Review January 2022

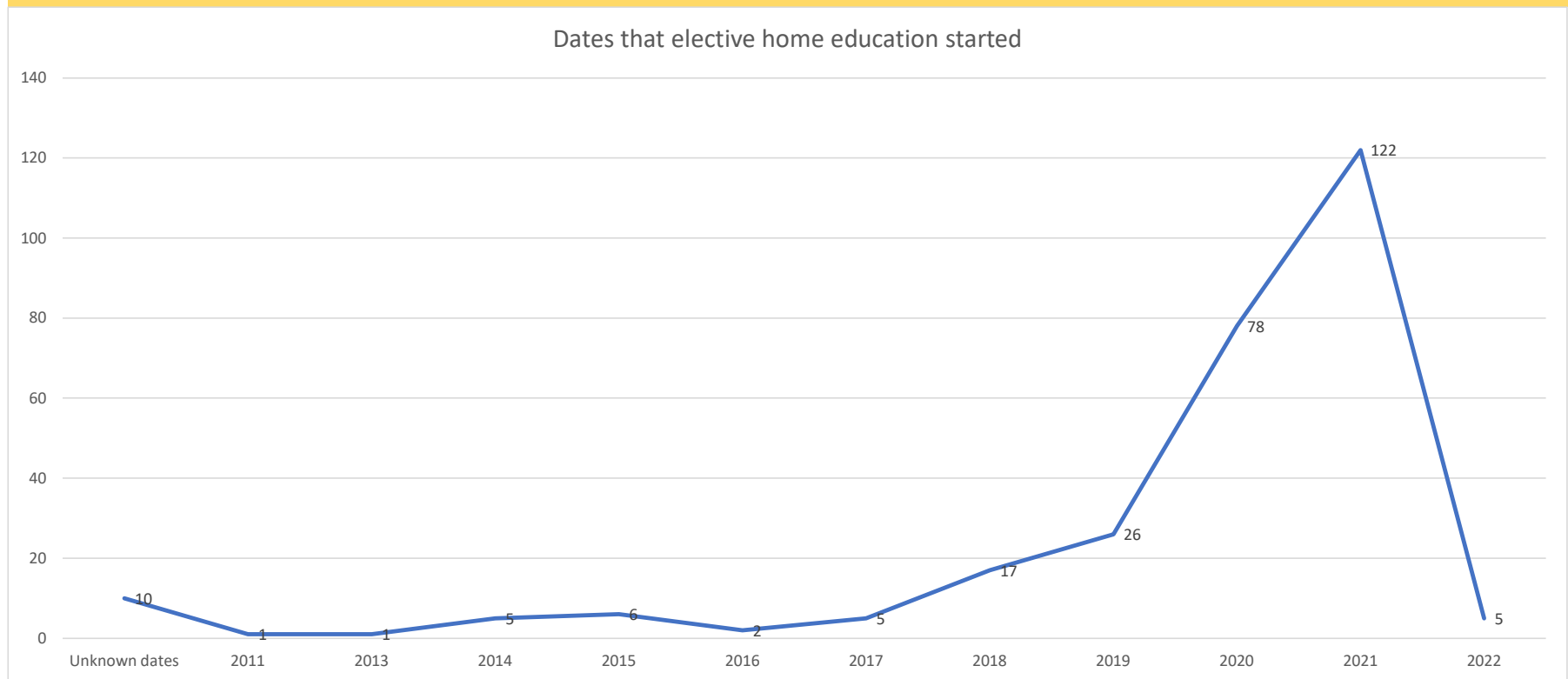
**Sue Whitmore - Head of Service Quality Assurance
Dan Hamer – Head of Service Vulnerable Pupils**

Profile of EHE January 2022



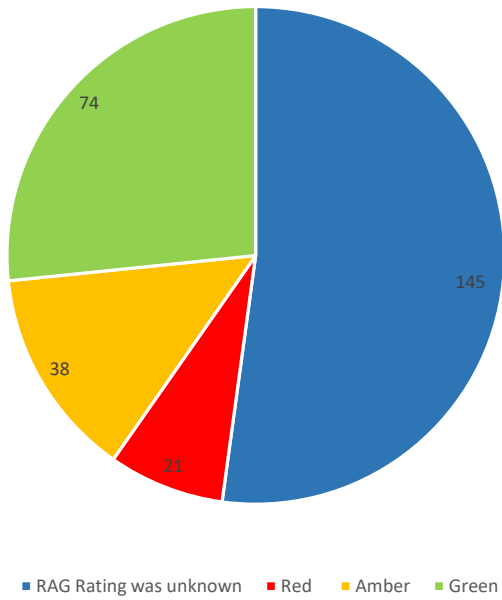
Elective Home Education Trend – Torbay

Page 29

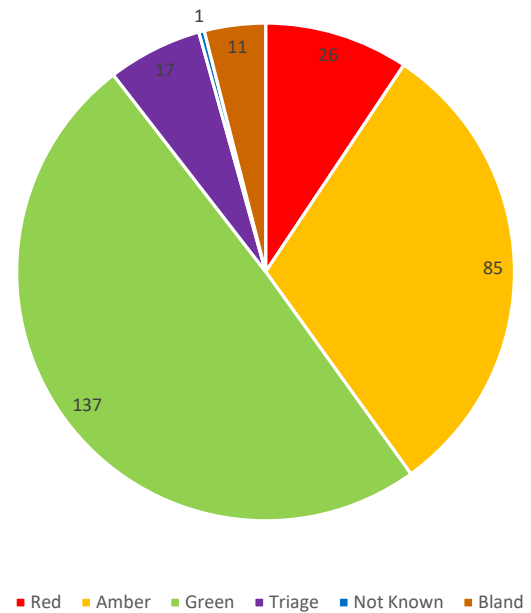


RAG rating

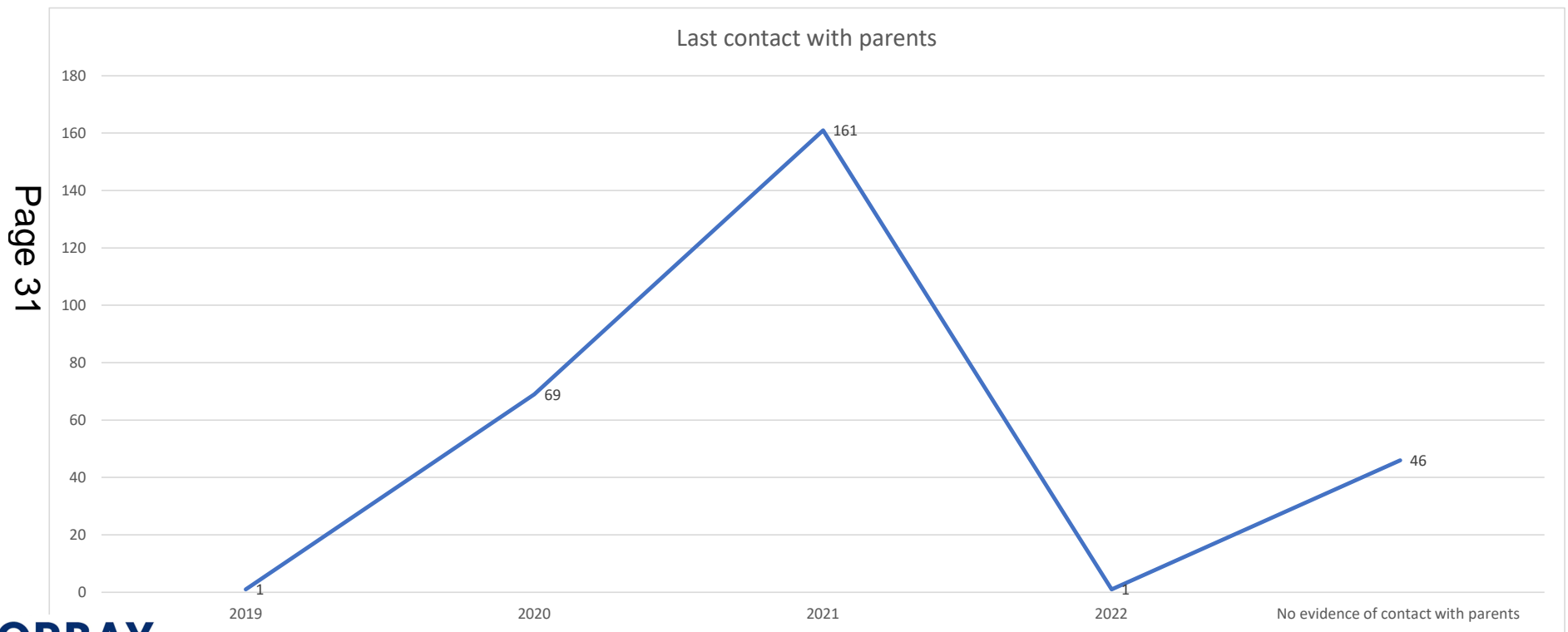
RAG ratings of electively home educated



RAG review

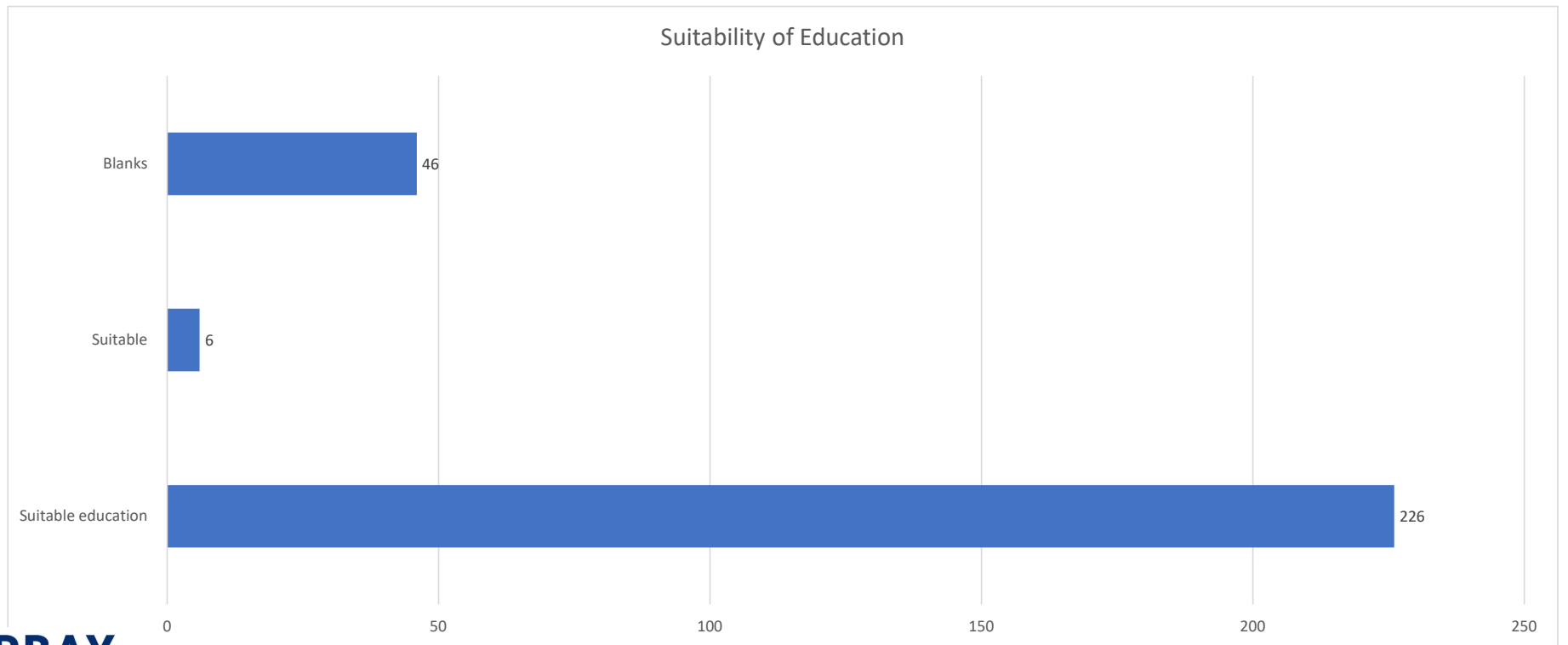


Last contact with parents



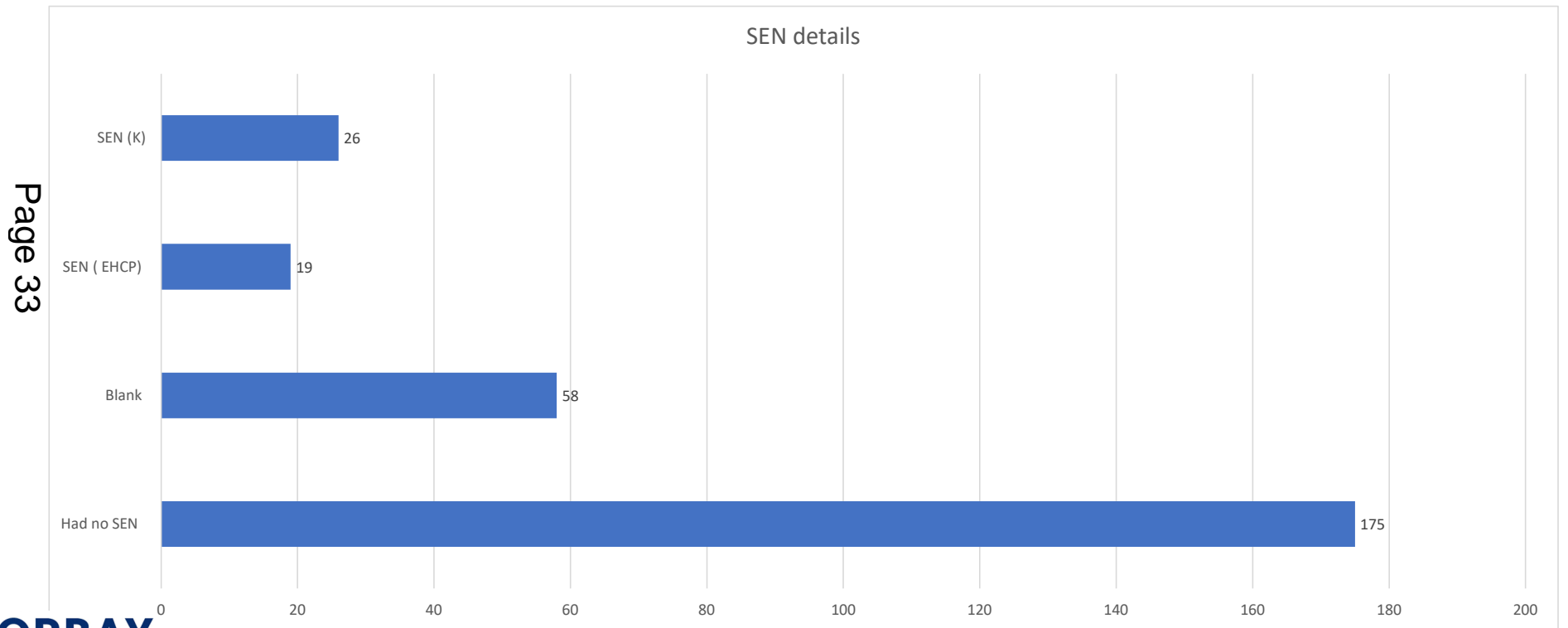
Suitable Education

Page 32



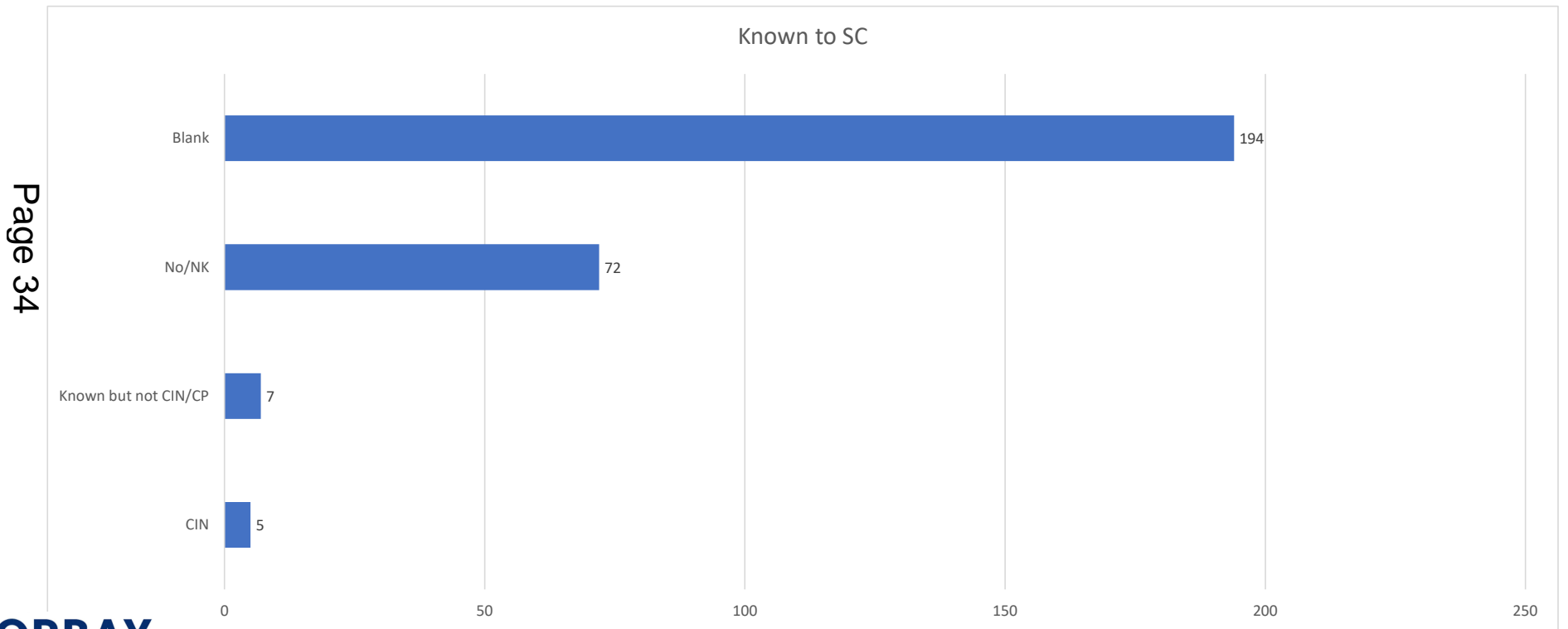
EHE and SEN

SEN details

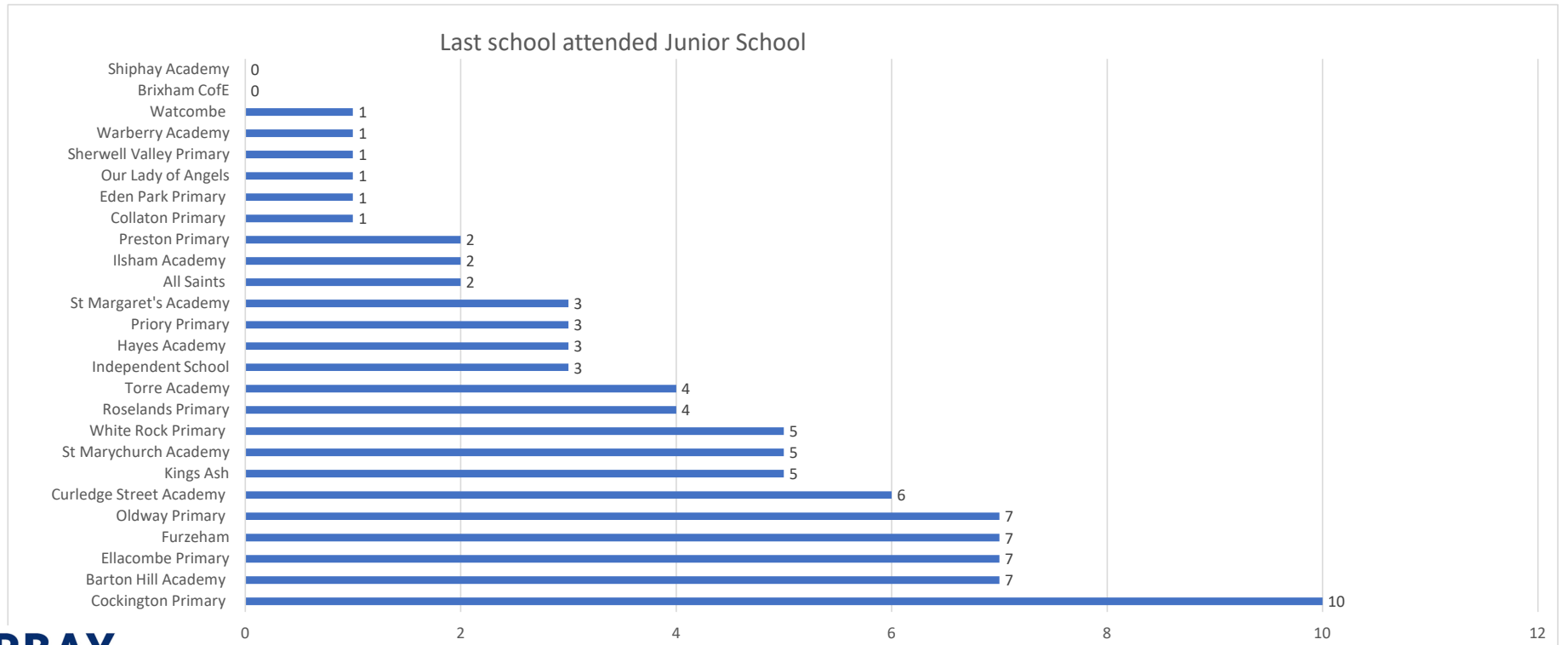


Known to Social Care

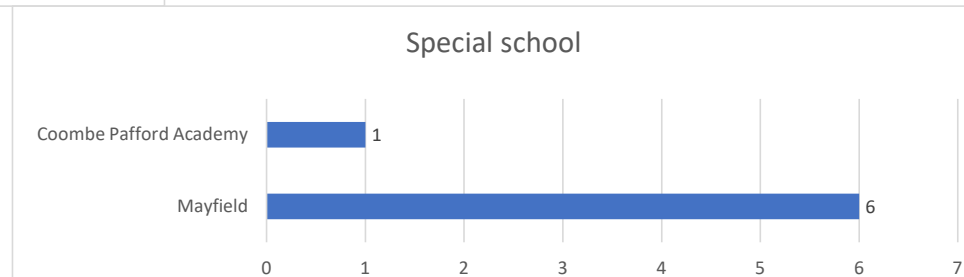
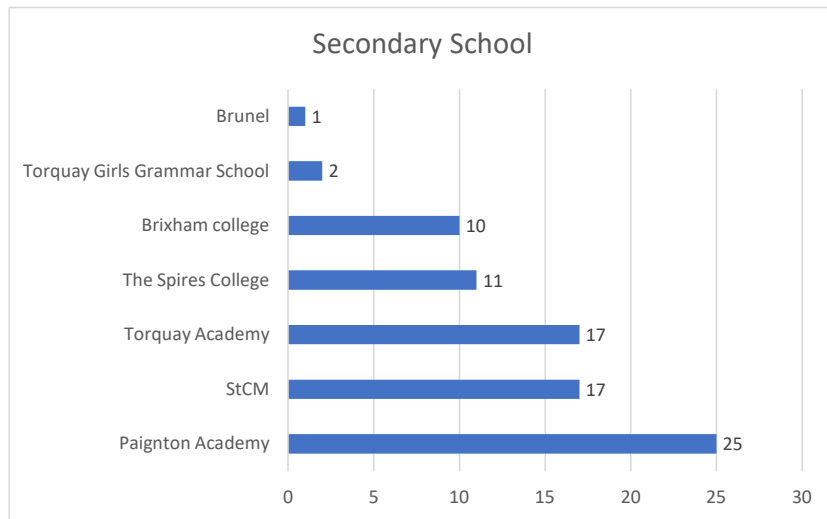
Known to SC



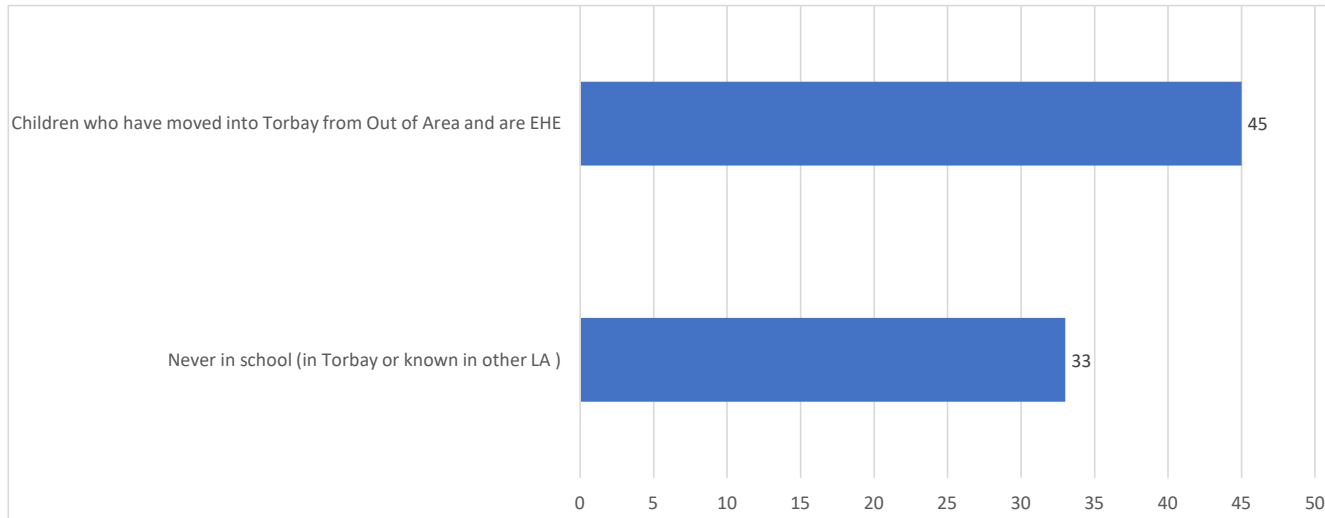
Previous Education Provision



Previous Education Provision



Never in School



Recommendations and Actions

Elective Home Education

An Overview from the January 2022 Audit

Key Actions:

- Resolve the backlog of cases and return to an immediate assessment.
- Formalise processes that have been initiated in light of the backlog to improve consistency.
- Set to work the new Capita One module with associated templates to improve accuracy and completeness.
- Return to home visits for cases causing concern.
- Improve partnership working – particularly with reference to long term missing and children ‘below’ partner thresholds.

Next Steps

Page 40 An in-depth review of children's records who are EHE has taken place. Findings are being collated in respect of this and a report will be available soon.

Child Friendly Torbay (CFT) Update as of 20/04/2022

Early Help

- The plan is to continue with '15 in 15' (15 services/activities available within 15 minutes walking distance from planned hub venues). We are currently in the process of mapping available services/activities and will map these on Power BI to produce an interactive map covering each hub area in all 3 towns.
- This will include health services, social activities, green spaces, extra-curricular activities etc.
- CFT initiative is fully embedded with the Early Help plan.

Corporate Parenting

- Mapping exercise undertaken, currently working on improving Children and Young People (CYP) participation and the creation of a CYP panel.
- Readiness for work was identified as a priority/want for young people – currently improving links with employers, CV writing, interview techniques etc. through the Great Western Railway (GWR) work experience project and additional funding for an apprenticeship programme through Cross Country Rail has been secured. This will start in May.
- Cllr Law organised a meeting with Jacqueline Phare and Insp. Ian Stevens regarding potential of apprenticeships/work experience opportunities. Jacqueline agreed to link CFT with the apprenticeship scheme within NHS and Insp. Ian Stevens agreed to discuss further opportunities for young people to engage with the Police to encourage raising aspiration and seeing policing (all aspects) as a potential employment option going forward.
- Have made contact with Jo Sandbrook (HR) to discuss our internal policy and arrangements.

Where I live

- Simon Sherbersky confirmed that Torbay Community Development Trust (TCDT) did not have the capacity to lead on this piece of work. It has been agreed to pick this up as part of the Early Help group, part of the Corporate Parenting group, part of the Local Motion piece of work, Holiday Activities and Food Programme (HAF) and for Children's Services to lead on the points raised by Children and Young People in the 2018 consultation.
- The plan is for the Imagine This! partnership to also assist with asking young people to help design/chose a logo for the initiative.
- Sarah Pengelly is due to meet with James Arthur – Imagine This! Coordinator to discuss further.

Ambassador Programme

- Awaiting work on the 'branding' to be agreed to be able to formally promote the initiative.

Exploitation

- Additional section of the regular Children & Young People Expert Group (CYPEG) meetings to discuss CFT elements.
- Raising awareness: A scoping exercise has been completed – training that had been delivered to hospitality and taxis was deemed outdated (2017). Katie and Shelley are reviewing current website content and the plan is to use the relaunch of Best Bar None as an outlet, and the existing directories through licencing, food team etc. Need to link in with Sports providers as well as hospitality, ENTE, Taxi's etc. – Train the trainer focus.
- Safer spaces: Discussions have taken place regarding potential existing locations and the planned family hubs could be included in these spaces. Ian Stevens is awaiting a response from Leeds to learn more about their work.

Future Planning

- Plan to link in with the Torbay Story.
- Develop a webpage on the council site and to work on/create literature for the initiative.
- Have an agreement in place with all strategy holders to a) see whether CYP have been considered b) whether there are accessible versions for CYP c) whether they have been involved where possible/needed – links with SEND improvement journey also.

Sarah Pengelly, Project Manager HAF (Holiday, Activities and Food Programme)

20th April 2022

TORBAY COUNCIL

Update on Progress in Redrafting Torbay's Children's Continuous Improvement Plan

Prepared by: Stephen Hart, Independent Chair, Torbay Children's Continuous Improvement Board

Date prepared: 11 April 2022

Meeting: Children and Young People's Overview and Scrutiny Board

Date of meeting: 03 May 2022

1. Purpose

- 1.1 To provide an update on progress in redrafting the Children's Continuous Improvement Plan (CCIP), to set out details of the work that remains to be undertaken and to provide a target date for its completion.

2. Background

- 2.1. Councillors will recall that a report was presented to Cabinet on 24.8.2021 by the Chief Executive that set out proposals to strengthen the Councils governance arrangements for Childrens Services and to provide focus and drive for Childrens improvement beyond the Department for Education intervention. This was unanimously agreed. Councillors may be aware that at its meeting on 18 October 2021, members of the then Improvement Board voted unanimously to move towards initiating a Children's Continuous Improvement Board (CCIB) in recognition of the progress that had been made in children's social care since the publication of the Ofsted inspection report in 2018 which judged Torbay's Children's Services to be inadequate overall. This was endorsed by the Deputy director, Improvements and Interventions DFE on 14.1.2022. This decision required the broadening of membership to include representatives of other partnership Boards which have a focus upon the needs of children either in total or in part. Members of the YOT and SEND boards, the Corporate Parenting and the Early Help boards and the Adults Improvement Board will join recent new members drawn from the child health professional community in forming the new

CCIB.

- 2.2. The broadening of CCIB membership was made in the knowledge that the children's service was in a place where it was ready and able to become a leading agency in the council's desire to create a *Child Friendly Torbay* which requires the diverse contributions of partner agencies in the council, the voluntary and community sector and private business and enterprise to meet the needs of children and young people.
- 2.3. In light of the progress that our quality assurance processes and other intelligence (including Ofsted monitoring visits) tell us has been made, the newly constituted Torbay Children's Continuous Improvement Board at its first meeting on the 10 January 2022 accepted a recommendation to commission a revised improvement plan, the first Torbay Children's Continuous Improvement Plan, that will not only focus upon remaining social care priorities but also will build in priorities from other Partnership Boards to support and enable a broadly based improvement agenda for the children, young people and their families in Torbay.
- 2.4. Members will also be acutely aware that we have recently hosted an inspection team from Ofsted who have carried out the major ILACS inspection of children's services. Although the outcome is awaited (the report will be published on the 18 May 2022), we do not anticipate that the inspectors will have found evidence that will undermine our direction of travel. However, it would be precipitate to proceed to finalising the CCIB without incorporating any recommendations that Ofsted make and it is their publication timescale which is understandably determining our timescale for completion.

3. Summary of Key Actions and Milestones

- 3.1. The following list of actions captures the steps that have already been taken or will be undertaken in the forthcoming weeks until the deadline date of 18 May for the presentation of the full Children's Continuous Improvement Plan to its governing Board for approval and adoption:
 - Following consultation with the Director of Children's Services and Senior Leaders, agree those social care focused improvement priorities that will be incorporated into the CCIP. **Action completed**
 - Meet with chairpersons and key members of Partnership Boards to agree those key improvement priorities that will be incorporated into the CCIP.

All meetings with partners scheduled between 26 April and 4 May and agreed recommendations to be incorporated with immediate effect.

- Incorporate into the CCIP the recommendations of the Ofsted Inspection Report. **This action to be completed on the 18 May, immediately following the Ofsted report's publication at 0900 and immediately before the meeting of the Children's Continuous Improvement Board scheduled for 15.00 on the same day.**
- Develop a 'plan on a page' addressed to a professional and community audience that explains in easy to absorb terms the principles, key content and objectives of the CCIP. **This action is scheduled for completion at the first opportunity following the plan's completion and adoption by the Children's Continuous Improvement Board.**

4. Key Issues

- 4.1. This report has tracked the continuing development of the first Torbay Children's Continuous Improvement Plan. It will bring together a range of social care and partnership priorities to the advantage of children, young people and their families and it is a key element in the council's ambition for Torbay to become a child friendly area. By welcome coincidence it also allows opportunity to incorporate the recommendations of the recent Ofsted inspection which reports in May.

5. Key Risks

- 5.1. The risks to the completion of this Continuous Improvement Plan that will provide the foundation for further improvement to services available to children and young people throughout its three year cycle are low. There are no anticipated risks in failing to agree shared improvement priorities with Partnership Boards and although we have no way of knowing the detail of the report to be produced by Ofsted, we are sufficiently confident in our own quality assurance, performance data and intelligence to believe it unlikely that its findings and recommendations will undermine the direction of travel we are following and continuing to promote. Should that unlikely event occur, we will advise the Committee accordingly and will take steps to reset the timetable for completion in the shortest possible timescale.

Children and Young People’s Overview and Scrutiny Sub-Board Work Programme 2022/2023 – Initial Draft

Version & Date: 3 - 22/04/2022

Timetable of Meetings

Date	Meeting	Issue	Outcomes and Objectives
TBC	Children and Young People’s Overview and Scrutiny Sub-Board	Ofsted Feedback	<ul style="list-style-type: none"> To consider the outcome of the recent Ofsted Inspection of Children’s Services Nancy Meehan/Councillor Law/Stuart Loly/Samantha Hadjiantoni/Stuart Loly. <p>Note the report is due out on 18th May and is embargoed.</p>
25 July 2022 9.30 am	Children and Young People’s Overview and Scrutiny Sub-Board	Update on recruitment campaign for childminders	<ul style="list-style-type: none"> To receive an update on the outcome of the recruitment campaign to encourage more people to become childminders, particularly within the deprived Wards in Torbay – Rachael Williams/Nancy Meehan/Councillor Law (arising from 22 November 2021 Board)
25 July 2022 9.30 am	Children and Young People’s Overview and	Exclusion Appeals	<ul style="list-style-type: none"> To receive the latest qualified exclusion appeal data and the views of those children who have been excluded – Rachael Williams/Nancy Meehan/Councillor Law (arising from 24 January 2022 Board)

Date	Meeting	Issue	Outcomes and Objectives
	Scrutiny Sub-Board		
25 July 2022 9.30 am	Children and Young People's Overview and Scrutiny Sub-Board	Children's Improvement Plan Update – currently being renamed, so title of item to be confirmed	<ul style="list-style-type: none"> • To receive an update on the Plan – Nancy Meehan/Councillor Law/Steve Hart. • To receive an update on the implementation of the eight recommendations arising from the review of Children's Services Leadership, Management and Governance – approved by the Board on 20 September 2021 - Nancy Meehan/Councillor Law/Rachel Setter
25 July 2022 9.30 am	Children and Young People's Overview and Scrutiny Sub-Board	Update on Review of Youth Offending Team	<ul style="list-style-type: none"> • To monitor the progress of the Cabinet's response to the Overview and Scrutiny Review of the Youth Offending Team approved on 20 April 2021 – Nancy Meehan/Councillor Law
19 September 2022 9.30 am	Children and Young People's Overview and Scrutiny Sub-Board	Update on Five Child Friendly Task and Finish Groups - update every 6 months	<ul style="list-style-type: none"> • To review the progress in implementing the actions arising from the five Child Friendly Task and Finish Groups to support the Child Friendly Torbay Vision – Anne-Marie Bond/Nancy Meehan/Councillor Law/Sarah Pengelly (every six months March/September)
19 September 2022 9.30 am	Children and Young People's Overview and Scrutiny Sub-Board	Exploitation – update every 6 months	<ul style="list-style-type: none"> • To receive an update on Exploitation –Nancy Meehan/Councillor Law/Katie Buckley (every six months March/September)
19 September 2022 9.30 am	Children and Young People's Overview and	Our Promise to You – The Torbay Pledge to cared for and care experienced children/young people - update every 6 months	<ul style="list-style-type: none"> • To receive an update on the progress of implementing the Pledge – Nancy Meehan/Councillor Law (every six months March/September)

Date	Meeting	Issue	Outcomes and Objectives
	Scrutiny Sub-Board		
19 September 2022 (date TBC)	Children and Young People's Overview and Scrutiny Sub-Board	Torbay Local Area Special Educational Needs and Disability (SEND) Joint Inspection Written Statement of Action Update	<ul style="list-style-type: none"> To receive update on the progress of the implementation of the action plan arising from the Written Statement of Action following the Torbay Local Area Special Educational Needs (SEND) Joint Inspection - Nancy Meehan/Rachel Williams/Councillor Law
21 November 2022 9.30 am	Children and Young People's Overview and Scrutiny Sub-Board	Children's Improvement Plan Update – currently being renamed, so title of item to be confirmed	<ul style="list-style-type: none"> To receive an update on the Plan – Nancy Meehan/Councillor Law/Steve Hart. To receive an update on the implementation of the eight recommendations arising from the review of Children's Services Leadership, Management and Governance – approved by the Board on 20 September 2021 - Nancy Meehan/Councillor Law/Rachel Setter
30 January 2023 9.30 am	Children and Young People's Overview and Scrutiny Sub-Board	Virtual School Annual Report	<ul style="list-style-type: none"> To receive the annual report from the Virtual School – Nancy Meehan/Rachael Williams/Councillor Law/Jane Inett
30 January 2023 9.30 am	Children and Young People's Overview and Scrutiny Sub-Board	Children and Young People's Overview and Scrutiny Work Programme 2023/2024	<ul style="list-style-type: none"> To agree the initial work programme for the Board for 2023/2024 - Nancy Meehan/Councillor Law
27 March 2023 9.30 am	Children and Young People's Overview and	Ofsted Annual Conversation Letter	<ul style="list-style-type: none"> To consider the Annual Conversation Letter and identify areas for overview and scrutiny - Nancy Meehan/Councillor Law

Date	Meeting	Issue	Outcomes and Objectives
	Scrutiny Sub-Board		
27 March 2023 9.30 am	Children and Young People's Overview and Scrutiny Sub-Board	Children's Improvement Plan Update – currently being renamed, so title of item to be confirmed	<ul style="list-style-type: none"> • To receive an update on the Plan – Nancy Meehan/Councillor Law/Steve Hart. • To receive an update on the implementation of the eight recommendations arising from the review of Children's Services Leadership, Management and Governance – approved by the Board on 20 September 2021 - Nancy Meehan/Councillor Law/Rachel Setter
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Children and Young People’s Overview and Scrutiny Sub-Board Action Tracker

Date of meeting	Minute No.	Action	Comments
28/3/22	40	<ol style="list-style-type: none"> 1. that the final written statement of action be circulated to the Board; and 2. that the Children and Young People’s Overview and Scrutiny Board receives an update on the progress of the implementation of the action plan. 	<p>Awaiting final statement to be agreed for publication.</p> <p>Complete added to the work programme.</p>
28/3/22	42	That the Cabinet be recommended to support a review of the impact of the Safe Places project to develop and work with our partners and young people to identify safe places for young people to go to within their communities linked to the Family Hub and Spoke Model and learning from best practice from others.	Recommendations submitted to the Cabinet meeting on 24 May 2022.