

# People Scrutiny Commission

## Supplementary Information



**Date:** Monday, 14 December 2020

**Time:** 10.00 am

**Venue:** Virtual Meeting - Zoom Committee Meeting  
with Public Access via YouTube

### 8. Public Forum

Up to 30 minutes is allowed for this item.

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# People Scrutiny Commission

## 14<sup>th</sup> December 2020

### Public Forum



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## **Questions**

### **Question 1: Jenny Grinsted, BS5 Secondary Forum**

This question is made with reference to the BS5 Secondary Forum's Public Forum Statement submission at this meeting.

At agenda item 10 at this meeting, within the scrutiny session will the Scrutiny Commission please take into account ALL the detailed questions and points set out by BS5 Secondary Forum in our Public Forum statement.

### **Answer**

To be provided in the meeting.

### **Question 2: Hayley Hemming**

"Parent carers are working alongside managers and practitioners from a wide range of health, care and education services, co-designing and testing new ways of working" (p. 43).

Have BCC investigated the effectiveness of this co-production for each of the strands of the time to change projects to determine if parents feel their voices have been heard and valued?

### **Answer**

BCC has collated and considered parent carer feedback from each work stream and this will enable us to confirm where we have fully incorporated their views, and where relevant, any areas where we have not been able to act on feedback, and why. All this will be shared with participants of the project next year.

BCC will consult all parent carers involved in the Time for Change work streams once there are 'final products' to review. For example, at present it would be difficult for parents to confirm whether they feel listened to as the EHCP template and parent EHCP portal are not yet agreed and final version has not been shared with them. Our feedback to parent carers about what has and has not been incorporated, and why, will help them to let us know whether they feel that their voices have been heard and valued.

### **Question 3: Hayley Hemming**

"The summary findings and our response to these surveys are published on the Local Offer..." (p.43).

The survey asked respondents to "rate their plan". Was there a copy of a good quality plan on the survey so that responders were aware of what a good quality plan looked like?

### **Answer**

Respondents were not given an example of a good quality plan. The intention was to keep the survey as simple as possible to encourage a high response rate. We accept that not all parents would know what a good quality plan should look like, but the survey question was designed to gain parent carers' personal view of their satisfaction with the plan, rather than ask them to benchmark against an exemplar.

Of the 56 parent carers who answered this question, 49 used the comments facility to add depth to their rating. This provided greater insight into what parents felt was good and poor about their child's plan, and all their comments have fed into the EHC Plan review work.

### **Question 4: Hayley Hemming**

"The local funding mechanisms should be reviewed and simplified to ensure provision on the EHCP can be met" (p.45).

Has BCC considered the delay top up panel funding causes schools in being able to meet children's / young people's EHCP provision? Will the proposed new, 'Needs Matrix' be used to issue EHCPs with funding to prevent schools waiting months for top up panels?

### **Answer**

Children's needs are identified and met through a graduated response at the school based level of the SEND Code of Practice, using the 'assess', 'plan' 'do' 'review' approach. Within this approach a decision may be reached to use more resources than they have funding for within their notional budget and will request 'top up' funding from the High Needs Budget. In those instances where schools have identified a pupil has enduring need, they commence the statutory process for an EHC Plan few children and young people going through the statutory process will not already have High Needs funding in place.

For the very few children and young people whose needs emerge suddenly (e.g. due to disability resulting from an accident) there is an emergency panel process to enable funding to be put in place.

### **Question 5: Hayley Hemming**

"The matrix will be used by SENDCos in mainstream schools to apply for additional funding for those children and young people with SEND who require more costly support. (p.46).

Will the evidence that schools need to gather for access to this funding be higher than the legal test for access to funds under an EHCP? How will BCC mitigate against this and ensure they don't end up creating a 2 tier support system? 1 governed by local policy and one governed by legislation.

### **Answer**

The new matrix will assist schools to review the funding already in place and hone this funding to more effectively meet the child or young person's needs and cost out the provision.

All the supporting evidence required should already be in place as part of the usual SEND COP procedures. This will include, the child or young person's support plan which is regularly reviewed plus; or the most up to date EHC plan, plus latest annual review; and any supporting reports. We currently ask for a 'costed provision map' which is taken from their school's SEND overall provision map, but this will no longer be necessary with the new process as the matrix will calculate the cost of provision automatically.

### **Question 6: Hayley Hemming**

"Standard Operating Procedures (SOPs) for statutory processes have been developed." (p.47).

I have been unable to find any reference on the local offer page regarding the reviewed standard operating procedures and policies and made several complaints to the council in August regarding lack of transparency in decision making. I did not receive a response. Will these policies be shared with parents?

### **Answer**

The work undertaken so far has been to create a set of standard operating procedures for professionals working together on statutory processes. They are not policies, but step by step guides for SEND professionals from education, health and social care. As such the wording is rather technical as it wasn't intended to be accessible beyond a professional reader.

It has been important to tackle priorities in a systematic order, not only to make this manageable from a resource perspective, but to ensure complex change is effective and sustainable. Therefore, the priority has been to ensure that professionals across the system have the information they need to operate consistently and to be fully compliant with the legislation underpinning the Code of Practice. We fully intend to be transparent around decision making, and work is underway and planned into the New Year to ensure that all steps in the EHC Plan processes are communicated clearly and accessibly to parent carers via the Local Offer.

### **Question 7: Tammi Clark**

In light of the fact that the SEND Evidence Day Report of the Peoples Scrutiny Commission report is being discussed today (nine months after the report was initiated) and that BCC has a history of not addressing issues succinctly or in a timely manner. How will the ongoing delays and issues in the ECHP process be addressed as soon as possible so that you stop failing our children?

**Answer**

The Local Area Inspection for Special Educational Needs took place in September 2019 and identified 5 key areas of significant weakness. In order to respond and improve each of these areas, Bristol has been required to produce and deliver a formal Written Statement of Action, which outlines what actions will be taken in order to improve Bristol’s SEND system and provision. Progress against this action plan is formally monitored by the Department for Education and NHS England.

With regard to EHCPs, the energy has had to focus on both improving the timeliness of new requests as well as reducing the significant backlog. This was recognised as a fair and sensible approach by Bristol’s DfE adviser, given the volume of backlog cases and the length of time some families have been waiting.

This means that, although timeliness has improved, we won’t see the full effect of improved timeliness until the number of overdue cases is reduced to a level that enables the team to increase the balance of new needs assessments being worked on.

At the beginning of 2020, no plans were on time.

The following table demonstrates progress in both timeliness and volume this year:

EHC Plans issued 2020							
Calendar month	New Requests Received	Number finalised EHC Plans in month	Number finalised EHC Plans in month (accumulative from Jan 2020)	New EHC Plans finalised including within 20 weeks (excluding exceptions)			Number finalised (accumulative from January 2020)
				Number finalised EHC Plans in month*	Number finalised EHC Plans in month within 20 weeks	% finalised EHC Plans in month within 20 weeks	
Jan-20	65	38	38	37	4	10.8%	37
Feb-20	62	51	89	48	4	8.3%	85
Mar-20	84	50	139	50	2	4.0%	135
Apr-20	52	77	216	76	11	14.5%	211
May-20	55	81	297	80	13	16.3%	291
Jun-20	71	97	394	94	23	24.5%	385
Jul-20	54	101	495	101	28	27.7%	486
Aug-20	7	26	522	26	9	34.6%	513
Sep-20	43	58	580	45	16	35.6%	558
Oct-20	66	59	639	59	16	27.1%	617
Nov-20							
Dec-20							
<b>Total 2020</b>	<b>559</b>	<b>639</b>		<b>617</b>	<b>126</b>	<b>20.4%</b>	

## Statements

### Statement 1: Jenny Grinstead, BS5 Secondary Forum

The Oasis Temple Quarter secondary school was supposed to open in 2018. It now won't open until 2022 at the earliest. It may never open.

Each year the school fails to open over 200 children are affected, children who are among the most deprived and vulnerable in our city. Whose interests this administration pledged to represent.

The administration has stated that a lack of funding meant it could not build the school itself. It has also tried to wash its hands by claiming delays are entirely the responsibility of the Department for Education.

We have sympathy for the financial predicament the council is in. Central government also has questions to answer. However this cannot disguise the fact that specific decisions within Bristol City Council significantly contributed to the failure to deliver the school. We believe there has been a lack of transparency, scrutiny, democratic oversight, risk management and project management. The BS5 Secondary Forum asks that the Scrutiny Commission takes into account ALL the detailed points and questions below:

#### Presumption vs free school process

Previous answer stated:

*The presumption route was not a viable option due to insufficient Basic Need capital to open the three secondary provisions required at the time.*

Please can you explain at the time of the decision (a) the value of the Basic Need Capital available and also the projected value of the Basic Need Capital that would be available up to 2020 (the period in which the new schools should have been built?); (b) the estimated cost of building three new schools? (c) whether any other funding options were explored?; What was the Basic Need funding that was *not* spent on building new schools allocated to?

In response to previous questions asking for details about how the decision was made not to create a new school via the presumption route, we have been told:

*A: There are no records of the decision making process for/against presumption. This was not discussed at Education Capital Board.*

So where was it discussed/ agreed? How is it possible to make such a fundamental and high-risk decision without any formal process or documented and accountable procedure? Who in the Council is accountable for this lack of formal and democratic decision making?

A question for the Council Cabinet - are you satisfied that there is no written or otherwise documented objective justification for not pursuing a 'Presumptive' method?

#### Free school tendering process

How is it right that the authority charged with providing a school place for every child in the city had no involvement whatsoever in the decision making process for canvassing and reviewing potential free

schools applications? How, in your view, can it be right for school providers themselves to so strongly influence who should provide schools? Where is the democratic accountability in this decision making? What do you see as the risks in this form of decision making? How can the Local Authority assure themselves that this process is not open to corruption and complies with tendering law?

In a recent FOI response the council stated *'the application is technically open to all trusts, however schools were keen that any new school was to be provided by an existing academy trust'* can you clarify what 'technically open' means in terms of who will be practically excluded? What is the rationale for excluding other tenderers in a competitive process on the basis of the will of those who will gain from this? Let's be clear, the successful education provider will be given significant sums of public money. If the original tendering process is found to be unlawful. What responsibility does Bristol City Council carry in this process? Or is it all the Dept for Education's responsibility?

The council's partnership statement on Education in Bristol states: *Recent significant and sustained improvement in educational outcomes for young people in the city has in part been achieved by increased diversity in providers in the secondary sector .*

How do the tendering decisions in this case stand up to hindsight scrutiny, when they have minimised the scope for further diversity in providers?

The criteria provided on the tendering for the free-school process tells us that once the existing school providers in Bristol (other providers have been excluded by these existing providers) submitted their proposal to a panel comprised of BASHP, learning city partnership board and Temple Quarter Enterprise Zone to assess expressions of interest. The Learning City Board makes a recommendation to the RSC and has the decision to commit the resources.

Can the scrutiny panel provide the people with an understanding of how there is accountability in this process? What external validation takes place? What the checks and balances are? What is the difference between the panel stage (in the flow chart) and the Recommendation stage when the same participants/decision makers are involved?

Education capital board minutes 02/02/2016

*The Schools Commissioner commented that the shortlisting document produced by JT regarding the new secondary school was unique.*

What is meant by 'unique'? How has this impacted on the situation the school is now in?

What protections have the council put in place to prevent monopolisation of the school provision?

How do these stand up to public scrutiny given that all providers in East Central Bristol are Cabot Learning Federation schools and they have now been given a further £4 million to increase provision?

This question was unanswered: *What is the normal process for decision making on whether or not to open a new school via the 'presumption route' or by leaving it to a 'Free Schools' application? - A copy of the policy or guidance document that applies to this decision making.*

The answer was: *The LA identifies need. Schools/Trusts decide on that info whether to apply in a Free School Wave.*

The answer only relates to the Free School Wave process, not the presumption process. Please provide a copy of the policy or guidance document that relates to the normal process for decision making on whether or not to open a new school via the 'presumption' route or by leaving it to a 'free school waves' process.

Does anyone in the Council Cabinet have the confidence to explain to a ten year old child the logic of a

process whereby the authority with responsibility for providing every child with a place at school has put itself into a position where it has virtually no influence on providing actual school buildings? Because this is essentially what's happened in east Bristol. It appears that there was a pre-tendering option given to Oasis Academy Trust, so that there was essentially only one candidate for the tendering process, this is not the way that normal tendering processes work in any business, how can this be a free and fair process? We know that not all schools in the Bristol area were involved in the decision that only one bid should be submitted or invited to "tender" (trusts running primary academies were excluded for example). Please can you tell us: (a) which schools were involved and invited to tender?; (b) who decided which schools would be invited ?

The Free schools process is supposed to be open to everyone. Bearing this in mind, who decided that a "pre-tender" process was appropriate?

### Project scrutiny

In a previous answer the LA is described as a *stakeholder in the process* of free schools delivery, led by the DfE. What do you think the role of the LA as stakeholder means? When acting as the stakeholder, whose interests are you advocating for? What influence do you have? What demands of the lead partner can you make? What information do you feel the lead partner should provide you with? For a project of this size and level of risk, it would be common practice for "stakeholders" in school building projects to appoint a project manager. Why was no project manager appointed within Bristol City Council? The Integrated Education & Capital Strategy sets out the importance in investing in middle and senior leadership in delivering a World class education system - either this has not been achieved or a specific BCC project manager for the Oasis Temple Quarter School was overlooked. Which is it? Did Bristol City Council at any time question the wisdom of the RSC/ DfE to select a school site that:

- Was made up of contaminated land
- Was in flood zone 3 - the highest flood risk category
- Included many buildings likely to be of heritage value
- Sited at the heart of a large and complicated housing development project?

Did Bristol City Council at any time question the wisdom of the RSC/ DfE in signing a contract with a housing developer to deliver the school as part of an enormous housing project - financed from overseas?

A previous answer says that the LA *was not consulted or brought into delivery of the project in any meaningful way*. Why do you think this was the case? Did the LA formally raise this as an issue - perhaps with the National Schools Commissioner? Why did the LA not demand to be consulted properly? When crucial deadlines were missed, why did the LA, as stakeholder and one of the parties ensuring the school delivery was met on time, not raise this sooner?

What was the Council's own review and risk management process to ensure basic need was met? How did the council track the progress of the new school?

A previous answer states: *Original target date was 2018. Moved to 2019 and then stalled due to difficulty of locating a suitable site.*

When the target date was first moved to 2019 was any emergency meeting convened with the RSC to understand the issues and to get the project back on track? If not, why not?

When the target date was 'stalled' was any emergency meeting convened with the RSC to understand the issues and to get the project back on track? If not, why not?

When did the council realise that the school was not going to open in 2021? What steps were taken to escalate and address that risk and what were the contingencies?

Education capital board minutes 02/02/2016 acknowledged: *If we are unsuccessful there will be economic and educational implications.... This map demonstrates that projections are correct which will cause acute problems, particularly in Year 7 and late applications.*

Why were these clear and evidenced concerns not followed through with a risk management process by BCC?

### **Questions related to the South-West England headteacher board and Learning City Partnership**

The South West England Headteacher's Board does not appear to have any members from the Local Authority. It would appear that the Bristol City Council do not attend any South-West England headteacher board meetings? Why does the authority charged with ensuring a school place for every child not attend meetings to discuss new schools? Can you explain the statutory justification for the Local Authority to not be part of decision making about free schools?

Given the importance of the Oasis Temple Quarter Secondary School, as was set out in the approved free schools application from Oasis, can you explain why the project's progress is not minuted on any Headteacher's Board meeting minutes between 2017 and today?

According to the Headteacher's Board Terms of Reference: *The role of HTB members is to provide advice, scrutiny and challenge to the RSCs' decision making....Each HTB provides advice and challenge to support their RSCs on key decisions .* Why do you feel that the Local Education Authority is excluded from this framework?

Why was the HTB charged with deciding who would be the new school provider and not the LA in an open tendering process?

Strategic Objectives 2 and 4 of the The Integrated Education & Capital Strategy (2015-2019) (produced by the Learning City Partnership) are:

*2. High Quality Provision for All: to strive for excellent, reflective and high quality practice and standards and ensure system leadership is exemplary.*

*4. Sufficient, Flexible and Responsive Local Provision: to develop 'local schools for local children/ families' wherever feasible, increasing choice and reducing unnecessary travel.*

Does the Cabinet member for Education believe that these objectives were met in east Bristol by 2019?

### **Future proofing school need**

This Free Schools process has evidently failed to deliver an urgently needed school.

Is any member of the Council Cabinet prepared to make a statement to the children of east Bristol that have been affected by the failure to build a new school? This could be a joint statement with the Dep for Education. What changes will the Local Authority be making to ensure that this does not happen again? What internal changes will the Local Authority be making to ensure that the Free Schools process and the project planning by the Regional Schools Commission/ DfE is properly scrutinised by the Local Authority, and that all scrutiny and stakeholder influence is first and foremost in the interests of children in Bristol? What assurances have you sought from the RSC that the Oasis Temple Quarter School will be open in September 2022? Particularly given that work has not started and the planning approval has yet to be signed off by Robert Jenrick (the minister for housing)?

## Statement 2: Jen Smith

The Local Authority has a statutory duty to ensure there are sufficient school places within Bristol. We are at the point now where this is a complete failure. East central parents have been campaigning for many years and still don't have the places they need. And Send parents are siphoned off into tribunals whilst their children remain on named schools which have already been assessed by professionals as not being able to meet their needs.

Added to this complexity is a Local Authority pushing the funding for EHCPs onto Top Up panel, meaning the provision that pupils are legally entitled to in these EHCPs can be delayed by months.

This in turn fuels Bristol's Alternative Learning Provision issues. A report which we were expecting to be on the agenda of scrutiny today according to the earlier Work Programme. The findings of this are anticipated to reveal further place planning failure causing Bristol Send pupils additional disadvantage. In September, Cabinet approved funding for large projects to improve and expand Send capacity. This was proclaimed through a press release at the time and heralded as something positive.

However, £4.5m has now been clawed back for a project to increase year 7 capacity in the immediate future as well as invest in the much-needed post-16 provision.

There is no argument that this project needed funding, but it is a risky strategy to take funding from one essential education project and invest it in another. Especially when the council's own report states that it is not guaranteed that this funding will be forthcoming for the three projects which are likely to be hit by delays.

Additionally, a further capacity project to increase Send places within existing mainstream provision has been hit by delays caused by Covid. Which is nobody's fault. But those places should have already existed.

This funding move insidiously pits parents against each other with the potential to divide them in a subject in which everyone should be united. That is, every Bristol child deserves an education and a school place. Preferably, that provision should be local or at the very least within their Local Authority.

Instead we have Bristol pupils transported out to other local authorities. From a practical perspective, this is causing consternation on the transport budget. It also means Send pupils have to expend additional time and energy on their day moving miles across the city and further have no local sense of community because their friends live miles away.

It is worrying that dropped in the report to scrutiny it states: 'Bristol Cathedral Choir School, Colston's Girls' School, and St Mary Redcliffe and Temple School have admissions policies which mean some pupils are admitted from East Central.'

But these three schools also have policies which exclude Bristol pupils by means of faith, random allocation and the deliberate allocation of places as far away as Gloucester.

To state this in a report is an insult to every family who cannot get one of the 16 local places at a school in touching distance because they do not have the time, energy, resources for faith or the ability to participate because their local school is not secular.

There has been a long-term failure to adequately plan places for both Specialist need and mainstream schools in the city. This, in my opinion, is compounded by the local authority also failing to understand or get to grips with a fair secondary admissions process with academy schools.

I told Cabinet at the start of the month that funding is being passed around like 'pass the parcel'.

Whilst it has been pleasing to see a vast improvement in the strategic direction of education and SEND in Bristol since October last year, I would reiterate that this is a backdoor cut to SEND again. And we are still not seeing full accountability from city leaders and those in charge for this mess. The result of all this is a Hunger Games scrap to secure a school place in a city touted by 'influential city leaders' as being a 'global city' yet being failed by a less than transparent administration.

### **Statement 3: Hayley Hemming**

My son was 2 and half years old when I first took him to the GP with concerns about his understanding of speech.

He was then seen by Sirona Speech department for 3 years and he was discharged from the service with a diagnosis of Autism at age 6. He received no direct therapy in those 3 years and his school received no advice about his specific needs.

On starting school the SENCo referred him to the speech department and I attended a drop in session. This took 5 months and the first one was fully booked despite being 'drop in'. The SENCo referred him to Occupational Therapy.

Both departments said he did not fit their referral criteria as his needs were not great enough to warrant access to any services.

I pay for a tutor to come to our home weekly and have done so for the last year. I knew he needed more support in school to fulfil his potential rather than "tread water" through his education. I decided to start the EHCP process myself.

I requested speech and OT advice as part of the EHC Needs Assessment (EHCNA). Bristol City Council SEN team agreed they needed advice and that my request was legally reasonable. BCC wrote to the departments asking them to reply in 6 weeks. Both services replied, "this child is not known to our service". My son was then placed on a waiting list which far exceeded the statutory time frame for an EHCP.

I was forced to pay £2,500 for private speech and occupational therapy reports so that the EHCP had a chance of being issued without delay which was vital as my son had been off school due to Covid for 6 months and would need more support than ever upon his return.

The private reports determined that my son has a language disorder associated with his autism, a coordination and sequencing disorder and physical and sensory needs. He needs twice weekly therapy with a speech therapist and ongoing input from a specialist Occupational Therapist.

By allowing children and young people to be placed on lengthy NHS waiting lists BCC are failing in their legal duty to obtain advice in the legal EHCP timeframes. This either means Needs Assessment won't be thorough or that the EHCPs will continue to fail to be completed within 20 weeks.

Our EHCP was eventually issued in May at week 25 following a pre-action judicial review letter. We were then forced to appeal the content as the SEN assessment manager refused to include the recommendations of the private speech therapist but failed to explain why or provide any alternative advice regarding my son's speech needs.

At week 39 BCC conceded the appeal, included the speech recommendation and issued a second final EHCP.

It is now precisely one year since the process was started and 14 weeks since the second EHCP was issued. My son is receiving the provision in his EHCP but the school has been unable to access the top up panel to claim the funding for his EHCP. In order to carry out his provision his 1:1 in the class TA. This leaves the 29 other children in his class with no TA.

I have complained to the council about these issues via their complaints process and they informed me as the complaint relates to policy it sits outside of the complaints process and that I need to approach an elected representative if I would like policies changed.

I have spoken with 5 other LAs who issue more EHCPs each year than Bristol and have lower appeal and mediation rates. Their health services provide advice within the statutory timeframe and the EHCPs are issued with funding (using a Matrix similar to the one mentioned by Alison Hurley in item 11 of the Agenda).

These issues have not been raised as part of the time for change project and until they are resolved the EHCP process will continue to be dysfunctional.

#### **Statement 4: Tammi Clark**

I would like to state my disappointment and frustration with the Bristol CC EHCP process and I highlight areas of the Peoples Scrutiny Commission report, which I do not believe has gone far enough to address the fundamental systemic issues in the SEN Department.

I applied for my child's EHCP in May this year. The initial key milestones of acceptance to assess and request for information were met by BCC. However, when the 20 week milestone occurred no communication was sent to me regarding the progress of my application. I had to email and call and received little information. Finally, I was told that the wait was due to an Educational Psychologist not being available to allocate to my child's case. Communication with the department lacks transparency and is frustrating.

On researching recent actions by the SEN department I discovered that although additional caseworkers were employed in early 2020 additional EP's were not planned to be recruited until September 2020. I fail to understand why the decision was made by the Executive team to process EHCP requests in terms of initial review and request for contributions but then knowingly not having the appropriate staff to meet the 20 week milestone of a plan or declinature to issue a plan. In addition, it is clear to me, that a conscious decision has been made to not communicate this inevitable delay to parents and carers.

I personally complained by email to Jacqui Jensen on 16/09/20 that my child's EHC Needs Assessment had not been carried out in accordance with the SEND Regulations 2014. This was ignored. The

systemic failure of communication is a clearly a Top Down issue. It is obvious to me that there is not necessarily a Case Worker or EP issue. There is an Executive Management issue.

The SEND Evidence Day Report of the Peoples Scrutiny Commission report has outlined clear improvements. However, in light of my experience I believe it has not has not addressed in enough strength or depth issues that are crucial to the improvement of the department. I believe the following should be addressed:

- **The Executive management team should be personally held responsible for the failings in the SEN Department and the ongoing issues.**
- Recognition of the specific management issues that have led to the department ranking bottom of the SEND ranking.
- Put in place Executive management changes to deliver an improved service. For example, **the immediate removing SEND from the remit of Jacqui Jensen. The report lacks any recommendation regarding this and is therefore not addressing the root and branch issues that it should have.**
- The Executive management team should commit themselves to improve communication to parents and create Ways of Working from the Top Down that will enable this. This should be published **There is no reason why improved communications have not been put in place this year.**
- It is totally unacceptable that the target for this year's plans to meet Milestones is 20%. It is unacceptable that the council accepts this target. **More investigation is required in to why this target is so low is required – I urge this is carried out asap**
- The detailed process of how the EHCP works should be published including all points of escalation and specific people to direct communication. This should be far more detailed than the current published process.
- There needs to be a tracking system in place for all EHCP applications with SMART measures.
- These measures should track all EHCP's at all times with RAG statues that fully track each plan highlighting when resources need to be allocated. This should be publicly published – not just high level data
- Investigation is required to establish why a strategic decision was made to recruit EP's 6 months after Caseworkers when there was already a backlog. This should be publicly published
- Complaints regarding EHCP should not have to follow the standard BCC complaints process. Doing so results in more delay and frustration for parents. There should be a special hotline for EHCP complaints for any EHCP, which is over the 20-week target. This should be timely and should be measured and logged.

BCC is continuing to fail SEN children. This cannot continue.

**Statement 5: Catherine Vallejo Veiga**

“Time for Change” is a promising title isn’t it? As the mother of a child with SEND, I welcome efforts by the Council to change what has been an utterly catastrophic system of assessing needs and making provision for them through EHCPs. Talk of a change in ethos and attitude is particularly good to hear, especially for those of us who hitherto have been treated with contempt at best.

However, this is not without caveat. The principal issues encountered by many parents in my position is that the Council is simply not consistently abiding by the SEND Code of Practice, or its underlying legislation, in some pretty basic and fundamental ways. Concrete examples from my own situation include:

- Not sticking to statutory timescales (it took us 62 weeks to get a final EHCP in what should have been a 20 week process – obviously this is a marvellous wheeze to save the Council some cash, but it can hardly be described as fulfilling either the letter or the spirit of the law and, crucially, neither does it help my son access appropriate education in the meantime);
- Not ensuring that each need is matched with a provision in the EHCP;
- Ignoring professional reports which state need and recommend provision “because it’s not one of ours”; and
- Informing schools that EHCPs don’t come with funding attached which is not just unlawful but sets parents and schools against each other with all the potential that has for a breakdown in relations.

Doubtless others have further examples they could add; our experience is not unique, of that I am certain.

The net result is that very many parents (like me) end up having to appeal to the Special Educational Needs Tribunal (SENDIST) in order to force the Council simply to comply with these most basic of obligations. This is not a case of sharp-elbowed middle class parents trying to muscle their way to grab everything they can for their precious poppets nor of thrashing out esoteric points of law, but simple enforcement of that for which legislation already makes provision. I would have liked to have included the statistics here for the success rate for parents who appeal to SENDIST against the Council’s decisions, but when I researched the matter, I was wearily unsurprised to discover that this information appeared to be unavailable even though an FOI request seeking that and related information had been submitted in July. It would be very illuminating to know just how many tribunal cases the Council wins and at what cost in terms of legal fees and to ask the question whether that money might not be better spent actually making the provision that is mandated by law rather than fighting stressed and exhausted parents in what can feel like a nightmare game of strategy in which the prize is whether or not you manage to secure your child access to an education? And what of those children whose parents are unable for whatever reason to appeal to SENDIST? It is clear to see that it is the most disadvantaged who will have that disadvantage entrenched by making a trip to SENDIST a fundamental and necessary rite of passage in the EHCP process. Is this what the Council wants for 21<sup>st</sup> Century Bristol?

It is High Time for Change. Please make following the existing law the essence of that Change because until the Council does so, any Change will be superficial at best and cynical at worst.

## Statement 6: Councillor Threlfall

All of us are incredibly thankful for the handwork and commitment of healthcare staff over the past few months, as they have worked in incredibly difficult and challenging circumstances.

In normal times, maternity services in Bristol can be a variable postcode lottery, and often women are not aware of the range of choices open to them during pregnancy and Labour. However, during Covid-19, this has been exacerbated, and women have been left feeling isolated and anxious due to disproportionate rules which have left many women without support during abnormality scans and early labour. There are also inconsistencies. Partners can attend the 12 week scan but not the 20 week scan.

The national campaign group Pregnant but Screwed has run petitions which gained hundreds of thousands of signatures, and they raise daily on twitter stories like this of women facing difficult situations:



**humberrunner** commented: I found out in September that my miracle IVF baby was ectopic at my viability scan, which I attended alone. I then had to make decisions on how to "remove it", alone. I then waited for 8 hours on an early pregnancy ward alone, listening to nurses tell other pregnant women, experiencing problems such as extreme morning sickness, that it would all be worth it when their bundles of joy arrived. A part of my soul died on that hospital ward, and I had no one to hold me together. I wrote to my MP to explain why this was such a problem, to discover that the house of lords had told hospitals at the beginning of September that partners should be allowed in for scans and antenatal appointments. Hull sent me a horrendously shitty and reprimanding letter in response to my calls for change. We now have to wait until march before we can try again, and I am holding on to hope that by then, things might have changed, because the thought of attending another scan alone, brings some very dark fears indeed. ❤️ 2h

Locally, I am hearing daily similar stories from women but unfortunately did not have time to ask for permission before submitting this urgent statement. In particular, attending 20 week scans alone has been raised, and has had an impact on their mental health, their anxieties and when abnormalities are found, women are expected to make decisions alone, as even video conferencing is not permitted in scan rooms.

It is not ok, and an impingement on women's human rights.

Currently in tier 3, pregnant women can go to the gym with their partner, go shopping and visit the Christmas market. However, they cannot get the much needed support from their partner during scans and early labour.

Kerry McCarthy, MP in Bristol East, has raised this issue nationally with Nadine Dorries, Matt Hancock and the Prime Minister. However, the responses have been consistent that this is a local issue to be determined by the trusts. Nadine Dorries writes:

'Guidance produced by the Royal College of Obstetricians and Gynaecologists is clear that women should be encouraged to have a single birth partner, who has no symptoms of COVID-19, present with them during any type of labour and birth, unless the birth occurs under general anaesthetic'

The Government have written to trusts asking them to ensure a women centred approach takes place, but the following of this guidance has been bitty. I understand that The Royal College of Midwives, The Royal College of Obstetricians and Gynaecologists, and the chief midwife have all written to hospital trusts asking that they lift these restrictions.

The safety of NHS staff is paramount but a women centred approach could also ensure safety measures were in put in place for the 20 week scan too. This could include:

- The partner staying outside until appointment called
- Partner wearing mask etc.
- The partner choosing to isolate for 7 days in advance of an appointment to ensure no symptoms
- Women given the clear ability to request their partner attends if they have particular needs – which should be happening but is not. Women are not asked and are not aware they can request this,

In addition, not all women feel able to advocate for their needs in normal times, let alone now. Trusts need to take additional care, and women centred approach would enable this, asking women if they need their partner present means they can make an informed choice.

It has only been through intervention by local councils and the Pregnant but Screwed campaign that women have been able to get the right support.

Therefore, **I am asking from this statement today if People’s scrutiny can write with urgency before Christmas to the two Bristol hospital trusts** to request a review of their current no partner policy at 20 week scans and early labour, considering some of the mitigations bulleted above to achieve this and additional requests that scrutiny sees fit.

The vaccine is being rolled out but this will take time. Until then women are still having babies and this needs reviewed. A poll I conducted online, 100% of responders believed that the rules were either disproportionate in tier 3 or disproportionate completely.

I appreciate this statement relates to an urgent issue, but **I would also like to request scrutiny to consider a future agenda item on their work plan to looking at antenatal and postnatal care in the city**, how different partners are engaging, and how this can be improved for women long term.

### **Statement 7: Torti Rye, Doula services & Birth preparation**

I would like to raise concern over the current and ongoing restrictions placed on maternity services, limiting partners from attending critical parts of pregnancy and labour care: namely the 12 & 20 week scan, as well as additional scans and midwife/ consultant appointments in more complicated pregnancies, and critically, for the duration of labour- at any birth place.

I am concerned about the emotional Impact on mother’s/birthing people, and their partners at not being able to be together during scans and conversations where information about their pregnancy is gathered and decisions are made about their care. The repercussions of learning about a miscarriage or abnormality, or serious risk factor without a partner (from your household bubble) present should not be underestimated.

Hospital and birth centres in Bristol currently restrict (inconsistently across trusts) the attendance of partners.

Whilst planning a home birth is the only way to ensure a partner is present for the whole labour- this service is both precarious/not 100% available in some areas due to staffing, and massively under promoted/supported as a safe option for most birthing people. (Rates are in the region of 2%) I am aware of an increase both locally and nationally of women since March and during lockdowns, who are choosing/considering freebirth (not attended by a trained MW or Dr) to ensure they can birth in their chosen birth place- where they feel safest, with those with them that will Provide the support they need and choose. Freebirth is a legal option, but not necessarily a safe one for all, especially if it is chosen out of fear or a sense that there is no other option for them. Many who choose to freebirth do so in an informed and empowered way. This is not the case for all people considering freebirth since covid 19 began, and these people could be at greater risk of harm or poor outcomes without the knowledge, support and confidence that others who choose this option might have.

The support a birth partner brings to a birthing person during labour, especially when intervention (such as induction of labour) is involved, is essential to the overall physical and emotional experience of birth and becoming parents. 'A [physically] healthy mum and baby' is not all that matters, as we know how serious the impact of mental health is on outcomes: see the MBRACE study published in 2019.

<https://maternalmentalhealthalliance.org/news/maternal-suicide-still-the-leading-cause-of-death-in-first-postnatal-year/>

The Cochrane review 2017 shows that The continuous support of a known birth partner (and it goes on to state especially where this person is trained, eg a doula") significantly impacts the overall birth experience and outcomes for mothers and babies:

[https://www.researchgate.net/publication/318258538\\_Continuous\\_support\\_for\\_women\\_during\\_childbirth](https://www.researchgate.net/publication/318258538_Continuous_support_for_women_during_childbirth)

I am seriously concerned about the impact that these restrictions are having on families in our city, both physically and mentally. The scale of the mental health issue cannot be known yet, and the absence of satisfactory basic in person postnatal Care will be the additional layer to traumatic pregnancy and birth experiences which I expect will stretch the already limited available support for families.

I would like to draw your attention to article 8 of the Human Rights Act

<https://www.equalityhumanrights.com/en/human-rights-act/article-8-respect-your-private-and-family-life>

Which states that:

There are situations when public authorities can interfere with your right to respect for private and family life, home and correspondence. This is only allowed where the authority can show that its action is lawful, necessary and proportionate in order to:

- protect national security

- protect public safety
- protect the economy
- protect health or morals
- prevent disorder or crime, or
- protect the rights and freedoms of other people.

Action is 'proportionate' when it is appropriate and no more than necessary to address the problem concerned.

I would argue that the current restrictions adopted by our two local trusts, which do not take into account national guidance by the RCM and RCOG, are not 'proportional or necessary.' I do not have enough experience in law to know if they are legal but I would very much like for councillors to approach North Bristol Trust and University Hospital Bristol and Weston Trusts with a view to changing local guidance and rules to align with the rights of birthing people and to serve them in safe and respectful care during pregnancy, birth and beyond.