

# People Scrutiny Commission Supplementary Information



**Date:** Monday, 19 July 2021

**Time:** 5.00 pm

**Venue:** The Council Chamber - City Hall, College Green, Bristol, BS1 5TR

## 7. Public Forum

Up to 30 minutes is allowed for this item.

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Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) and please note that the following deadlines will apply in relation to this meeting:-

**Questions** - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by **5 pm on Tuesday 13 July 2021**.

**Petitions and Statements** - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by **12 noon on Friday 16 July 2021**.

Attending the Meeting – Members of the public who wish to attend the meeting are asked to register their intent to attend by giving at least two clear working days notice prior to the meeting, which for this meeting is 5pm, **Wednesday 14 July 2021**. This is to help ensure appropriate social distancing measures in the Council Chamber can be maintained.

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### Public Forum



#### Questions

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## Questions

### **Responses provide by the Director of Education and Skills**

#### **Q1: Jen Smith**

Bristol City Council refuses to release minutes related to the meetings of either the Inclusion Reference Group or the Inclusion in Education Group under the Freedom of Information Act.

In response to an internal review the council said: 'We considered the public interest test at the time of the request and took the view that it was reasonable in this case to await the planned publication of the information.'

The Inclusion Reference Group was established in 2016 and ran until post 2018 Judicial Review, when it was reformed as the Inclusion in Education Group. At what point will the minutes from as far back as 2016 be allowed to be released to the public?

#### **Answer**

In 2016 the Inclusion Reference group was run by officers, who have since left the local authority. A search for these minutes has been undertaken but central records have not been found. Presumably they were held locally by the officers in post at that time.

Minutes from the Inclusion in Education Group were not released due to the developmental stages of the documents contained within the minutes, which were due to be published at a later date.

Since this time the following have been published:

- The Bristol SEN Support Plan
- The Ordinarily Available Provision Document (this included some of what was previously referred to as Graduated Guidance and BUDS)
- The Children and young people's Outcome framework
- Written statement of Action
- New EHCP template and time for change project (this has been shared through the time for change project and it almost ready to be launched).

Items still being developed are the:

- Belonging Strategy
- Relationship Based Trauma Informed approached to Behaviour.
- Top Up project (including BUDS/Graduated Guidance)
- Work force development plan

#### **Q2: Jen Smith**

With reference to Q1, the accompanying report states: 'Co-production of the final ALP Statement of Action is in progress and will be completed by 22nd October 2021.'

Appendix C - ALP Statement of Action – Co-production states:

'Along with representatives from parent/carers groups, individual parent/carers outside of these groups will be asked if they would like to be included. Parent/carer organisations include:

Parent Carer Forum

Families in Focus

Special Educational Needs and Disabilities Information Advice and Support Services (SENDIASS)'

The Parent Carer Forum has failed to represent the views of parent carers in Bristol, something brought to the council's attention at the extraordinary People Scrutiny Commission meeting of 03 February 2020. It has also failed to attract a new CEO in its recent application process, arguably due to its appalling reputation in Bristol.

Families in Focus work with Bristol families in a Troubled Family capacity through the lens of safeguarding.

How exactly are the city's parent carers and family voices feeding into this ALP co-production, other than the 08 parent carer responses from BHES families in the November 2020 AP survey?

### **Answer**

The published co-production plan gives some examples of the types of organisation we have and will be engaging with. However, we are not limited to these organisations and plan to engage a much wider representation of parent carers. We will invite **individuals and groups of parents/carers** to contribute using existing contacts and networks.

Examples of these networks are:

#### **Promotion through Schools and Settings:**

AP Schools (including Hospital Education), Mainstream Bristol Secondary schools, The ALP Forum group (who are the part time alternative learning providers working in Bristol), The Special Schools Heads group and Mainstream Bristol Primary and Early Years schools

#### **Promotion through existing parent carer groups:**

Bristol Parent Carer Forum, Families in Focus, Supportive Parents (SENDIAS) and other Parent Carer groups e.g. Bristol SEND Alliance, Murmuration, Bristol SEND Justice

#### **Promotion through other networks:**

Children's Centres, Early Years Inclusion Team and Bristol Foster Care Association

#### **Promotion through social media:**

Local Offer channels and Social Media groups

We will endeavour hold sessions with all parent carers who wish to engage during the coproduction period. In the sessions we will discuss issues relating to the ALP Review and draft Statement of Action.

Through these conversations we will identify the issues that are important to the group and this will enable us to incorporate additional actions into the final Statement of Action for delivery.

To facilitate engagement, the co-production content sessions will be accessible with plain English and other language formats will be available.

**Q3: Hayley**

- a) Is it correct that there are around 600 active EHCNA cases?
- b) How many of them will require specialist placement?

**Answer**

- a) At the beginning of this week there were 635 active EHCNA cases. It should be noted that this number changes daily with cases being completed and new applications being submitted. It is not a static figure.
- b) We are still working to develop a robust methodology for accurately projecting future need as it is extremely challenging, given the individual nature of each child and young person and how their needs change as they mature. However, our current forecasts are based on the following assumption
  - 40% of all EHCPs are in specialist provision – based on SEN2 data (2019 and 2020).

It remains difficult to quantify, as this requirement will be determined by the specialist provision required to meet a CYP assessed need identified during the Statutory Assessment process.

**Q4: Hayley**

A specialist setting placement usually requires an EHCP. An EHCP is funded via top-up panels which meet three times per year (EHCPs are not issued with funding).

Historically between 60-80% of top up requests have not received the level of funding that the educational setting has requested; in these cases they have received less funding than was needed.

This means educational settings simply do not have the funds available to put into place the statutory provisions of an EHCP; which by law is a legal duty placed on Bristol City Council.

- a) How will the MAPP ensure mainstream schools receive the funding necessary to support these pupils?
- b) Will the current culture of underfunding and banding for funding end?

c) Can EHCPs be issued with funding using the high needs block provision matrix?

**Answer**

All special settings have an agreed minimum band (with associated funding) and upon pupil entry this is applied. This ensures special schools have a level of funding in place to meet pupils assessed needs. If a school requires a higher level of funding to meet assessed needs, expressed upon consultation return, this request is considered on a case by case basis in discussion with the school.

If the outcome of the need's assessment identifies provision that can be met in a mainstream school, then we would expect that the pupil already will have Top Up funding in place as part of the graduated response. If this is not the case, then funding will be identified through the consultation process where placement is identified.

After both the processes (either mainstream or Specialist) and once the CYP has been in the setting for some time, if a school requires additional resources then they will hold an Annual Review which identifies the changes in need and new provision required. At this point they can make an application to the Top Up panels.

The current Top Up process was established to enable schools to apply for funding for CYP who had a statutory document and those who did not. This enabled all CYP to access funding where required to meet both identified and assessed need.

The purpose of funding CYP, without a statutory document, was to support schools in their delivery of a graduated response and facilitate early intervention with the aspiration that early intervention for 1 – 3 years would result in the progress required to enable a CYP to manage at the school-based stages of the code.

However, there will be CYP who will require longer term interventions and support after early intervention and funding. This means that when it is identified a CYP may require a statutory assessment they should already have been in receipt of Top Up funding.

If a CYP is not in receipt of funding and a statutory document is issued, the school may request funding through the consultation return and this is considered on a case by case basis, in discussion with the school. They do not have to wait for a Top Up panel to do this.

Once a pupil is placed (whether within a mainstream school or specialist setting) if additional funding is deemed necessary, the school should call an Annual Review and submit a Top Up request which includes supporting evidence from involved professionals. Top Up requests are reviewed by representatives from schools as well as Local Authority Officers. All submissions to this panel are reviewed by at least two panels (meaning a minimum of 6 and maximum of 12) experienced representatives have reviewed the information submitted against either the pupils support plan or EHCP together with an Annual Review and professional reports, where available. Therefore, provided

that the Top Up Panel has all the necessary information needed to make a decision, an appropriate level of funding will be allocated, in line with the statutory document.

It should be noted that if a school is requesting funding it does not necessarily mean that it will be agreed or that the school has provided the required information to demonstrate that that is the case.

- a) The Mainstream Awaiting Placement Panel is a multi-agency meeting to discuss and devise individual support packages and where appropriate funding to deliver this. Decisions are made in this point and with the child or young person's current school.
- b) Currently, BCC is developing a new funding model, the Matrix, which will allow funding to be allocated in line with pupils identified or assessed needs against a standardised set of needs statements supported by standardised and pre-costed provision.
- c) With the implementation of the Matrix, funding will be reviewed by the Decision & Moderation Group upon agreement to issue an EHCP.

## **Statements**

### **S1: Jen Smith**

Arguably, every item on this evening's agenda is inextricably linked. The overriding theme here is the shambolic and contemptible way with which autistic children, young people, adults and their families are treated. This includes by Bristol's mayoral office. The failings go right to the top of the city.

Those autistic children and young people who have been so badly let down will now have to go on in adulthood facing a Bristol which can no longer be described as 'autism friendly'. A claim which was tenuous before then.

Whilst there is clear long-term improvement in the strategic direction of Send, we are still stuck with a system in which it is individuals who make a difference to the lives of autistic families rather than a cohesive system which disabled people can trust.

In Appendix A accompanying tonight's papers - Building Rights: a review of Bristol's policies and actions for people with learning disabilities and autistic people;

It states: 'In Bristol, we want to follow up the report with an 'aggressive' challenge to the iniquitous social experiences of people with Learning Disabilities, Autistic people and their families have. Marvin Rees is behind this.'

Unfortunately, Marvin Rees is also fully behind keeping systemic barriers in place for autistic people.

This can be seen as recently as his approval of the trip hazard skate stops. The calling of specialist provision on Radio Bristol as 'segregation'. The silencing of Send parents on Facebook by hiding perfectly reasonable comments ahead of his re-election. And his trigger-happy blocking of people on Twitter raising equality issues.

He also has a history of attempting to dodge the glaring inequalities in education for children and young people with Send by referring to mainstream education when asked questions specifically about Send provision and school capacity by elected members. I have repeatedly witnessed this first hand in the council chamber on many occasions over the last few years.

I also think 'aggressive' is a really inappropriate word to use in this context. Autistic pupils too frequently have meltdowns at school caused by a lack of provision, awareness or in some cases, the sheer arrogance of schools who will not put in Reasonable Adjustments. This leads to pupils being excluded both lawfully and unlawfully, and they end up being tarnished with labels such as 'aggressive'. This is also reflected in the AP report where pupil's reputations preceded them in the Managed Moves process.

Statistics released by Sendist under the Freedom of Information Act, found that there were three case of disability discrimination heard in 2020 regarding Bristol schools and with successful results. The likelihood that at least one of those cases featured an autistic pupil winning a case of disability discrimination is likely to be extremely high.

This is a complex agenda this evening and each agenda item should be considered as part of a whole picture.

When it comes to listening to the lived experiences of autistic people and their families feeding into co-production for improvement, voices are still not heard, and families are still not listened to. Change only comes on individual levels with legal challenges such as Judicial Review and Sendist.

Families seeking help and support are usually pushed down Troubled Families routes in a system which approaches disability needs and child protection as one and the same.

Bristol will not be an autism friendly city until it is brave enough to challenge and hold to account those in charge of systems, governing schools and creating services and policies which discriminate against autistic people.

## **S2: S Smith**

My EHCP is not working out. The school hasn't followed it really at all. They're pushing me out of school, off rolling me for no apparent reasons.

The Annual Review meeting was stressful and annoying and full of lies from the school. They said horrible things about me.

They are removing things that would help me in my EHCP which leads me to be stressed, angry, most likely to have a meltdown. Then the school say they can't do anything about it. Then attempt to off roll which is disgusting due to this happening before at a different school.

I think it's quite bad and the expectations are very low, especially when it comes to GCSEs.

Sometimes I leave the class and cycle around on a bike because I don't get on in class, therefore I don't learn and end up going outside and doing things I'm not supposed to be doing. Like cycling around.

I'm worried about being kicked out of school. From recent contact it seems like they are recommending I leave which I think is unfair and is also disability discrimination.

I don't want to go back to AP as I found a lot of it appalling. I liked one tutor and an English teacher but the majority of it was terrible.

I feel my education is terrible at the moment as almost all of it isn't being taught in a way that helps me and it's just not working out.

I think the current state of education is appalling and something needs to be done to sort it out.

You may think you are doing your best but your best needs to be better.