

# Bristol City Council Minutes of the People Scrutiny Commission

19 July 2021 at 5.00 pm



## **Members Present:-**

**Councillors:** Tim Kent (Chair), Christine Townsend (Vice-Chair), Kerry Bailes, Brenda Massey, Tim Rippington, Sharon Scott, Lisa Stone, Tim Wye and Geoff Gollop

### **1 Welcome, Introductions and Safety Information**

The Chair welcomed all attendees to the meeting.

### **2 Apologies for Absence and Substitutions**

Councillor Weston sent apologies; Councillor Gollop substituted.

### **3 Declarations of Interest**

- Councillor Townsend declared that she would be working for one of the specialist Multi Academy Trusts in the city until the end of August.
- Councillor Gollop declared that a family member is a carer for their brother, an adult with learning difficulties.
- Councillors Bailes and Rippington declared they had children who had autism.
- The Chair declared that he had a child with an Education Health Care Plan.

### **4 Annual Business Report**

The Scrutiny Advisor presented the Annual Business Report.

**RESOLVED;**

**That;**



- The membership of the Commission for the 2021-22 municipal year be noted.
- The Scrutiny Commission's Terms of Reference be approved.
- The dates and times for meetings in 2021-22 are to be confirmed at a later meeting.
- The appointment of Warda Awale as statutory parent governor representative co-optee be ratified.

Warda Awala introduced herself to the Commission; that she was a Parent Governor at Rosemary Nursery, St Judes.

## **5 Minutes of Previous Meeting**

The minutes of the meeting held on the 8 March 2021 were agreed as a true record.

## **6 Chair's Business**

The Chair welcomed Warda Awala to the Commission as statutory Co-optee.

The Chair welcomed back Judith Brown, Bristol Older People's Forum Ambassador, who had previously sat as a co-optee and now had a standing invitation as a formal guest of the Commission.

The Chair advised the Commission that there was a vacancy for a Bristol City Council representative on the Adoption West Joint Scrutiny Panel; that the People Scrutiny Commission, as the commission that had adoption services within its remit, had been delegated power to appoint a representative to the Panel.

The Chair provided some context, which included;

- Adoption West had started operating on 1 March 2019, as a Regional Adoption Agency created by Bath and North East Somerset Council, Bristol City Council, Gloucestershire County Council, North Somerset Council, South Gloucestershire Council and Wiltshire Council as a response to the government's plans, published in June 2015, to regionalise adoption services across England and Wales.
- Adoption West was a local authority trading company, owned by the six local authorities and commissioned by them to provide adoption services.
- The Adoption West Scrutiny Panel would provide independent scrutiny of the work of Adoption West.
- Membership of the Panel included seven non-executive councillors (one from each local authority and one chair) and up to six stakeholders within the "adoption triangle", such as (but not limited to) adoptive parent, adopted young person, adopted adults, birth family member.
- The Panel would meet four to five time per year, and meetings would mostly be conducted remotely; no substitutions were permitted.

The Chair asked for expressions of interest to sit on the Adoption West Joint Scrutiny Panel (the Panel). There were no expressions of interest at the meeting.



It was proposed that members consider membership of the Panel in the next two weeks and the Chair appoint a member if they express an interest to join the Panel.

## RESOLVED;

### That;

- A member be appointed to the Adoption West Joint Scrutiny Panel by the Chair if a Member expressed interest; and if no Member came forward the Chair be appointed to the Panel.
- The Adoption West Joint Scrutiny Panel Annual Report be circulated to members of the Commission.

## 7 Public Forum

The following Public Forum submissions were noted;

### Questions

Ref	Name	Topic
Q1	Jen Smith	Education
Q2	Jen Smith	Item 10 Alternative Learning Provision Statement of Action
Q3	Hayley	Item 11 School Places
Q4	Hayley	Item 11 School Places

### Statements

Ref	Name	Topic
S1	Jen Smith	Item 9 – response to the Independent Review of Bristol’s Policies and Actions for people with Learning Difficulties and Autism



S2	S. Smith	Education
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Jen Smith spoke to her statement.

Jen Smith, 1<sup>st</sup> supplementary question:

My Freedom of Information request, which relates to my question, was refused. It feels to me that information relating to SEND is not transparent; what could be done to ensure that this is addressed?

The Director of Education & Skills responded;

In relation to the 2016 minutes, this was a different iteration of the Group, and some of the officers involved had subsequently left, and there was no record of minutes held centrally. There were clear guidelines with regard to releasing information as a result of a Freedom of Information (FOI) Request, including the time it would take for officers to collect the information, and the personal or group sensitivity of the information; so if there were refusals of a FOI request it would likely be due to one of those criteria.

Jen Smith, 2<sup>nd</sup> supplementary question:

I think Bristol's SEND parents and carers do not feel particularly well involved in co-production and we need to be heavily involved in the alternative learning provision in Bristol. How is that going to happen, and could you expand on the reference to 'established networks' in the response to the original question 2?

The Director of Education & Skills responded;

A broad view from children, young people and families and partners was essential in terms of co-production of alternative learning provision (ALP) and the action plan to follow the ALP review. It is important that the Council captures and understands the lived experience of young people who now are adults, who had been through the Bristol system. The Action Plan linked to the report on this evening's agenda is the first draft; co-production needs to happen, and there is wide range of existing parent groups across the city to work with and all other established networks. We need a broad spectrum of views to create a robust action plan.

The Chair asked the Director of Education and Skills to confirm whether all minutes of internal meetings were stored in an accessible area if required, rather than on a personal hard drive. It was confirmed that the IT system was now different to 2016, with the utilisation of 'Sharepoint' for storing data relating to meetings, which provided access by authorised colleagues.



Jen Smith spoke to her statement; she told the Commission that she had attended City Hall meetings since 2018 and felt, although she had seen some strategic change with long term improvements and hope around the Alternative Learning Provision report, things had been allowed to get out of control and there had been a lack of accountability and this needed to stop.

The Chair noted the submissions from Hayley and S Smith.

**RESOLVED;**

- That the Public Forum be noted.

## **8 COVID-19 Update**

The Director of Communities and Public Health introduced the report.

- There was a discussion about the Delta variant and the Commission was advised that the 'R' rate for the Delta variant was approximately between 6 and 10. The Alpha variant caused the January peak and was approximately 60% more transmissible than the original variant; and the Delta variant was approximately 70% more transmissible than the Alpha variant.
- The Director of Communities and Public Health asked Members to help get the message out to the public that it was only the law that had changed on the 19<sup>th</sup> July, that nothing else had changed; the virus was still around, and the risks still existed, and more time was needed to completely roll out the vaccination programme to ensure stability.
- The Commission was advised that the Bristol position, which was an advisory position, was that there was no change, people were asked to continue to follow previous guidance, which included to wear masks, make space, and be considerate to others.
- The Chair commented that the local engagement board he sat on, with councillors and community leaders, recommended that that Bristol's public should carry on as they were, which included wearing a mask, especially on public transport or in a shop / enclosed space, and to continue to wash hands and make space; and to come forward to get the vaccine; and to test frequently. These things could slow down the spread of the virus; and that, if the spread of the virus could be slowed the strain on the NHS could be reduced.
- Members were advised that a booster programme would likely be linked to a flu programme; although this was not formalised as yet.
- The commission was advised that second vaccinations should be mostly completed in Bristol by September; although factors which could limit uptake included supply and whether people came forward. There had been 'pop up' vaccination centres which included a recent one at Primark where 500 people went through. These would continue.



- The Chair thanked the Director of Communities and Public Health for the work she has undertaken over the past months.
- The Director of Communities and Public Health stated that it was a joint effort, and she appreciated the work everyone continued to do; and invited the Commission Members to contact her with queries and comments.

**RESOLVED;**

- That the report be noted and members assist with the Public Health messaging

**9 Response to the independent review of Bristol’s policies and actions for people with learning difficulties and autism**

The Executive Director of People introduced the report.

- A Commission member raised concerns about abuse and asked where the accountability was. Members were advised that the concerns raised, as highlighted in the report and from Members of the commission, were ones the Council wanted to address. The Director of Education and Skills noted that the concerns were serious and offered a follow up conversation about safeguarding.
- The Commission was advised that the Changing Futures bid had been successful and had attracted over £3.3M over the next three years; it would bring together parts of the system to work more effectively to support people who experienced multiple disadvantage, which included groups with lived experience of rough sleeping and homelessness, drug and alcohol abuse, the criminal justice system; and included care leavers. It was noted that people with autism, learning disabilities and brain injuries were highly represented in those groups.
- The Commission was advised that it was an ambition that crisis driven episodic responses should be stopped and replaced by a focus on long term relationships and support for people; which would include building capacity in employment-orientated services and support, social interaction, and independent living; that this would help prevent, amongst other experiences, criminal justice involvement and homelessness for vulnerable people.
- Members were advised that one of the reasons the Council had been unable to utilise drop-in centres and day services was due to infection control policy; it was noted by a Member of the Commission that drop-in centres were no longer funded and not part of the Council’s offer.
- It was noted that Sir Stephen Bubb had stated that “interactions with the British Transport Police and the Independent Office of Police Complaints (IOPC) [had] been less than satisfactory” ([Bubb, S, 2021, p.3](#)). The Commission was advised that a meeting with the British Transport Police Chief Executive had been arranged to discuss the report.



- It was noted that there were systemic problems which had developed over a number of years, and that there would not be a quick resolution; that the action plan would need to be developed via co-production and recognition of people's lived experiences.
- It was acknowledged that there needed to be measured and proper responses rather than expectation of quick fixes; that an action plan should be a considered, developed piece of work; Members also expressed a will that a plan was developed as soon as possible.
- Judith Brown, Bristol Older People's Forum Ambassador, commended the use of co-production and provided the Chair with details of 'Stronger Together A co-production toolkit from Ageing Better' as an example of good practice.
- The Executive Director for People advised the Commission of the positive potential of the developing integrated care work within the three Integrated Care Partnerships across Bristol; which would enable community capabilities.
- The Commission was advised that 10% of health and wellbeing was about clinical services, and that the remaining 90% was about everything else that happened across communities and support networks, which included housing, employment support, and neighbourhood development; that the action plan would therefore be built around what communities needed to enable opportunity and health and wellbeing.
- The Cabinet Member for Adult Social Care brought Members' attention to the House of Commons Health and Social Care Committee report titled '[Treatment of autistic people and individuals with learning disabilities](#)' ([Committees UK Parliament, 2021](#)), published 13 July 2021 (Government response due by 13 September 2021); and that the conclusions were similar, which included the dis-jointed service provision which had let people down over the decades.
- The importance of the successful Changing Futures bid was emphasised by the Cabinet Member for Adult Social Care, and that the bid was based on previous work informed by people's experiences during COVID-19, which included rough sleepers, and how they were supported by local organisations. The Cabinet Member highlighted that there were local organisations that had done a huge amount to support people with learning disabilities, autistic people, and those with mental health needs; and it was the aim of the Council to support and boost that work.
- There was a discussion about Sir Stephen Bubb's recommendation to establish an Independent Commissioner for people with learning disabilities and autism, which included how much power they would have; and questions were raised, which included; (i) how independent could a commissioner be if they only looked at Bristol; (ii) should there be an independent commissioner over the Bristol, North Somerset, South Gloucestershire footprint; and (iii) should there be an independent commissioner at national level?; and it was suggested by a Commission member that a Task Group be considered that would input into the Council's response to Sir Stephen Bubb's recommendations.



- Members commended the Council for commissioning the report; it was noted that autism was a condition that for a long time had not been fully recognised, and the way people were treated across systems, which included the education, health and police, needed to be addressed.

**RESOLVED;**

- That the report be noted.

## **10 Response to the Bristol Alternative Learning Provision review report**

The Director of Education and Skills introduced the report.

- There was a discussion about the funding of Alternative Learning Provision (ALP) and the Commission was advised that there were different funding routes for alternative provision - commissioned directly from the local authority, and schools and settings could directly request provision and support (in-reach support or an out-sourced placement into one of the alternative learning providers).
- Members were told that, particularly for those who had Education Health and Care Plans (EHCP), those resources and finances were captured within the individual child's resources plan, so the funding was known.
- It was noted that, with regard to the High Needs Block funding and the funding pressures associated with Special Educational Needs and Disability (SEND), there was ongoing work in relation to the Dedicated Schools Grant Management Plan which pulled together the system-wide financial piece; that it was important to understand how best value was secured.
- Members heard that the Alternative Learning Provision Review report made it clear that there were significant weaknesses in terms of value for money, and the Commission was advised that the 32 recommendation action plan in place would address this and would start to bring financial parity.
- Members heard that there was, at the moment, an over-representation of children with special educational needs and disabilities in the alternative provision because the rest of the system was still in the improvement phase.
- There was a discussion about how needs were identified, and Members heard that, in terms of early identification of support for special educational needs, there was a school level provision (Ordinary Level Provision), which attracted a notional amount of funding so needs of young people at school-based level could be met without statutory assessment or specialist provision; but it was understood that for some children and young people there was a need for something enhanced and that was where the formal identification and the support process which led to an Education Health and Care Plan came in.
- The Commission was told that the statutory process was not needed to access alternative provision, which was for a short period of time for specific reasons, and this would be done in conjunction with the school



and alternative learning provider with the understanding that the young person would be able to return to the mainstream setting.

- Members were advised that system reform was the key piece of work, all interventions had to take into account the complexity of the wider system, in which all aspects had an influence and effect on each other.
- The Head of Inclusive City and Virtual School Headteacher referred the Commission to the draft [ALP commissioning strategy](#) which talked about use of ALP for early intervention for those children who had short term need; not to be used as an alternative to SEND support.
- There was a discussion around joint working and the Head of Inclusive City and Virtual School Headteacher advised members that there had been a move away from silo working, with a focus on working across services including social care to address issues such as attendance and safeguarding.
- There was a discussion around fixed term exclusions, and it was noted that exclusion as a sanction would have a negative impact for a young person; and was not a strategy that would support behavioural change. Members were advised that the Relationships and Belonging guidance encouraged schools to see behaviour as communication, and that schools which used particular policies such as Ready to Learn should do so with reference to their own evidence base and whether the particular policy had worked.
- Members heard that there were a number of approaches used across the city, and although the local authority did not have a mandate to prescribe an approach, part of this work would be to identify and share best practice.
- The Cabinet Member for Families, Education and Women (Lead member for Children's Services) welcomed the report and raised items of concern which included value for money, the correlation between alternative learning provision, children with SEND, and children who were known to social care; that the cross-over was something to address and required holistic interventions to enable better outcomes. The Cabinet Member stated that the co-production work with academy schools was important with reference to how behaviours were approached; that life chances for children who had been excluded were restricted; there was a disproportionate number of Black, Asian and minority Ethnic children affected by exclusion; and that the conversations around inclusion and belonging would need to be within a societal context as well as the health, care and education systems in Bristol.
- The Commission was advised that one of the recommendations was to ensure that there were robust pathways into early identification and support; and that there were children in the system classified as 'unmet need' (lack of a resource at a particular time, or may have included undiagnosed children).
- Members were advised that the Council had reviewed the Bristol Inclusion Panel and the steps taken for a child to come to the Panel, which would ensure the school had done everything it was required to do to support the young person; this had provided learning shared with schools which were committed to ensure alternative learning provision was not overused.



- Members noted that the issues raised, which included lack of appropriate provision, had been around for many years, and so welcomed the reports and the fact there was now a joined-up approach to address issues.

## 11 School Places

The Director of Education and Skills introduced the reports; the first was about mainstream provision, and the supplementary report focused on the specialist provision.

- The Chair asked why numbers related to secondary school places had not included the development of the new school in Knowle planned for 2023. The Commission was advised that as the Department of Education had not confirmed an opening date of the Free school, this was not reflected in Bristol's figures.
- The Chair welcomed the supplementary report on specialist places, and asked what the financial commitment behind the 450 places detailed in the report was. Members were advised that the full cost of those additional places were at this stage unknown, that it would be dependent on understanding need, which would inform the paper scheduled to go to Cabinet in October.
- It was confirmed that the Phase 1 funding had a shortfall linked to the Claremont School project; that £3.42M was secured for specialist provision projects for Phase 1; the funding for Phase 2 was yet to be confirmed; and expressions of interest from schools would be received from the autumn term.
- Members welcomed available funding for local access to specialist provision, so children would no longer need to travel across the city.
- There was a discussion about how specialist provision would be staffed, and members were advised that part of the response to the expression of interest would be about quality (which included the ability for schools to meet a diverse range of needs through the specialist provision) as well as available space and resource. There was also a focus on expertise that existed within the school, and what short-term development was required; and for some there would be recruitment of specialist teachers into schools.
- There was a discussion about admissions policy and Members were told that there were statutory frameworks to work within, but each school had its own policy and some Bristol schools had offers to young people outside of Bristol. Also, Bristol's young people attended schools outside Bristol.
- The Commission heard that 196 young people who lived outside Bristol were offered Bristol school places, and 372 of Bristol young people were offered places in other Authorities; and so Bristol was not in a deficit position regarding school places.
- Members were advised that it was not known whether transport had been a consideration for applications; and that there had been fewer pupils who had applied for South Gloucestershire, the numbers that had gone to Bath & North East Somerset had not changed, and the numbers to North Somerset had increased.



- Members heard that yearly increase of need had continued, and work to expand the existing provision in both primary and secondary had been undertaken; that there had been an excellent response from school leaders to try and create new places, often through small capital support in order to expand.
- The Director of Education & Skills confirmed that the planned new provision of 254 in the next academic year would include the 139 children as of July 21 that had applied for but not received specialist placement; and that there was an increased number of EHCPs that would come through the system; approximately 40% of young people with EHCPs required specialist provision.
- Members heard that all specialist provision was through expansion of the existing education estate and provision; and that this meant the long process related to Free Schools was not required. The Council aimed to expand existing estates.
- The Chair welcomed the report and expressed optimism, especially about specialist places, but also noted that there was a dependence on funding, as not all of Phase 1 had been accounted for, and it was not known how much would be needed for Phase 2.
- Members noted that there were continuing concerns and ongoing monitoring was important, and that the Commission should refer concerns and views about the topics at this meeting to Cabinet.
- The Cabinet Member for Families, Education and Women (Lead member for Children's Services) suggested that Commission could monitor progress against the Written Statement of Action, which was the wider work around SEND which would include areas there had not been time to discuss at the meeting.

## **RESOLVED;**

### **That;**

- The Commission note and welcome the report;
- The Commission receive confirmation of how much of the £28M for Phase 1 had been secured to date;
- The Commission receive further detail about the 69 places due to come on stream in September 2021, specifically whether the places would be separately allocated or would include a proportion of the 139 children as of July 21 that had applied for but not received specialist placements were part of this;
- That the Written Statement of Action to be considered by the Commission when it sets the main work programme in September for the rest of the municipal year.
- That the Commission submit a statement to Cabinet that addresses key issues and concerns raised at this meeting, and request it informs the Councils approach to the response to Sir Stephen Bubb's recommendations, to the ALP review, and to school places.



## 12 Performance Report 2020-21 Q4

The Performance report was noted.

### RESOLVED;

That Members submit questions to [scrutiny@bristol.gov.uk](mailto:scrutiny@bristol.gov.uk) outside the meeting and responses be published with the minutes.

## 13 Work Programme

Members were referred to the Work Programme report to the Overview & Scrutiny Management Board, 12 July 2021, found at the following link; [Scrutiny Work Programme.pdf \(bristol.gov.uk\)](#).

### RESOLVED;

That;

- The report be noted.
- The work programme for the remainder of the municipal year be agreed at the meeting scheduled for September 2021.

Meeting ended at 7.55 pm

CHAIR \_\_\_\_\_

