

Public Forum

Audit Committee

26 July 2022



1. Members of the Audit Committee

Questions			
Number	Agenda Item no.	Name	Title
1	12	Jen Smith	SEND Service
2	8	Councillor Wilcox	Significant Governance Issues
3	12	Suzanne Audrey	SEND Service

Statements			
Number	Agenda Item no.	Name	Title
1	12	Jen Smith	SEND Service
2	12	Catherine Vallejo Veiga	SEND Service

Please find two questions for Agenda Item 12.

I will be attending the meeting.

Thanks

Jen Smith

Questions

The Audit Summary for Send has not measured improvements in timeliness against the Send Tribunal process. Sendist can be used by Local Authorities as a delaying tactic by pushing cases that absolutely require an EHPC into an expensive and lengthy legal process during which time the child is unsupported. What objective measure is happening to monitor this?

Response:

The Scope of this Audit is set out on page 4 of the audit report as follows:

The objective of this assignment was to review and assess SEND casework management, quality assurance and data quality.

The scope of the assignment included the following areas:

- **Casework management for new assessments and annual reviews**
- **Coverage and results of QA checks on new EHCs and annual reviews**
- **Data quality supporting the Performance Scorecard and Clinic Report.**

SEND Tribunals were not in scope of this audit.

For information, the number of tribunals is monitored monthly in the director's performance clinic.

Why is Bristol City Council spending resources and capacity unlawfully spying on Send parents when they cannot process EHCPs on time?

Response:

the council has a public service duty to communicate important information to Bristol citizens which it does in a variety of ways, including social media. There is a clear Social Media Protocol which includes a regular rota of people monitoring social media channels. This is to ensure that any citizen who contacts the council via social media, or tags the council in social media, receives the information or help they need in a timely way. This is a standard practice in most local authorities.

The issue of monitoring and surveillance has been raised with Council officers and the Mayor, who has asked that this is looked into this in more detail. We will be able to respond once that work is complete.

Good Morning Democratic Services

I have two questions referring to the Significant Governance Issues on page 65 of the major bundle sections 7.2

1. We need to better understand how these breaches are happening - is it miss management of individual department, or are we being treated badly by a particular supplier?
 - a. Can you share a list of the breaches, for both 20/21 & 19/20? Detailing what was being procured, supplier, overspend of the breach, directorate and what actions will be taken to avoid this happening again?

Response.

A written response will follow.

2. What savings failed to be made?
 - a. Please list the savings proposed, directorate who owned project and what savings were achieved + or -?

Response.

The Annual Governance Statement included in the Statement of Accounts 2021/22 was presented, discussed and agreed at the meeting of Audit Committee on 27th June 2022. There have been no changes to the document from the version approved by Audit Committee.

The 2021/22 Revenue Budget Outturn report to Cabinet on 7th June included an analysis of the revenue budget savings delivery position for the 2021/22 financial year. The following links to the Cabinet report will provide additional detail:

- Cabinet Report (see Section 5)
[BCC 2021-22 Outturn Final.pdf \(bristol.gov.uk\)](#)
- Appendix providing detailed analysis of savings delivery position
[Appendix 1a 2021 22 Outturn Report Savings v1.0 clean.pdf \(bristol.gov.uk\)](#)

If this needs to go to into exempt session, then so be it.

Cheers David

I would like to submit the following questions to Audit Committee on Tuesday 26th July. I have also sent an attachment which is important background for the questions but which I presume will not be published on the website with the questions.

Thank you for your help with this.

Best wishes

Suzanne Audrey

Background. Internal Audit Exceptions Report Appendix 1 'Audit Summary – Special Educational Needs and Disability (SEND) 2021/22'. This audit summary does not make any reference to parents, although I believe they are important 'stakeholders' in the success or otherwise of Bristol's SEND provision. I was shocked to see a document that suggests officers have been gathering information about specific parents from social media (this included reference to wedding photographs from a personal Facebook site). I have attached a copy of the document in question which I assume is not suitable for publication as part of my question, but which I think is important for members of the Audit Committee to see in relation to my questions.

Question 1. Do members of the Audit Committee have any concerns about officers gathering and sharing information from social media about parents of children with Special Educational Needs and Disability (including wedding photos on a personal Facebook site)?

Question 2. Is the Audit Committee able to comment on the purpose of gathering information from the social media accounts of parents of children with Special Educational Needs and Disability?

Response:

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Jen Smith

Statement

Bristol City Council is below the England average for EHCPs. Caseworkers in other Local Authorities have told me how baffled they are that the city has fewer EHCPs than other bigger cities, yet still manages to make a dog's dinner out of it.

If Bristol can't handle below average demand, how on earth will it manage with above average demand? What plans might the council have to deal with this? Cutbacks is the likely answer. In September we are expecting a plan of 'mitigations' regarding the High Needs Block of the DSG.

Mitigations means cuts, reductions, savings and all to the education and support regarding Send pupils who have had enough of being victims of Bristol's appalling Send.

Cabinet papers this month showed the council simply did not recruit enough caseworkers to manage EHCNA requests. This echos the 2019 fiasco when a former Director of People and Director of Education told Send parents in a meeting that the council did not need 20 new caseworkers. Four months before recruiting 20 new caseworkers.

I don't think Bristol City Council realises that the Send children they have harmed through their disgraceful approach to Send have grown up. They are not children anymore but young people. Young people whose educations have been damaged, whose lives have been marginalised and whose parents have been spied upon for daring to speak up.

This is the Bristol we live in. Not one of balloons and bridges and colourful Insta houses, but one where EHCNAs are turned down, parents forced to tribunal and councils bleat about not having enough EPs. Boo Hoo.

The Written Statement of Action is just more wishy washy didn't happen, might happen, probably rubbish if it does then everyone changes seats, lessons are learned and the carousel starts again.

At least now Bristol families are aware that speaking out against this institutional failure lands them a position on the unofficial City Hall's Most Hated list

The BCC SEND department appears to claim that its failings arise from being under resourced. Whilst this may be the case, I thought it might be illuminating for councillors to hear how some of their limited resources have been used, just in relation to my son (who has multiple disabilities and needs significant support at school). This is the condensed version of "highlights".

- At the first attempt, BCC "refused to assess" for an EHCP only to backtrack a few weeks before the appeal hearing date "because of the new evidence they had been sent". There was no "new" evidence.
- The contents of the independent reports we commissioned and paid for ourselves were ignored until BCC SEND conceded the contents either at or the day before our tribunal hearing (by which time we were 21 months into the process that should have taken 20 weeks).
- We wanted our son to remain in his present mainstream school as is our legal right and the council's stated ideological aim. The SEND team wasted time consulting multiple specialist schools who were quite clear that they were not the appropriate setting at that stage, as should have been evident from a cursory glance at the reports concerning our son. I only discovered this when I submitted a Subject Access Request.
- Once an EHCP had finally been issued it was entirely unfit for purpose. The SEND team actually removed provision from it between the first and second drafts after it had been through "quality control" which appears to be a euphemism for stripping anything of any value out which may have slipped in by mistake. This resulted in a lengthy wait for an appeal hearing, during which time our son, of course, went without the provision he needed
- BCC SEND paid a barrister to attend the hearing. It was quite evident that she had barely been briefed by them and was having to take instructions on nearly every single point by email during the course of the hearing. At one stage BCC changed its instructions and then had to backtrack again. Needless to say the judge was not impressed.
- Having completed the hearing, the BCC legal team submitted a working document which did not reflect the conclusions of the hearing and then attempted to besmirch my character when I corrected it. I had previously had to submit an application to the court requesting BCC be barred from the hearing in order to get them to engage with me at all in attempting to reach resolution of any points in advance of the hearing.
- Having received the tribunal order, I twice had to instruct solicitors in connection with judicial review proceedings in order to force BCC to comply with the terms of the tribunal order. It was not at all evident that the SEND team understood the binding nature of a tribunal order.
- We have had multiple instances of basic poor admin; emails (whether to caseworkers or senior office holders) have gone substantively unanswered even when the contents have made it obvious that it is urgent

On each occasion that I have complained I have received the same old half-apology, littered with hackneyed excuses. None of which prevents the next failure or waste of time/money from occurring. Across three years, these are hardly isolated occurrences.

So the icing on the cake for me is learning that it is highly likely that I am named in an email between council officers having monitored my comments on social media and interaction with BCC and its agencies. Against the backdrop of the narrative I have given, is it any surprise that I am publicly critical given that direct complaints appear to get you nowhere? Why are resources being spent on monitoring parents of disabled children when, apparently, they are not abundant

enough to produce decent quality EHCPs within the statutory timeframe nor to make the provision within them in a timely way?

If you multiply my experience (which I can assure you is far from unique or even the worst catalogue of failings) across the many families of children with SEND in this city, this appears to amount to a substantial misuse of resources which are limited both as to time and money.

My experience over the last 3 years has been that there seems to be a deeply ingrained culture (from the very top downwards) of disdain for the parents of children with SEND, of incompetence and untouchability, of lack of knowledge or care for the law in relation to the provision for children with SEND and, ultimately, a total lack of care for those children themselves. Until that culture changes I doubt very much that the statistics by which audit is conducted will improve significantly. Worse still, disabled children will go without the provision they need and, in some cases, hit crisis point.

Catherine Vallejo Veiga