

People Scrutiny Commission

26 September 2022

Public Forum - Questions



Questions have been received as listed below (full details are set out on the subsequent pages):

1. Jen Smith – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
2. Jen Smith – Agenda item 11 – Progress update on Education, Health and Care performance
3. Lucy White – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
4. Suzanne Audrey – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
5. Adele Green – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
6. Charlotte Robertson – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
7. Ian Hemming – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
8. Kay Galpin – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
9. Lotte Lane – Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
10. Lotte Lane – Agenda item 11 – Progress update on Education, Health and Care performance
11. Hayley Hemming - Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum
12. Councillor Kerry Bailes – SEND partnership plan
13. Julie Wilson – Education Health and Care plans
14. Hannah Summers & Amy Valenzia – Secondary school admissions
15. Bristol Parent Carer Forum – Agenda item 11 – Progress update on Education Health and Care performance
16. Laura Drake - Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum



PUBLIC FORUM - QUESTIONS

1. QUESTIONS FROM JEN SMITH

Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum

Question 1

Paragraph 34: *'On 20 January, Officer D was contacted by SENDIASS7* to flag the fact that Data subject 2 had been (redacted), the Alternative Learning Provision Team at the council and other stakeholders, in spite of the fact that Data subject 2 was attending in their capacity as a BPCF member and the meeting was confidential. On the same day, Officer E contacted Officer C to notify them that BPCF had launched a survey, without any consultation with the council, in which the questions advertising it appeared to invite negative responses8'*

*The SENDIASS service in Bristol is provided by Send and You

There is no evidence provided that such a meeting took place, let alone evidence of confidential material leaked by a BPC officer. Please provide this when answering the question.

Send and You are now implicated in the spying issue. How then can Bristol Send families trust this service – which is a key stakeholder and service - to provide honest, impartial advice and not feedback confidential and identifiable information to Bristol City Council which would be detrimental to families using the service?

Officer response

The meeting referred to in the report was a virtual coffee morning event and was advertised on Eventbrite as an opportunity:

- to find out more about alternative learning provision or education other than in school.
- to have questions answered.
- to hear from guest speakers from Bristol City Council's Alternative Learning Provision Hub.

The stated aims of the informal session were to provide:

- Information about alternative provision.
- An opportunity to meet other parents/carers.
- Answers to questions.

All participants signing up to the event were sent ground rules for the event which was hosted on zoom. In the zoom/ground rules participants were asked to: -
'... please 'be kind' and respect the confidentiality of all participants.'

Following the event, the organisers became aware that tweets had been sent during the event. The organisers were concerned that in the future, potential speakers could be put off agreeing to attend these events. The organisers contacted the speaker who was Head of Alternative Learning Provision in Bristol City Council in order to thank the speaker, inform them of what had happened and apologise. They indicated that as an independent and impartial service, no response would be made to the tweets by them but the ground rules sent to attendees prior to events would be reviewed.

At no point has a formal concern been raised by the SENDIASS about the PCF with the Council.

Question 2

In paragraph 42, Bristol City Council describes the personal social media post of the Forum's former Vice Chair's as 'aggressive'. The former Vice Chair is neurodivergent, which has been disclosed on several occasions as well as initially at People Scrutiny Commission on Monday 19 July 2021.

What Reasonable Adjustments and for disability, along with citation of the relevant sections of the Equality Act 2010, did Bristol City Council engage when repeatedly reading Tweets posted within the environment of the Twitter neurodivergent community written by a neurodivergent person? Please provide evidence of this when answering the question.

Officer response

The 'Reasonable Adjustments' duty under the Equality Act 2010 requires us to recognise and remove potential barriers for disabled people who would otherwise be placed at a substantial disadvantage compared with people who are not disabled. The Act requires us to consider whether our activity and places are accessible, and states that we should make reasonable adjustments to enable access.

Of itself, the identifying and highlighting of publicly-available social media activity that was undertaken at the request of the BPCF did not involve any specific interaction with any of the individuals concerned. Due to this, the concept of Reasonable Adjustments does not directly apply.

Whilst the term 'reasonable adjustments' is not applicable in this context, we should still consider whether the questioner individually or as part of a group, has any additional needs which should have been taken into account in communications with us, and in our responses. We are happy to discuss this to ensure that future communications between us are conducted in a manner that is conducive to individual needs and preferences.

Question 3

Regarding Paragraph 31/41/46/47/48/49:

Paragraph 31 says there was 'no formal written decision to authorise the gathering of these social media posts, but Alison Hurley was briefed on the request and action taken.'

Paragraph 49 says 'There is no evidence that systematic monitoring took place.' However, Hugh Evans mentioned 'ongoing, critical social media posts, by members of the forum steering group...' in a letter to Bristol Parent Carers dated 06/04/2022. This shows that online activity was being monitored in an 'ongoing' capacity.

Paragraph 41 says 'On 20 May, Officer E sent Officer C a collection of tweets that evidenced campaigning by Data subject 1/Data subject 2. Officer C prepared an indexed pack of information evidencing conflict on the part of both Data subject 1 and Data subject 2 and sent this to HE, AH and Officer B on 30 May. This was used as background information by AH in preparation for a meeting that took place on 10 June and was facilitated by Contact.'

So why has Bristol City Council contradicted its own policy on social media surveillance in the Children's Services Procedures Manual, which is included below for reference?

Information gleaned from searches of social media sites will constitute 'personal data' which must be processed in accordance with data processing principles. It must be:

- Processed in a way that is lawful and fair;
- For specified, explicit and legitimate purposes;
- Adequate, relevant and not excessive;
- Accurate and kept up to date;
- Kept for no longer than is necessary;
- Processed in a secure manner.

However, consideration must be given, in all cases, as to whether viewing the sites constitutes 'directed surveillance' under the Regulation of Investigatory Powers Act 2000 ('RIPA') and so requires authorisation under that Act. This is a complex area.

Whilst the following general principles apply, each case must be treated on its own facts, and legal advice **MUST** be sought as necessary:

- If the consent of the service-user is obtained, then no further authorisation would be required;
- If consent is not obtained but no privacy settings are in operation to prevent viewing, then the material available on the sites can be regarded as 'open source', and so a single viewing would not constitute 'directed surveillance' under RIPA and no authorisation would be required under that Act;
- However, the Chief Surveillance Commissioner (now superseded by the [Investigatory Powers Commissioner](#)) made clear his view that repeat viewing of sites by staff may constitute 'directed surveillance' and if done covertly (i.e. without the knowledge of that person) then this would be 'covert surveillance'. This would require authorisation under the Act in the form of a warrant from a magistrate.* It is for the employer to ensure that any covert surveillance is properly authorised, recorded and, most importantly, legally justifiable.

*(The Protection of Freedoms Act 2012 amended the regulation of investigatory powers legislation to reduce the circumstances in which a surveillance authorisation under RIPA can be granted by a local authority, rather than by a court. A local authority can now only grant an authorisation under RIPA for the use of directed surveillance for the investigation of criminal offences which attract a maximum custodial sentence of 6 months or more or relate to the underage sale of alcohol or tobacco. Surveillance as part of any other investigations, e.g. child welfare/protection, can only be authorised by a court).

What constitutes 'repeat viewing' is not set out and will depend on the facts of each case.

Officer response

The policy referred to is specific to Social Care and Safeguarding staff in a Child Protection context. The report makes clear that a review and update of the Council's Social Media Policy that will apply to all staff is recommended and this has been accepted.

Question 4

Why has the report not included reference to the 'Top Three Critical Commentors' who are also having their online presence monitored as well as the 'Affiliated groups' - Bristol SEND Community Alliance, Bristol SEND Justice and Bristol SEND Crisis?

Officer response

The 'top three critical commentors' related solely to comments on the Local Offer facebook page operated by the council. Officer F was asked to collate the information and did so. Commenting on them did not fall within the remit of the report.

2. QUESTION FROM JEN SMITH

Topic: Question on Agenda item 11 – Progress update on Education, Health and Care performance

The Education Health and Care (EHC) Performance updates says on page 2: 'Work to improve the timeliness of the Education Health and Care Needs Assessment (EHCNA) process began in the summer of 2019.'

Page 5 says: 'To lessen the impact of long waiting times on families, managers have reviewed the balance of work on new and overdue cases to ensure that from 31 July 2022 no further cases will exceed 52 weeks. The 90 cases which have already exceeded this timescale will all be allocated a SEND Assessment Coordinator, with the aim of issuing a draft plan by 30 September 2022 at the latest.'

In 2018/19, one of our EHCPs took 46 weeks and the second 50 weeks and here in 2022 we still have a significant number of EHCNAs taking over a year.

Bristol City Council keeps tinkering but cannot get a proper grip on EHCP timeliness. How is the new Interim Director of Education and the forthcoming next new Interim Director of Education planning to urgently tackle this both in the current interim, the forthcoming interim and the future?

Officer response

There has been significant investment in additional staff and the actions taken by the team are robust and have approval of the DfE and the SEND Improvement Board. The published report outlines our current position and the mitigating actions we are taking over the next six months to continue to improve our performance. There is commitment from across the Local Area to this work. The SEND review has acknowledged that this is a national issue, and we await the outcome of the recent consultation.

3. QUESTIONS FROM LUCY WHITE

Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum

Question 1

What is BCC's understanding of the rules around Parent Carer forum volunteers and their ability to campaign and what work have BCC done to understand this area?

Officer response

This is a very nuanced area. Contact and the National Network of Parent Carer Forums have produced guidance [co-production and campaigning guidance.pdf \(contact.org.uk\)](#) but concur that it is not an easy distinction to make. The council sought the advice and expertise of Contact, the DfE's delivery partner for parent carer participation. Extensive work was undertaken by Contact with members of the Forum's steering group, including workshops and training relating to appropriate conduct on social media by steering group members so they don't compromise their position in the forum. We understand that most Parent Carer Forums accept that campaigning activity by their members can jeopardise the possibility of building trust and relationships and therefore manage campaigning by Forum members within their own governance. Members of Parent Carer Forums can campaign in their own right, though need to be aware that they may be perceived as being a member of the forum even on their own private social media.

Question 2

What evidence was there that data subjects 1 and 2 campaigned under the Bristol Parent Carer Forum 'banner'? Obviously the identity of those concerned should be redacted but please include examples of activities but only when they were carried out under the BPC forum banner.

Officer response

Individual members of the forum can campaign, however, this does present a possible conflict of interest with their forum role as they could be perceived to be campaigning as a forum member which could present challenges to local partnership relationships.

The DfE expects members of the steering group, of the formally funded Parent Carer Forum, to take part in strategic discussions with officers of the council. Their role is to represent the views and experiences of local families and act as a critical friend – gaining an understanding of the pressures and challenges and working with officers to find ways to reach the best possible solutions and co-produce the strategic approaches, given those pressures and challenges. Where members of the steering group have strong views against the council's strategy, they can share those views and challenge officers around the strategic table. However, where members of the steering group openly criticise the strategy that they are involved in developing, this erodes trust and confidence.

The DfE conditions of grant stipulate that parent carer forums should not use the DfE funding for campaigning or lobbying purposes. There is a place for campaign groups and whilst BPCF is not the grant recipient, it is at liberty to campaign along with any other group in Bristol.

4. QUESTIONS FROM SUZANNE AUDREY

Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum

Question 1

Background. The 'Fact-finding report – Use of social media by council staff re SEND Parent Carer Forum', written by Bristol City Council Legal Services, repeatedly refers to 'conflict of interest' between campaigning activity by two members of Bristol Parent Carers Forum and their co-production role. However, having 20 years experience of working for charities and in the voluntary sector, it is my understanding that charities and voluntary sector groups are permitted to engage in campaigning to help those they represent, and it is not seen as conflicting with their role in trying to shape and improve services.

Question 1: The report states "the collation of social media content on the two occasions outlined was done for the specific purpose of evidencing the conflict of interest". Please can you explain exactly what the conflict of interest is between campaigning and co-production?

Officer response

Individual members of the forum can campaign, however, this does present a possible conflict of interest with their forum role as they could be perceived to be campaigning as a forum member which could present challenges to local partnership relationships

The DfE expects members of the steering group, of the formally funded Parent Carer Forum, to take part in strategic discussions with officers of the council. Their role is to represent the views and experiences of local families act as a critical friend – gaining an understanding of the pressures and challenges and working with officers to find ways to reach the best possible solutions and co-produce the strategic approaches, given those pressures and challenges. Where members of the steering group have strong views against the council’s strategy, they can share those views and challenge officers around the strategic table. However, where members of the steering group openly criticise the strategy that they are involved in developing, this erodes trust and confidence.

The DfE conditions of grant stipulate that Parent carer forums should not use the DfE funding for campaigning or lobbying purposes. There is a place for campaign groups and whilst BPCF is not the grant recipient it is at liberty to campaign along with any other group in Bristol.

Question 2

Background. The report culminates in a justification for removing funding from Bristol Parent Carers Forum, stating: "Although it is not possible to ascertain the exact amount of time spent by officers on collating the examples of conflict, given that the data collected was tweets from two accounts and viewing a Facebook account in order to establish a link, it is quite apparent that the amount of time in question was negligible and justified on the basis that it enabled an informed decision to be made to discontinue support for funding. The decision to discontinue support for funding was quite properly informed by discussions with the relevant Cabinet member and at Cabinet Board."

Question 2: Was the purpose of monitoring the social media accounts of two members of Bristol Parent Carers Forum, to find a justification for Cabinet to remove funding from Bristol Parent Carers Forum?

Officer response

As stated in the report’s findings, the accounts of the two data subjects were not systematically monitored. Social media activity was only a small part of the decision-making process as set out in the report.

5 – QUESTIONS FROM ADELE GREEN

Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum

Question 1

Following the refusal to work with BPCF and the cancellation of the DfE funding, have contact / the DfE confirmed they will fund individual groups per Cllr Asher Craig’s email on July 21st?

Officer response

The council has not refused to work with BPCF. The council has made it clear that BPCF is still welcome to engage as one of the many parent carer groups in Bristol who are members of the growing Community of Groups (CoG).

It is anticipated that Contact will apply to hold the DfE grant and if so, will work with CoG, and the wider SEND community, to agree how to make best use of the funding this year. Arrangements for this year’s DfE funding are yet to be decided but the grant is still available to be used in Bristol to support the

development of partnership arrangements and parent carer participation. Contact will work with all the current parties to determine what these arrangements look like, but the intention is that the community of SEND parents will be at the centre and forefront of driving this work forward.

Question 2

Where is the evidence for the claims made by the SENDIAS service regarding data subject 2? Please redact the name but share the salient parts of the concerns raised.

Officer response

The meeting referred to in the report was a virtual coffee morning event advertised on Eventbrite as an opportunity:-

- to find out more about alternative learning provision or education other than in school.
- to have questions answered.
- to hear from guest speakers from Bristol City Council's Alternative Learning Provision Hub.

The stated aims of the informal session were to provide:

- Information about alternative provision.
- An opportunity to meet other parents/carers.
- Answers to questions.

All participants signing up to the event were sent ground rules for the event which was hosted on zoom. In the zoom/ground rules participants were asked to: -
'... please 'be kind' and respect the confidentiality of all participants.'

Following the event, the organisers became aware that tweets had been sent during the event. The organisers were concerned that in the future, potential speakers could be put off agreeing to attend these events. The organisers contacted the speaker who was Head of Alternative Learning Provision in Bristol City Council in order to thank the speaker, inform them of what had happened and apologise. They indicated that as an independent and impartial service, no response would be made to the tweets by them, but the ground rules sent to attendees prior to events would be reviewed.

At no point has a formal concern been raised by the SENDIASS about the PCF with the Council

6 – QUESTIONS FROM CHARLOTTE ROBERTSON

Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum

Question 1

On the leaked email by The Bristolian there are several other names of families that have been redacted but these individuals are not mentioned in this report. Have you informed them that you have processed their data to present, and informed various agencies that they are negative with regard to SEND without their permission?

Officer response

This relates solely to comments on the Local Offer Facebook page operated by the council. Officer F was asked to collate together the information that was contained in that account.

Question 2

In the past 3 years Have any other staff or consultants or external comms any other person connected to BCC, taken information from a parents social media page and shared it either internally or externally? For example with social care teams or schools? Obviously this excluded issues regarding genuine safeguarding concerns they were reported to first response or similar which presumably there would have been a written agreement to carry out.

Officer response

Social Care and Safeguarding staff may view social media for child protection purposes in line with the Use of Social Media Sites by Social Care and Safeguarding Staff procedure. Other than that, there is no evidence to suggest that monitoring of specific social media accounts is common practice. This will be specifically dealt with in the review of the Social Media Policy.

We have a rota of staff within external communications and customer service teams regularly using the council's social media channels to ensure that any citizen who contacts us via social media, or tags us in social media, receives the information or help they need from us in a timely way. This is a standard practice in most local authorities.

7 – QUESTIONS FROM IAN HEMMING

Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum

Question 1

Para 36 says: “The Council should be proactive in contacting those families who feel they cannot engage or access services and should widen the representation of voices across diverse communities in Bristol in the co-production and co-reviewing of services.”

What work did BCC do as strategic partners of the forum to support them with this and when did they first raise concerns with BPC that they were not reaching the right communities?

Officer response

We acknowledge the difficulty for all groups / parties to be fully representative. Our work to develop the Community of Groups (CoG), involving BPCF, is our support to all groups to have a representative voice, and to enable and facilitate connections between different groups.

Question 2

The MOU that BCC refused to sign says:

The local authority will agree:

- We commit to uphold the principles of the SEND Code of Practice and to work in partnership with the DfE funded local parent carer forum to improve local services for children and young people with SEND.
- We recognise the independence of the DfE funded parent carer forum.
- We value the role of the DfE funded parent carer forum in representing the needs, experiences, and views of parent carers of children and young people with SEND including their role in raising issues, providing constructive feedback through open dialogue, and challenging partners when necessary.

- We agree to work together with respect and as equal partners.

Given the CONTACT memorandum of understanding terms don't mention representation as a key reason to sign, which point on this list did BCC feel they could not commit to?

Officer response

BCC is fully committed to the principles of the MOU. The signing of the MOU comes at the end of a process of evaluation which was informed by a range of discussion with key stakeholder partners.

8 – QUESTIONS FROM KAY GALPIN

Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum

Question 1

In the context of the report, and its suggestion that data subjects 1 and 2 were "campaigning" - What actions or behaviours of individuals constitute "campaigning" in the eyes of Bristol City Council and how does this materially differ from the Council's understanding of individuals' behaviours and actions when they are involved in co-production?

Officer response

Individual members of the forum can campaign, however, this does present a possible conflict of interest with their forum role as they could be perceived to be campaigning as a forum member which could present challenges to local partnership relationships

The DfE expects members of the steering group, of the formally funded Parent Carer Forum, to take part in strategic discussions with officers of the council. Their role is to represent the views and experiences of local families and act as a critical friend – gaining an understanding of the pressures and challenges and working with officers to find ways to reach the best possible solutions and co-produce the strategic approaches, given those pressures and challenges. Where members of the steering group have strong views against the council's strategy, they have the opportunity to share those views and challenge officers around the strategic table. However, where members of the steering group openly criticise the strategy that they are involved in developing, this erodes trust and confidence.

The DfE conditions of grant stipulate that Parent carer forums should not use the DfE funding for campaigning or lobbying purposes. There is a place for campaign groups and whilst BPCF is not the grant recipient it is at liberty to campaign along with any other group in Bristol.

Question 2

What evidence was found in the report that data subjects 1 and 2 were "campaigning" according to the definitions requested above? This request is not for personal details or individually identifiable information but of redacted evidence used to reach the conclusions suggested in the report.

Officer response

The evidence is publicly available to anybody who uses social media and searches for or 'follows' SEND / BCC.

9 – QUESTIONS FROM LOTTE LANE

Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum

Question 1

Para 15 of the report states: “Due to this the External Communications Team and the service area were familiar with both by virtue of their social media posts relating to SEND” Is it a given then that you’d be under surveillance if you are critical of SEND in Bristol? Or is there a policy to determine which parents you monitor or a certain threshold or number of negative comments they need to hit first?

Officer response

The external communications and customer service teams regularly use the council’s social media channels to ensure that any citizen who contacts us via social media, or tags us in social media, receives the information or help they need from us in a timely way. This is a standard practice in most local authorities.

No one has been, or is, under surveillance by BCC due to their views about the council, including SEND.

Question 2

Para 15 of the report states: “These [concerns] were due to the perceived conflict between their campaigning activity and the co-production role of the Forum”. Is it against the DfE rules for individual parents to advocate for their own child or for individual parents to give advice and support other parents on the EHCP process?

Officer response

There are no DfE rules that relate to individual parents to advocating for their own child or for individual parents to give advice and support other parents on the EHCP process.

As forum members are by definition parents of disabled children themselves, there will be times when they will act as an advocate for their child or give advice to other SEND Parents. Forums will use their own governance to agree if the parent should step away from strategic activity whilst they are advocating for their child, or actively supporting another parent. We believe that the forum should have a conflict of interest policy. The guidance [co-production and campaigning guidance.pdf](#) ([contact.org.uk](#)) may help to determine what constitutes campaigning or lobbying activity.

10 – QUESTIONS FROM LOTTE LANE

Topic: Questions on Agenda item 11 – Progress update on Education, Health and Care performance

Question 1

My family waited 57 weeks to learn whether or not BCC planned to issue my daughter (who is currently unable to attend school due to unmet needs) with an EHCP. I only got a response after threatening judicial review. It transpired that a decision had been made by panel seven weeks prior, but no-one had seen fit to inform either myself or my daughter’s school. May I ask if this is standard council practice? If not, how can I be assured this will not happen to other families in our situation.

Officer response

At Scrutiny, we do not provide information on individual cases, however I do want to apologise for the unusual administrative error you experienced and the distress this caused.

As a result, a whole system review took place which confirmed no other families had outstanding panel decisions and a new system is now in place which ensured prompt notification of panel decisions with a quality assurance system built in.

Question 2

Panel decided my daughter did not need an EHCP. As her school are not able to meet need, we are forced to go to tribunal. As one of the overdue EHCP cases (we waited 57 weeks for the outcome of the EHCNA) does this mean the clock is "reset" for BCC? Could it be possible my daughter was refused an EHCP to help BCC get through their backlog more quickly?

Officer response

The panel carefully consider each and every Needs Assessment request and decisions are based solely on an evaluation of the information and reports provided. The panels include representatives from SEND, social care, health and a range of other professionals including Early Years specialists, teachers and SENDCos. If parent/ carers do not agree with panel's findings then we encourage our families to talk to LA officers and this can be through mediation if they wish, which is free of charge. The SEND tribunal system is also available to parents and carers where there are concerns about panel findings.

11 – QUESTIONS FROM HAYLEY HEMMING

Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum

Question 1

On 1st September BCC was informed that Data subject 1 had joined the forum "pending checks and references". So that the public may understand any rules that data subject 1 was bound by regarding BPC and DfE funding terms please can BCC clarify on which date did data subject 1:

- Sign their contract with BPC Forum following those references and checks
- Join the forum steering group
- Become an officer of the forum

Question 2

Para 31 of the fact-finding report states: *"There was no formal written decision to authorise the gathering of these social media posts, but AH was briefed on the request and action taken"* On what date was AH briefed?

Officer response

Thank you for your questions. Since the publication of the 26 September People Scrutiny Commission agenda, an Ofsted SEND inspection has been announced, starting in early October. Whilst the authority has been able to issue replies to the questions (Qs 1-10) originally submitted to the (postponed) 12 September meeting, there is no capacity, in light of the inspection and associated preparatory work, to immediately respond to the additional questions submitted for the 26 September meeting. Replies will be prepared but there will be an unavoidable delay. The authority will seek to respond by 14 October.

12 – QUESTIONS FROM COUNCILLOR KERRY BAILES

Topic: SEND Partnership Plan

Please note that I cannot attend the meeting if held on Monday 26th September at 10am. Therefore, I request a written response.

Question 1

1. In light of the lack of co-production partners in Bristol, who has co-produced the SEND partnership plan with BCC?

Question 2

2. Who is co-producing the new local offer with BCC in line with the SEND Code of Practice?

Question 3

3. From my own understanding of the DfE terms, they don't mention representation as a key part of the agreement. Why has BAME representation, those with English as a second language, and other 'hard to reach' vulnerable families formed part of your decision to refuse to work with BPC, especially given the fact that white families have reported they previously did not feel represented by the forum (at SEND Scrutiny evidence day in 2020, which I attended) under previous officers.

Officer response

Thank you for your questions. Since the publication of the 26 September People Scrutiny Commission agenda, an Ofsted SEND inspection has been announced, starting in early October. Whilst the authority has been able to issue replies to the questions (Qs 1-10) originally submitted to the (postponed) 12 September meeting, there is no capacity, in light of the inspection and associated preparatory work, to immediately respond to the additional questions submitted for the 26 September meeting. Replies will be prepared but there will be an unavoidable delay. The authority will seek to respond by 14 October.

13 – QUESTIONS FROM JULIE WILSON

Topic: Education, Health and Care Plans

Question 1

Is it true that Asher Craig, Hugh Evans and Alison Hurley were upset that a parent (who is a forum officer but was not acting in that capacity at the time) had written to BCC on behalf of a mother who was recovering from cancer, to inform them that the child (aged 9) was going to be permanently excluded from school if the EHCP (which was in week 43) was not issued in 2 weeks time and that the family may take legal action if the EHCP was not issued urgently to prevent the exclusion? If it is true could BCC explain why this action would be so upsetting to them and if you would prefer a child to be permanently excluded instead?

Question 2

If BCC spent less time monitoring families on social media and thinking of reasons to pull the DfE funding from Bristol Parent Carer forum and more time tackling the SEND crisis in Bristol by talking to that same forum, might fewer children wait in excess of 20 weeks to receive an EHC plan?

Officer response

Thank you for your questions. Since the publication of the 26 September People Scrutiny Commission agenda, an Ofsted SEND inspection has been announced, starting in early October. Whilst the authority has been able to issue replies to the questions (Qs 1-10) originally submitted to the (postponed) 12 September meeting, there is no capacity, in light of the inspection and associated preparatory work, to immediately respond to the additional questions submitted for the 26 September meeting. Replies will be prepared but there will be an unavoidable delay. The authority will seek to respond by 14 October.

14 – QUESTION FROM HANNAH SUMMERS & AMY VALENZIA

Topic: Secondary school admissions

Will Bristol City Council's Education Department be reviewing the Catchments and admissions of Bristol's Secondary Schools as a matter of urgency, taking more ownership of administration and ensuring all Academies are working together to ensure all postcodes and areas of the city are served by at least one school?

Officer response

Thank you for your question. Since the publication of the 26 September People Scrutiny Commission agenda, an Ofsted SEND inspection has been announced, starting in early October. Whilst the authority has been able to issue replies to the questions (Qs 1-10) originally submitted to the (postponed) 12 September meeting, there is no capacity, in light of the inspection and associated preparatory work, to immediately respond to the additional questions submitted for the 26 September meeting. Replies will be prepared but there will be an unavoidable delay. The authority will seek to respond by 14 October.

15 – QUESTIONS FROM BRISTOL PARENT CARER FORUM (PLEASE PDF ENCLOSED ALSO AT THE END OF THIS DOCUMENT)

Topic: Agenda item 11 – Progress update on Education Health and Care performance

As Bristol Parent Carer is no longer involved in strategic meetings with Bristol City Council but we remain committed to our charitable aims of improving parent carer experiences of SEND services in Bristol, we would like to submit questions to scrutiny on Agenda item 11.

It is unusual for a Parent Carer Forum to write in this manner and we would like to be very clear that we are not campaigning for any changes but offering our support to work with BCC to improve SEND services.

The data presented to the board does not appear to align with the feedback we receive from families. For clarity could BCC please provide us with the following information:

* What is the DfE cohort and what characteristics do the children and young people (CYP) in this cohort have that other CYP do not? Do other Local Authorities have this cohort definition and was it agreed with the DfE?

* The image in para 2.2 of is much clearer in terms of how many EHCPs were issued in a given month and how many EHCPs in that month were finalised within the 20-week period. Thank you for clarifying that. In order to get a complete picture, it would be helpful to know how many families were **expecting** a plan to be issued between January 2022 to the end of July 2022. So, 158 were issued within 20 weeks but how many families were expecting a plan in that period? It is helpful to understand data in terms of parent carer experiences in addition to DfE methodology.

* It would also be helpful to know that of the 158 plans issued between January 2022 to the end of July 2022 how many of these fell within the DfE cohort and how many did not.

The agenda item uses the word "demand" a few times. It is important to understand where the demand lies if we can. If the demand is borne out of schools not being inclusive enough then BCC's approach to strengthening inclusion and the school-based stages of the code of practice could provide something of a solution. But demand may also be partly a matter of statistics. To understand this, it is helpful to look at our statistical neighbours.

* Please can you tell us, for the academic year 2021/22, what the EHCP % count per population head was for Bristol? And how does this compare to our statistical neighbours, Brighton and Hove, Derby, Coventry, Leeds, Peterborough, Plymouth, Portsmouth, Reading, Sheffield, and Southampton?

In order to better understand demand and capacity and think about better ways of working, it's really helpful to have some additional context to the data. There is no denying that EHC needs assessment requests have increased which will add strain to the department.

The request stage is the easiest and least resource-demanding phase of the EHCP process, it should be concluded within a maximum of 6 weeks, but ideally sooner. The actual assessment stage comes next which does demand resources from schools, Educational Psychologists and health services. If we are going to talk about demand, we must also look at this data, we have included it below in comparison with our statistical neighbours who also experienced an increase in requests for 2020-2021.

Table 1 (full data at end of questions)

| | Requests received | Is this increase higher or lower than BCC? | Assessments carried out | Is this increase higher or lower than BCC? | Plans requested and issued in the same year | Is this increase higher or lower than BCC? | % on time 2020-2021 | Is this % on time higher or lower than BCC? |
|------------------|--------------------|--|-------------------------|--|---|--|---------------------|---|
| | % change 2020-2021 | | % change 2020-2021 | | % change 2020-2021 | | | |
| Bristol, City of | 16.76% | | 10.65% | | -10.93% | | 33.90% | |
| Sheffield | 56.40% | ↑ | 63.44% | ↑ | 81.85% | ↑ | 50.20% | ↑ |
| Derby | 20.14% | ↑ | 8.54% | ↓ | 38.10% | ↑ | 39.90% | ↑ |
| Peterborough | 31.94% | ↑ | 68.22% | ↑ | 124.62% | ↑ | 92.90% | ↑ |
| Reading | 28.78% | ↑ | 9.27% | ↓ | 4.76% | ↑ | 89.90% | ↑ |
| Plymouth | 21.98% | ↑ | 9.32% | ↓ | -2.03% | ↑ | 51.50% | ↑ |

As you can see there is an increase in the number of requests across each of these LAs, and the number of actual needs assessments carried out rose in Bristol by 10.65%. Rises in assessments carried out were also seen in Sheffield and Peterborough which issued more ECHPs on time than Bristol. The rise in assessments in Reading and Plymouth is not massively different to Bristol, which both also issued more ECHPs on time in Bristol.

* If employing more people is not solving the problem, is it time to start looking at the processes involved in the Bristol EHC process to work together, with families, to determine how processes can be made more efficient alongside the improvements being made around inclusion and the school-based SEND Code of Practice? Bristol Parent Carers have previously offered their support with this to Alison Hurley and Richard Hanks and that offer remains.

* It's also important to understand why there is this increase in demand, for example, does BCC collect data on how many requests have been made previously which were denied, so a request is being made for a second (or maybe third or the fourth time)?

The agenda item notes, "A communication strategy was implemented in 2022 ensuring that all parent carers who have not yet been allocated a case officer, or are awaiting an EP assessment, are contacted and kept informed of next steps."

* Families do not seem aware of this strategy, please can you tell us what this entails so we can inform families of what they should expect?

The agenda item notes, "Out of the 90 cases, over half are in receipt of additional funding to support non-statutory support plans."

* This is fantastic news that over half are receiving extra funding. Could BCC please tell us how many of these CYP are attending a setting full time and being educated by a qualified teacher on a full-time basis in a manner equivalent to their peers without Special Educational Needs and Disabilities? If possible please could you provide a breakdown per timeliness group, i.e. 'X children in the 21-30 week bracket, X children in the 31-40 bracket etc.

Officer response

Thank you for your questions. Since the publication of the 26 September People Scrutiny Commission agenda, an Ofsted SEND inspection has been announced, starting in early October. Whilst the authority has been able to issue replies to the questions (Qs 1-10) originally submitted to the (postponed) 12 September meeting, there is no capacity, in light of the inspection and associated preparatory work, to immediately respond to the additional questions submitted for the 26 September meeting. Replies will be prepared but there will be an unavoidable delay. The authority will seek to respond by 14 October.

16 – QUESTIONS FROM LAURA DRAKE

Topic: Questions on Agenda item 8 – Fact finding report – use of social media by council staff in respect of the Bristol Parent Carer Forum

Question 1

On 20 January, Officer E contacted Officer C to notify them that BPCF had launched a survey, without any consultation with the council, in which the questions advertising it appeared to invite negative responses. Hugh Evans then wrote to BPCF on 6 April in order to set out the council's concerns in relation to the survey. Why did it take BCC so long to address these concerns if they were considered so important that BCC have now stopped community funding for SEND families?

Question 2

In its fact finding report, BCC says that. 'The issue of representation was considered at the SEND Scrutiny evidence day' this was on 3rd Feb 2020. The Community of Groups had their first meeting on 27th January 2022. Why did it take BCC 2 years to prioritise this work around representation, was it just a coincidence that it started shortly after the forum appointed new officers?

Officer response

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Public Scrutiny Questions

Agenda item 11

Note: this is the full PDF supplied re: Q15

Monday 26th September

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| | | | | | | | | | | | | | | | | |
|--|--|-----|-----|-----|-----|-----|--------|--|---------|--|---------|--|---------|--|--------|--|
| Portsmouth | Initial requests for assessment for an EHC plan that were refused | 30 | 33 | 37 | 31 | 52 | 3.87% | | 14.79% | | 7.52% | | 19.76% | | 97.00% | |
| | Needs Assessments due to be carried out | 254 | 213 | 207 | 226 | 243 | | | | | | | | | | |
| | Assessments where it was decided not to issue an EHC plan | 5 | 4 | 6 | 13 | 12 | | | | | | | | | | |
| | Still being assessed or where assessment has been completed for an EHC plan at the calendar year end | 54 | 45 | 50 | 46 | 31 | | | | | | | | | | |
| | EHCNAs requested in that year that were processed by the end of the year | 195 | 164 | 151 | 167 | 200 | | | | | | | | | | |
| Reading | Initial requests for an EHC plan | 226 | 262 | 296 | 271 | 349 | 54.42% | | 28.78% | | 9.27% | | 4.76% | | 89.90% | |
| | Initial requests for assessment for an EHC plan that were refused | 38 | 52 | 91 | 66 | 125 | | | | | | | | | | |
| | Needs Assessments due to be carried out | 188 | 210 | 205 | 205 | 224 | | | | | | | | | | |
| | Assessments where it was decided not to issue an EHC plan | 13 | 6 | 8 | 12 | 6 | | | | | | | | | | |
| | Still being assessed or where assessment has been completed for an EHC plan at the calendar year end | 60 | 61 | 41 | 25 | 42 | | | | | | | | | | |
| EHCNAs requested in that year that were processed by the end of the year | 115 | 143 | 156 | 168 | 176 | | | | | | | | | | | |
| Southampton | Initial requests for an EHC plan | 263 | 317 | 380 | 416 | 342 | 30.04% | | -17.79% | | -23.57% | | -45.63% | | 99.50% | |
| | Initial requests for assessment for an EHC plan that were refused | 45 | 132 | 122 | 119 | 115 | | | | | | | | | | |
| | Needs Assessments due to be carried out | 218 | 185 | 258 | 297 | 227 | | | | | | | | | | |
| | Assessments where it was decided not to issue an EHC plan | 1 | 1 | 1 | 4 | 13 | | | | | | | | | | |
| | Still being assessed or where assessment has been completed for an EHC plan at the calendar year end | 66 | 44 | 0 | 41 | 77 | | | | | | | | | | |
| EHCNAs requested in that year that were processed by the end of the year | 151 | 140 | 257 | 252 | 137 | | | | | | | | | | | |
| Plymouth | Initial requests for an EHC plan | 255 | 238 | 277 | 405 | 494 | 93.73% | | 21.98% | | 9.32% | | -2.03% | | 51.50% | |
| | Initial requests for assessment for an EHC plan that were refused | 83 | 122 | 65 | 83 | 142 | | | | | | | | | | |
| | Needs Assessments due to be carried out | 172 | 116 | 212 | 322 | 352 | | | | | | | | | | |
| | Assessments where it was decided not to issue an EHC plan | 1 | 1 | 0 | 1 | 2 | | | | | | | | | | |
| | Still being assessed or where assessment has been completed for an EHC plan at the calendar year end | 13 | 32 | 20 | 25 | 60 | | | | | | | | | | |
| EHCNAs requested in that year that were processed by the end of the year | 158 | 83 | 192 | 296 | 290 | | | | | | | | | | | |

Source: <https://explore-education-statistics.service.gov.uk/data-tables/permalink/2179d19b-5a3c-426a-be64-b725397d15a3>