

People Scrutiny Commission Questions

Questions raised during Commission meeting

Question	Questioner	Response
<p>'The report states I was there (SENDIASS meeting) as a parent carer forum member, this is not true. So to claim otherwise in an official report is defamation. Why has Bristol City Council done this?'</p>	<p>Jen Smith</p>	<p>We have amended the report to correct this point. This does not however impact upon the conclusions of the report, as was set out in responses to the questions put to officers at the Scrutiny meeting and set out again here: 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). 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</p>

		forum even on their own private social media. This is also applicable to attending meetings.
'Does the Council only use its own social media to and collate information or do individual staff members use their private social media accounts to view instead or as well?'	Jen Smith	The council has no way of monitoring how employees use their private social media accounts, but guidance in this regard will be addressed in the review of the social media protocol.
'1 st September, BCC was informed that data subject one (herself) had joined the forum pending checks and references so that the public may understand any rules she was bound to regarding the forum and DFE rules. Please can BCC clarify on which date I signed the contract, joined the steering group and became an officer of the forum'	Hayley Hemming	The report comments that the BPCF contacted the council on that date to advise that HH had joined the steering group and been contracted as a co-production co-ordinator. Whether the information provided by BPCF was correct or not is a matter for BPCF.
'Did the report (the options paper) include some examples of the social media posts causing concerns as part of its evidence?'	Cllr Dyer	No.
'The Facebook group is a closed Facebook group. Would you say that if the Officers had entered the group to get evidence, then that would be a clear breach of RIPA?' In relation to reference to HH having recruited five parents via a Facebook group.	Cllr Kent	Officers referenced the number of members of the group and the administrators. The number of members is publicly available. Whilst information about the administrators is not currently publicly available, it is apparent from the index, as a contemporaneous document, that the information was publicly available at the time that the information was collated, as a link has been provided with the instruction to scroll down. There would have been no purpose to having included that instruction if it was necessary to be a member of the group in order to ascertain that information.
'Is it systematic monitoring that officers have information from a private Facebook group'	Cllr Weston	We have not seen any evidence that any council officer gained information from a private Facebook group. This action would not, if taken, be systematic

		<p>monitoring; however it would raise issues from a GDPR/Article 8 standpoint.</p>
<p>Request for further guidance on what constitutes 'systematic monitoring.' (Further guidance on RIPA also offered)</p>	<p>Cllr Parsons</p>	<p>Note attached regarding systematic monitoring. In relation to RIPA:</p> <p><i>RIPA is only engaged where the purpose of the surveillance is to prevent or detect crime achieving six month custody threshold or related to underage sales of alcohol/tobacco/nicotine inhaling products.</i></p> <p>We would like to clarify a possible misunderstanding in relation to the report. Paragraph 49 states:</p> <p><i>"The collation of social media content on the two occasions outlined was done for the specific purpose of evidencing the conflict of interest: on the first instance at the request of Contact and BPCF to substantiate the concerns being raised by BCC about the campaigning activity of the forum members; and earlier this year in order to inform the decision as to whether or not to support BPCF's funding application to the DfE."</i></p> <p>The reference in that paragraph to two occasions refers solely to the triggers for the collation of the social media. It was known at the time of writing that at least four officers had viewed social media of the data subject(s) in relation to the matter. The note attached clarifies what is and is not systematic monitoring and the conclusions of the report were based on that position.</p>

Additional questions raised ahead of rearranged meeting

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

Officer response

This information will be held by Bristol Parent Carer 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

It is usual practice for Directors to receive regular verbal briefings from senior officers and the Director and the officer concerned met on a weekly basis. Briefings are not usually minuted, so it has not been possible to confirm the date of this particular briefing.

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

Q1 And Q2 The SEND partnership plan is the reframing and extension of the 2019 written statement of action. The local area has drafted the SEND Partnership Plan to include inspection findings from 2019, and other areas that parent carers have told us are important to them, including findings from Spring Parent Carer survey and PCF summer survey of top 3 priorities for SEND. Information and feedback over the last three years has been included in the development of the plan which is currently very high level and organised into broad themes. The themes and priorities are currently going through a process with key partners to ensure that all are comfortable with the themes and priorities. This document outlines how the plan will be delivered, how milestones will be monitored, and teams held to account. Once the themes and priorities have been agreed with all partners (including families), the SEND partnership group will focus on ensuring milestones and action plans sit beneath the themes and priorities, following the same model as used for the Written Statement of Action. The themes and priorities of the plan will be co-produced by the community of groups

Q3 We are keen to ensure that we hear as many of the diverse voices across Bristol as possible and the Community of Groups invites all representative groups to take part.

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

Q1 We are unable to comment publicly on individual cases. However, LA officers and elected members address communications with the council in line with the agreed professional and public standards.

Q2 The SEND team do not monitor families on social media.

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

This has been identified as an action for this year. Headteachers were made aware of our intention to initiate a work with them to review of school areas in September 2022 and further communications will come out to schools and trusts shortly.

Consultations on school admissions for 2024/2025 will be run in accordance with the [School Admissions Code](#). This stipulates the earliest date to begin consultation as 1st October 2022 with a deadline for completion of 31st January 2023 and must run for a minimum of 6 weeks.

We do not yet have a fixed date for this consultation to open but it will be well publicised and promoted through the LA, our schools and other relevant groups and associations.

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 EHCPs 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

It is unusual for a parent carer forum to request information in this way. To ensure that we continue to focus officer time on needs assessments for families and development work, we have sign posted to national and local data to enable already published data to be scrutinised.

For ease of response, the questions have been assigned a letter for reference.

Local Authority data is published annually and is publicly available. This data can be downloaded, manipulated and compared by local authority, school type, need type and pupil group. We also publish our current data on our website. Information and data relating to questions a, b, c and d can be found here:

[Special educational needs in England: January 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2022)

[Data and methodology - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2022-data-and-methodology)

<https://opendata.bristol.gov.uk/pages/ehc-summary/>

Point e is not a question, rather an offer of joint working which is welcome. Bristol City Council and other local area partners are keen to work with all members of the Community of Groups (COG). It would be helpful if this offer is made at the next COG meeting.

In response to question f, this information is available on a case by case basis but we do not have a report that can be run to aggregate this information at this time.

In response to question g, the Time for change Programme was co-produced over the past 3 years with the local area. The new process was launched in July 2022 with a communication strategy linked to the programme. Further work can be done to ensure that families are aware of how communication for new assessments will be arranged. We will request that this be discussed at a future COG meeting.

Bristol City Council does not hold information relating to question h.

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

Q1 The letter was not solely a response to the survey as suggested. The letter was written at the culmination of a longer term dialogue concerning the activity of the Parent Carer Forum. Bristol has not stopped community funding for SEND families. The fund will be held in the interim by Contact to support the development of strategic partnership going forwards with the Community of Groups.

Q2 The decision taken to move to the Community of Groups model was the end point of work to secure strategic partnership with BPCF. BCC made significant efforts to secure strategic PCF arrangements over the last 2.5 years (this included recruited Wiltshire PCF lead for 9 months, running two recruitment processes, an additional £45k investment, input, advice and support from Contact was sought).