

Background Papers

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6	Joint Local Area Special Educational Needs and Disability (SEND) Inspection - Local Area Action Plan	1 - 20

Agenda produced and published by the Head of Legal and Democratic Services, County Hall, Spetchley Road, Worcester WR5 2NP. To obtain further information or hard copies of this agenda, please contact Alyson Grice 01905 844962/Samantha Morris 01905 844963 email: scrutiny@worcestershire.gov.uk

All the above reports and supporting information can be accessed via the Council's website [here](#)

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WORCESTERSHIRE COUNTY COUNCIL EQUALITY IMPACT RELEVANCE SCREENING

This exercise is not an Equality Impact Assessment (EIA). It is a desktop screening exercise designed to establish if you need to carry out an EIA. When completing the screening please use plain English avoiding the use of acronyms or jargon. Any documents referred to should be attached to this screening form.

Remember, throughout this exercise the term 'policy' (or 'policies') is used as shorthand for 'policies, practices, activities, strategies, plans, projects, procedures, functions and protocols'. It therefore needs to be interpreted broadly to embrace the full range of functions, activities, plans and decisions for which the County Council is responsible.

For help completing this screening please refer to the County Council's [EIA Guidance document](#) available on SID.

Part One: basic information needed to identify the policy and prepare for screening

1.1	Directorate and Section/Unit:	Children Families and Communities
1.2	Title of the policy being screened:	Does not relate to a policy – SEND Written Statement of Action in Response to OFSTED/CQC Report 16 th May 2018
1.3	Screening by:	Katie Collins/Sandy Bannister
1.4	Date of screening:	27 th June 2018
1.5	Summary of policy objectives	A wide range of objectives over 5 distinct Work streams
1.6	Related policies/functions:	N/A
1.7	To which section of the Directorate or Corporate "business/service plan" does this policy relate?	SEND Services
1.8	Is this a new or existing policy?	N/A
1.9	Does the policy affect service users, employees, the wider community, or a combination of these?	Service Users

1.10	Who is formally responsible for the delivery of this policy? If different, who is responsible for leading on the delivery?	Assistant Director for Education and Skills is responsible for delivery of the Action Plan
	What (if any) previous consultation has been carried out for this policy? Who was consulted and when?	The Action Plan has been prepared in conjunction with the Local Area, with representation from schools, special schools, SENDIASS, Families in Partnership, Our Way and Health colleagues
1.12	Is equality monitoring in place for this policy?	Relevant equality monitoring will be established where it supports monitoring and achievement of objectives

Part Two: The purpose of the following exercise is to assess the potential relevance of the policy in the lives of staff and/or residents who have one or more of the following "Protected Characteristics":
 Age, Disability, Gender Reassignment, Marriage/Civil Partnership, Pregnancy/maternity, Race, Religion/Belief, Sex and Sexual Orientation.

The questions in this section ask you to consider factors you will need to take into account in assessing the relevance of the policy in the lives of people who have one or more of the Protected Characteristics. The answers you provide will help you determine whether you will need to carry out an Equality Impact Assessment.

		Yes	No	Details and comments
2.1	Could this policy have a significant impact on service delivery or other aspects of daily life for people because they have one or more of the Protected Characteristics listed above?	X		For Children and Young People with SEND
2.2	Does the policy involve a significant commitment, or reduction, of resources?			There are no planned reduction of resources as part of this plan
2.3	Does the policy relate to an area where inequalities are already known to exist?	Yes		For Children and Young People with SEND

2.4.1 Is there any evidence of potential or actual unplanned variations in the participation levels or use of the policy between different groups (Existing policies only)?

Characteristic	Yes	No	Details, including what information you have based your answer on
Age			
Disability			
Gender reassignment			
Marriage/Civil Partnership			
Pregnancy/maternity			
Race			
Religion or belief			
Sexual orientation			
Sex			

If the answer to question 2.3 is "yes" or "could be yes" then you **must complete an EIA**.

For existing policies, if the answer to question 2.4 is "yes" or "could be yes" then you **must complete an EIA**.

If the answer to questions 2.1 or 2.2 is "yes" or "could be yes" then you may need to complete an EIA. Please refer to Section 3 of the [EIA Guidance document](#) for further clarification on when an EIA should be completed.

2.5 Based on the factors above, is an Equality Impact Assessment required for this policy?

Yes	X
No	

An EIA is not always needed. Where you have decided that an assessment is not required please clearly summarise the reasons for your decision, including any factors you have taken into account, in the box below. Please then ensure this screening form is signed-off by your line manager and sent to the Corporate Equality and Diversity Team for publication.

EIA not required: reasons and additional comments
The overarching nature of the action plan means that it contains both numerous and varied objectives and insufficient detail for effective equality analysis. The Council's approach would be to carry out equality analysis for individual work streams as appropriate once they are established and to review these during the life of the Action Plan. The work streams to deliver the Action Plan are: The Local Offer Embedding the Graduated Response Assessment and Planning Joint Commissioning and Leadership Workforce and Engagement

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Signed (completing Officer/Manager):

Date:

Signed (Line Manager):

Date:

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Privacy Impact Assessment

Ref	Questions	Assessment responses
	TITLE	SEND Improvement Plan
A	Basic Information	
1	Information Asset Owner / Head of Service	Nick Wilson AD Education and Skills
2	Service Manager	SEND Group Manager
3	Contact name	Penny Richardson
4	Contact telephone	
5	Target date required for completion of PIA	26 th July 2018
6	Target implementation date of project/change	Ongoing
7	Information Asset Register Reference (if known)	

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8	<p>Project/Change Outline - Brief description of what is being planned.</p> <p><i>Include links to relevant project documentation if available</i></p>	<p>The SEND Improvement Action Plan is a response to the requirement to produce a Written Statement of Action detailing how we will tackle areas for improvement identified by the Joint Local Area SEND Inspection that took place between the 5 – 9 March 2018. The findings of the Inspection were published on the 16th May 2018. The plan also includes associated and ancillary actions and tasks to ensure there is a single implementation plan that responds to the findings and the implementation of the SEND strategy. The primary aim of this plan is to build trust and confidence in the system that supports parents, carers, families and children and young people with SEND.</p>
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9	<p>What are the privacy impacts of this proposal?</p> <p>Describe the new or change in the way the service is delivered, change of system, how will personal data be collected or treated differently to current usage? Is specific information being collected or accessed that hasn't previously or is the level of information about an individual increasing?</p>	<p>Changes to service delivery will be developed during the initial planning phase under each workstream of the plan.</p> <p>The planned service improvement is not expected to impact the way or amount of personal data captured</p>
10	Number of customers/stakeholders impacted	The proposed changes will impact all SEND children, young people, families and carers
B	INFORMATION COLLECTED	
B1	<p>What personal data is involved? For health systems, is it patient identifiable data?</p> <p><i>See Notes below</i></p>	Personal data collected involve names, address, diversity monitoring data and case information. A unique identifier is created through Frameworki , Tribal and also on ONE system (UPN.)
B2	<p>Describe the planned information flows, i.e. where does the information go - internally, externally and how.</p> <p><i>An information flow diagram would be useful if you have this.</i></p>	The information is stored on Frameworki, Capita ONE and Tribal and will be shared with any partnership agency that will provide support with consent gained (via schools privacy notice) and recorded.
B3	Describe why you really need all the personal information you are planning to collect, or can you collect anonymised information instead.	The information collected is essential for assessments and support to be carried out and some is required to be collected for reporting and monitoring purposes Stat requirement
C	FAIR PROCESSING	
C1	Are you relying on individuals to provide consent for the processing of their information or is there a Legal Gateway?	Consent will be captured and recorded for personal data to be shared with any partner agency who may be able to provide support. Consent may be withdrawn at any time and

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	<p>If consent how will that consent be obtained, recorded and kept up to date? What will happen if they withdraw consent?</p> <p>If Legal Gateway please detail what legislation/Act you're relying on</p>	records updated accordingly.
C2	<p>Will the individuals whose information will be in the system be informed of the processing and disclosures that will take place? For example, are they aware of the collection and how their information will be used.</p> <p>Please provide a link to the service specific privacy notice</p>	<p><i>Privacy notices are available on the public website.</i></p> <p><i>Children's Specific Notices:</i> http://www.worcestershire.gov.uk/info/20097/children_families_and_communities/473/children_families_and_communities_policy_and_guidance</p> <p><i>Council's Privacy Notice:</i> http://www.worcestershire.gov.uk/fullprivacynotice</p>
C3	If the service is being commissioned, who will be responsible for informing the individuals of change of provider and gaining consent	Any commissioning arrangements will be developed under each individual workstream. A communication plan detailing this will be developed where necessary
C4	What provisions are in place for if a person objects to the new way of processing?	The processing of personal data will not change
D	OWNERSHIP and LOCATION of DATA	
D1	<p>Who will be responsible for the data stored. If external, provide the names of all sub-contractors (i.e. who may store/host the data on behalf of main partner/supplier)</p> <p>ICO guidance NHS guidance (IGA)</p>	All CFC staff are responsible for ensuring that recorded information on active cases is accurate

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D2	Data Controller(s) <i>Determine if Joint or Common data controllers and rationale.</i>	Capita One – Catherine Driscoll Frameworki – Catherine Driscoll
D3	Data Processor(s) <i>If applicable</i>	All CFC and contracted partner agencies
D4	Format of data. <i>Require a list of all types - delete those that do not apply or add new.</i>	All data is electronic and captured on FWI and Capita ONE, Tribal (EYS)
D5	Location of all data. <i>Is data being stored and accessed off-site from Council premises?</i> Specify country data is held if offsite, e.g. England, Ireland, Germany, EEA, US, Worldwide	All data is stored on internal secured servers.
E	ACCESS TO DATA	
E1	What measures are being put in place to ensure data sets are only available to those with a legitimate need to access them and the data is held securely?e.g. Physical or system or role based access restrictions.	Access to Frameworki, ONE and Tribal are only permitted to staff who work in social care and those who provide a support function. Access must be requested and approved
E2	Will the data be shared outside of WCC staff by partners/suppliers and are sharing agreements in place or do they need to be developed?	Data will be shared with required partners to provide support.
E3	Are audit trails planned to log who accesses the data?	Frameworki logs all users who access records and this is monitored for unusual activity. Audit tools are available for ONE and Tribal
E4	How will personal data be supplied for subject access requests? Does the system/process have this built in?	Hard copies of data are provided on a case by case basis.

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E5	Describe how all staff are adequately training in data protection and confidentiality.	Staff are required to complete e-learning modules around data protection and confidentiality before access to Framework, ONE and Tribal are granted
F	ACCURACY, RETENTION AND DISPOSAL	
F1	Will the information be kept up to date and how will the personal data be checked for accuracy? This applies to electronic and paper formats.	All workers are responsible for checking the accuracy on active cases. Data cleansing activities are carried out on a regular basis.
F2	Are measures in place to routinely remove redundant information and for it to be disposed of securely? This applies to electronic and paper formats.	The information is subject to regulations and the Councils disposal schedule
F3	Retention of data How long will data be kept for? <i>Link to retention schedule if known.</i>	<i>The</i> information will be retained according to the retention schedule https://worcestershirecc.sharepoint.com/:x/r/information-governance/Documents/Disposal%20Schedule.xlsx?d=wacd46750af034f59b65a2c530bb8b2aa&csf=1
G	COMMISSIONING	
G1	If the data is being commissioned externally does the contract or agreement in place have clauses that relate to Information Governance, including information about Data Protection, Freedom of Information and Records Management? <i>The contract should also include about what happens to the information once a contract comes to a close, i.e. transfer to new provider, transfer back to</i>	Any commissioning activity will include all standard clauses regarding information governance within the contract and any further details will be considered under each workstream.

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	<p><i>Worcestershire</i></p> <p>See <i>commissioning/decommissioning IM checklists</i></p>	
G2	Is it clear who is responsible for responding to subject access requests. i.e. will it be Worcestershire or the commissioned service provider?	The details of responsibility will be clarified in any contract – and is Worcestershire County Council
G3	Is there a process for when a customer asks for their personal data to be removed from the system?	Any request will follow the responsible organisation's processes
H	DIRECT MARKETING	
H1	Does the system send messages by electronic means? <i>This includes both live and pre recorded telephone calls, fax, e mail, text messages or via social networking sites.</i>	No
H2	Will you be involved in direct marketing? <i>This may be classed as direct marketing and the PECR regulations would apply. Consent and opt-out is required. Seek advice.</i>	No

I	RISKS	<i>To be agreed by service contact and IM</i>
	List here risks identified. <i>Have the information risks been already assessed for the process/system or are they part of the project risk register?</i>	<ol style="list-style-type: none"> 1. The risks to data are captured under the Framework, ONE and Tribal risk logs

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J	ACTIONS	
	List planned actions to address risks identified above.	1. Any actions will be recorded on the Framework, ONE and Tribal risk logs
	Assessment Completed by: (name & contact number)	
	Assessment completion date	
	APPROVALS REQUIRED	
	Information Management Date:	
	Service Manager Date:	
	Copied to: <i>Insert names as relevant</i> (SIRO/CG/IAO)	

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NOTES:

Personal data as described in the Data Protection Act

Information sufficient to identify a living individual by itself or in conjunction with other information held by the Council. Includes any expression of opinion about an individual and any indication of the intentions of the Council or any other person in respect of the individual.

Examples are:

- contact details,
- NI number,
- bank account details, credit card details.

Some may be high risk for the individual for example, access details for vulnerable people, protected whereabouts for people at risk.

Sensitive personal data

Specific attributes defined in the Data Protection Act as sensitive data are:

- physical/mental health
- criminal proceedings
- ethnicity data
- sexual life
- trade union
- political opinions
- religious beliefs

Personal Identifiable Data (PID) as described in the NHS by HSCIC, is information (an identifier) about a person e.g. a patient, client, service user or staff, from which the individual could be singled out from others.

It may be a single or combination of two or more identifiers such as:

Name, Address, Postcode, Email address, Date of birth, Driving licence number (DoB and first part of surname), Other dates (e.g. death, diagnosis), NHS number, National Insurance number, Local identifier number (Social care, hospital, or GP practice number).

WCC information risk classifications

- No Risk
- **Low Risk**
- **High Risk**
- **Very High Risk**

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PHIA Screening Template

Worcestershire Public health Impact Assessment Screening Template

Description and aims of the policy/report:

The SEND Improvement Action Plan is a response to the requirement to produce a Written Statement of Action detailing how we will tackle areas for improvement identified by the Joint Local Area SEND Inspection that took place between the 5 – 9 March 2018. The findings of the Inspection were published on the 16th May 2018. The plan also includes associated and ancillary actions and tasks to ensure there is a single implementation plan that responds to the findings and the implementation of the SEND strategy. The primary aim of this plan is to build trust and confidence in the system that supports parents, carers, families and children and young people with SEND.

Relevant local and national policies:

Local Area SEND inspection guidance: <https://www.gov.uk/government/publications/local-area-send-inspections-information-for-families/joint-inspections-of-local-area-send-provision>

Worcestershire SEND Inspection Updates:

http://www.worcestershire.gov.uk/info/20546/news_and_updates_the_local_offer/1614/send_inspection_and_peer_review

County or district policy:

Countywide - The local area includes the local authority, clinical commissioning groups (CCGs), public health, NHS England for specialist services, early years settings, schools and further education providers.

Population affected:

0 – 25 year olds with Special Education Needs or Disabilities and their parent and/or carers

Who are the main stakeholders and how will they be involved?

Children and young people with SEND, parents and carers, the local authority, clinical commissioning groups (CCGs), public health, NHS England for specialist services, early years settings, schools and further education providers, parent / carer forum Families in Partnership, parent/carer support groups ie. Parent Partnership.

Policy Impact Summary

Impact Category	Positive	Negative	Neutral	Unknown	Recommendation HIA required?
Social & economic factors	x				Yes
(Brief description of potential impacts and how these are mitigated or enhanced)					
Physical Health	x		x		Yes

(Brief description of potential impacts and how these are mitigated or enhanced)						
<i>Improved and timely access to appropriate education, health & care provision and support for Children and Young People with SEND at an early stage.</i>						
Mental health and wellbeing	x				Yes	
(Brief description of potential impacts and how these are mitigated or enhanced)						
<i>Positive impact upon Children and Young People with SEND from access to appropriate support, educational provision and specialist health professionals.</i>						
Access to services	x				Yes	
(Brief description of potential impacts and how these are mitigated or enhanced)						
<i>Positive impact upon Children and Young People with SEND mental from access to appropriate support, educational provision and specialist health professionals.</i>						
Inequalities	x				Yes	
(Brief description of potential impacts and how these are mitigated or enhanced)						
<i>The plan will ensure equity of provision, where appropriate support is provided to those most in need and at a scale in accordance with their needs.</i>						
Date completed	25th July 2018	Contact details	Rachel Kiernan (RKiernan@worcestershire.gov.uk)			



Nadhim Zahawi MP
Parliamentary Under-Secretary of State for Children and Families

Sanctuary Buildings 20 Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/help/contactus

Catherine Driscoll
Director of Children, Families and Communities
Worcestershire County Council

Simon Trickett, Chief Operating Officer, NHS South Worcestershire CCG (and Accountable Officer for NHS Redditch and Bromsgrove; and NHS Wyre Forest CCGs)

12 July 2018

Dear Catherine and Simon,

Joint local area SEND inspection – Worcestershire

I am taking a close interest in the Ofsted and CQC inspections of SEN and disability services and I read with great interest the findings in your report, published in May.

I was very concerned to read the range and scale of significant weaknesses identified, which include a lack of strategic leadership and safeguarding concerns. Inspectors also identified that the local area has not given sufficient priority to the SEND reforms. This comes, of course, on top of the wider concerns Ofsted identified in Worcestershire's children's social care services on which we are already corresponding.

I am encouraged that inspectors reported pockets of excellent practice, along with a commitment to high-quality services for children and young people with SEND. I understand that you are meeting with DfE and NHS England senior officials on 16 July to discuss how you intend to address the concerns raised by the inspection and make the necessary improvements in services. I have asked them to feedback to me following the meeting.

Ofsted and CQC will have written to you confirming the submission date for your Written Statement of Action. I ask that you publish the statement on the local authority's website and keep it up-to-date so that parents, carers, children and young people can understand the actions you are taking and the progress you are making.

As set out in the inspection handbook, I have asked my officials to inform me of your progress with delivering the actions in the statement within 12 months. I look forward to hearing of good progress in May 2019.

Anne Porter, DfE professional SEND adviser, continues to be your link contact with the department. If you do need any further advice on your written statement of action, please turn to Anne in the first instance.

I am copying this letter to Simon Geraghty (Leader of the Council), Rt Hon Sajid Javid MP, Nigel Huddleston MP, Rachel Maclean MP, Harriett Baldwin MP, Robin Walker MP and Mark Garnier MP.

Yours sincerely,

A handwritten signature in black ink, appearing to read "N. Zahawi".

Nadhim Zahawi MP
Parliamentary Under-Secretary of State for Children and Families