

# **CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY PANEL 8 AUGUST 2018**

## **JOINT LOCAL AREA SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) INSPECTION - LOCAL AREA ACTION PLAN**

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### **Summary**

1. Between 5 March 2018 and 9 March 2018, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the Local Area<sup>1</sup> of Worcestershire to judge the effectiveness of the area in implementing the special educational needs and disability (SEND) reforms as set out in the Children and Families Act 2014<sup>2</sup>.
2. As a result of the findings of the inspection and in accordance with the Children Act 2004 (Joint Area Reviews) Regulations 2015, Her Majesty's Chief Inspector (HMCI) has determined that a Written Statement of Action is required because of significant areas of weakness in the local area's practice. HMCI has also determined that the local authority and the area's clinical commissioning group (CCG) are jointly responsible for submitting the written statement to Ofsted/CQC within 70 days of the publication of the inspection report (by 20th August 2018).
3. The attached Action Plan (Appendix 1) is the Written Statement of Action prepared jointly by the local authority and CCG to address the significant areas of weakness identified in the inspection.

### **Background**

4. The inspection of the Local Area<sup>1</sup> involved an evaluation of how effectively the needs of children and young people with SEND are identified, assessed and provided for, and how effectively this leads to improved outcomes for children and young people. This involved reaching a judgement about local area strategic oversight and leadership, and the priority given by leaders to the SEND Reforms. Local area leadership relates to the work of the Council and the CCG. The findings of the Inspection were published on 16 May 2018 (Appendix 2).
5. Inspectors spoke with children and young people who have special educational needs (SEN) and/or disabilities, parents and carers, and local authority and National Health Service (NHS) officers. They visited a range of providers and spoke to leaders, staff and governors about how they were implementing the SEN reforms.
6. Inspectors looked at a range of information about the performance of the local area, including the local area's self-evaluation. Inspectors met with leaders from the local area for health, social care and education. They reviewed performance data and evidence about the local offer and joint commissioning. The written statement of

<sup>1</sup>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.

action must explain how the local area will tackle the following 12 areas of significant weakness:

- a) Safeguarding concerns around: children and young people from London boroughs who are housed locally;
- b) the use of long-term part-time timetables;
- c) children taken off roll and missing education;
- d) the CCGs' lack of strategic leadership in implementing the SEND reforms
- e) the current poor quality of the existing SEND Strategy action plan the lack of joint commissioning arrangements;
- f) the variation in the skills and commitment of some mainstream schools to provide effective support for children who have SEN and/or disabilities;
- g) the lack of suitable specialist provision to meet the identified needs of children and young people;
- h) the fragile relationships with parents and carers and the lack of meaningful engagement and co-production and collaboration;
- i) the poor quality of Education, Health and Care (EHC) plans including the limited contributions from health and social care and the processes to check and review the quality of EHC plans;
- j) the lack of systems to track outcomes for children and young people who have SEN and/or disabilities in special schools, post-16 provision, young people who are NEET and youth offenders effectively;
- k) the disproportionate numbers of children and young people who have SEN and/or disabilities who have been permanently excluded from school;
- l) the quality of the Local Offer; and
- m) academic outcomes, behaviours and attendance of children and young people who have SEN and/or disabilities.

## **Statement of Action**

7. The written statement of action includes a detailed Action Plan (appendix 1) and demonstrates how the Local Area will tackle the areas for improvement identified by the Joint Local Area<sup>1</sup> SEND Inspection. This action plan sets out how the Council and the CCG will work together with Partners, Parents and Young People to improve outcomes for children and young people with SEND. A pervasive theme throughout the plan is to build trust and confidence amongst parents, carers, children and young people with SEND.

## **Governance**

8. The SEND Improvement Board is a key element in the monitoring, reporting and governance for the progression of action to improve. It is a stakeholder Board, and includes representation from the CCGs, Families in Partnerships, Special Schools, Worcestershire Health and Care Trust (WH&CT), Babcock, Ourway Advocacy (children and young people representatives), Youth Justice, SENDIASS and officers from the SEND Services within the Council. At its two recent meetings in June and July, the Improvement Board gave constructive feedback to the draft Action Plan and endorsed the continuing work of all partners so that there is a comprehensive and multiagency response, which is achievable, fit for purpose and has the Board's support.

9. On the 12th July Cabinet was requested to a) note the outcome of the Joint Area Inspection, b) acknowledge the progress of the work to develop the Action Plan and c) agree delegated authority for the Cabinet Member with Responsibility for Education & Skills to approve the final Action Plan on behalf of the Council prior to submission to Ofsted/CQC by 20th August 2018. From the CCGs' perspective, it is intended that the Action Plan will be approved by the CCG Governing Body on Friday 27th July for final submission to CQC/OFSTED by 20 August 2018.

10. Once approved by the Cabinet Member and then Ofsted, it will be available to the community of Worcestershire through the Local Offer pages of the Council's web-site and the CCG web-site.

11. The Director of Children's Services and the Chief Executive of the CCG took part in a structured telephone conversation with senior NHS and DFE officials on Monday 16<sup>th</sup> July. Every Local Area that is issued with a statement of action is required to take part in such a meeting. The purpose of the meeting was for the NHS and DfE to remind Local Area Leaders of the seriousness of the concerns and to explore action that had taken place to address areas of weakness since the inspection took place in March of this year.

12. The DFE Regional SEN officer is meeting with the Assistant Director for Education & Skills and the lead officer for SEND to offer support and advice and to discuss progress in more detail. This is scheduled for early August.

### **Legal, Financial and HR Implications**

13. The action plan will have resource implications for workforce and finance. Overview & Scrutiny will already be aware of the pressures on the High Needs Block of the Dedicated Schools Grant (DSG), which is an allocation specifically to fund those children and young people with special educational needs and disabilities. In 2017/18 the High Needs Block faced an additional cost pressure of £3.4million for top up funding, post 16 and independent school placements in particular. This was funded from centrally held DSG reserves. However, this is not sustainable in the long term and the current DSG reserves will not be sufficient to meet the ongoing continuing High Needs cost pressures in 2018/19 and future years. The pressure on the High Needs Block DSG will continue into 2018/19 and future years due to the significant high needs demand forecasted across all specialist providers. Unlike the Schools Block DSG, the High Needs Block DSG does not increase with demographic pressures and the DfE expects LAs to manage this accordingly. Although the net High Needs Block DSG in 2018/19 is predicted to increase by an additional £1.6m from the new High Needs National Funding Formula (NFF) this will only covers 50% of the previous years' overspend and will not cover the impact of current and future demand. The HR and financial implications will be considered through the development of the Statement of Action work streams.

14. One of the first actions is to raise awareness across the joint workforce about the Action Plan and to develop a greater sense of insight and awareness about the needs of children and young people with SEND, the importance of planning to achieve improving outcomes and how to extend our collaborative working and co-production activity with parent/carers and their representatives.

## **Impact Assessments**

15. An Information Risk & Privacy Impact Screening has been carried out in respect of Written Statement of Action. It identified that further equality impact analysis will be required to identify how any of the actions may affect individuals and their personal data, and what needs to be considered and implemented to ensure actions are acceptable and compliant with the Data Protection and Human Rights Acts. The information and privacy implications will be considered through the development of the Statement of Action work streams.
16. A Public Health Impact Screening has been carried out in respect to the Written Statement of Action, to identify and predict the health implications on a population of implementing the plan, policy, programme or project, and in so doing aid decision-making. The Public Health Impact Screening aims to enhance the potential positive aspects of a proposal through assessment while avoiding or minimising any negative impacts, with particular emphasis on disadvantaged sections of communities that might be affected. Any Health implications will be considered through the development of the Statement of Action work streams.
17. An Equality Impact screening has been carried out in respect of the Written Statement of Action. This identified potential impact for children and young people with SEND but the overarching nature of the action plan means that it contains both numerous and varied objectives and insufficient detail at this stage 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.

## **Purpose of the Meeting**

18. The Children and Families Overview and Scrutiny Panel is asked to:
  - note the update report sent to Cabinet on 12 July 2018;
  - consider the Local Area SEND written statement of action (Action plan) alongside the feedback from the LGA Peer Review and the Joint Local Area SEND Inspection carried out by Ofsted and the CQC;
  - determine whether it would wish to carry out any further scrutiny, and
  - agree whether it would wish to make any comments to the Cabinet Member with Responsibility for Children and Families prior to the decision on 10 August 2018.

## **Supporting Information**

- Appendix 1 - Written Statement of Action (Action Plan)
- Appendix 2 - Joint Local Area SEND Inspection by Ofsted and the Care Quality Commission Outcome Letter [www.worcestershire.gov.uk/SENDUpdates](http://www.worcestershire.gov.uk/SENDUpdates)
- Appendix 3 - Worcestershire Strategy for Children and Young People with Special Educational Needs and Disabilities (SEND) 2017-2021  
[http://www.worcestershire.gov.uk/info/20541/we\\_are\\_listening/1616/our\\_send\\_strategy](http://www.worcestershire.gov.uk/info/20541/we_are_listening/1616/our_send_strategy)
- Appendix 4 – Local Government Association - Peer Review  
[www.worcestershire.gov.uk/SENDUpdates](http://www.worcestershire.gov.uk/SENDUpdates)

## Contact Points

### Specific Contact Points for this report

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## Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) there background papers relating to the subject matter of this report are:

- [Children & Families Overview & Scrutiny panel Wednesday 16th May 2018](#)
- [Cabinet Thursday 12<sup>th</sup> July](#)

[All agendas and minutes are available on the Council's website here.](#)

- Information Risk & Privacy Impact Screening
- Public Health Impact Screening
- Equality Impact screening