

**CABINET**  
**14 MARCH 2019****PROGRESS UPDATE ON JOINT LOCAL AREA SPECIAL  
EDUCATIONAL NEEDS AND DISABILITY (SEND) WRITTEN  
STATEMENT OF ACTION/IMPROVEMENT PLAN v0.5**

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**Relevant Cabinet Member**

Mr M J Hart

**Relevant Chief Officer**

Director of Children, Families and Communities

**Recommendation**

- 1. The Cabinet Member with Responsibility for Education and Skills recommends that Cabinet:**
  - (a) acknowledges and endorses the progress made to deliver the Written Statement of Action (Improvement Plan) by all partners in order to improve outcomes for all children and young people with Special Educational Needs and Disability (SEND), by helping them to achieve their full potential;**
  - (b) acknowledges the Department for Education and NHS England monitoring visits and feedback provided, including the guidance on re-inspections; and**
  - (c) authorises the Director of Children, Families and Communities in consultation with the Cabinet Member with Responsibility for Education and Skills to continue to take all appropriate steps to deliver the Improvement Plan.**

**Background**

- 2. In March 2018, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the local area 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. As a result of the findings of this inspection and in accordance with the Children Act 2004 (Joint Area Reviews) Regulations 2015, Her Majesty's Chief Inspector (HMCI) determined that a Written Statement of Action (WSOA) was required because of significant areas of weakness in the local area's practice. The local authority and the area's clinical commissioning group (CCG) are jointly responsible for submitting the written statement to Ofsted.**
- 3. The WSoA was prepared together with Health colleagues, parents and carers, head teachers and other key stakeholders. The WSoA is outcome and objective based addressing the 'so what difference will this make?' question in a way that is**

both deliverable (in stages) and measurable (so it is reportable through agreed governance routes and also to the DfE, NHSE and OFSTED)

4. In July 2018, Cabinet was asked to acknowledge that progress was underway on the Written Statement of Action (Action Plan) and authorise the Cabinet Member with Responsibility for Education and Skills to approve the Action Plan on behalf of the Council for sending to Ofsted/CQC. The final draft WSoA was reviewed by the Children and Families Overview and Scrutiny Panel on 8 August 2018, providing useful questioning and feedback prior to the submission to Ofsted. The WSoA was submitted to OFSTED on Monday 20 August – 70 working days after receipt of the SEND Local Area Inspection report. On Friday 14 September, Ofsted confirmed that the WSoA was fit for purpose subject to some minor alterations. The amendments have made by Local Area partners. The Cabinet Member with Responsibility approved the amended WSoA on 8 October.

5. The CCG Board met to consider the amended WSoA on 24 October and confirmed approval.

6. The WSoA has five workstreams each led jointly by representatives from the Council, Health and Partners – it has a detailed reporting and governance process to ensure accountability at all levels including SEND Improvement (Strategic) Board, Health and Wellbeing Board, ICEOG, CCG Governing Body and Cabinet updates.

### **Safeguarding actions**

7. This section of the WSoA responds to the concerns raised by Inspectors about vulnerable children who had moved to Worcestershire from London. It identifies concerns arising from the use by schools of part-time timetables and practices whereby children are removed from school rolls and consequently are missing from education. The action leads to enhanced monitoring and the introduction of a weekly monitoring process that triggers intervention and challenge where necessary. An officer forum meets weekly where persistence in locating and tracking missing children is its single focus.

8. The Key Concern identified by Ofsted was "the safeguarding concerns around: children and young people from London boroughs who are housed locally; the use of long-term part-time timetables; children taken off roll and missing education;"

9. Activity to address this key concern was implemented quickly. The Director of Children, Families and Communities wrote to the Directors of Children's Services of London boroughs requesting information about the relocation of families including vulnerable children in order that Worcestershire can track their arrival. The Director also raised regionally and nationally the issue of movement of vulnerable children across Local Authority boundaries particularly where this involves a significant distance to seek debate on approaches to tracking to strengthen Children Missing Education (CME) arrangements. Missing Monday Meetings are held on a weekly basis. Schools have been reminded of their duties regarding returning data, provide update guidance on part time attendance. New processes are in development for schools to notify the Local Authority. Pupil deletion recordings are becoming more efficient, monthly CME team meetings are taking place. Three hundred Designated Safeguarding Lead's (DSL) attended a conference in November regarding safeguarding, including part-time timetables. School governors and Headteachers

have been and continue to be formally trained on Exclusions. Schools are receiving additional intervention support to maintain and increase attendance.

### **Workstream 1 - The Local Offer**

10. This section of the WSoA responds to the concerns raised by Inspectors that Worcestershire parents/carers and their children and young people, and professionals working in the Area, were not able to access up to date and accurate information about provision, facilities and arrangements for children and young people with SEND. This Workstream set out plans for improving the design, content and functionality of the website that hosts information about the Local Offer. The Local Offer is the totality of the special educational provision, arrangements, processes that the Local Authority and its statutory partners, Health and Social Care, expect to be available in Worcestershire for resident children and young people with SEND between 0 and 25 years of age. Inspectors also expressed concern that there is a lack of suitable specialist provision.

11. The Key Concerns identified by Ofsted were, "The lack of suitable specialist provision to meet the identified needs of children and young people" and the "significant shortage in education provision in the local area for children and young people whose needs should be met in a specialist setting." The quality of the Local Offer was also identified as a key concern: " The local offer is not fit for purpose. The overwhelming majority of parents, children and young people who have SEN and/or disabilities, and professionals were either not aware of the local offer or had little success when they tried to use it."

12. Activity to address these key concerns has included: The Local Offer content being reviewed, amended and improved including a parent carer support group directory and a directory for children and young people's activities.

13. Promotion materials have been produced and distributed for the new improved Local Offer including pens, leaflets, posters and banners. They were used and shared at the twelve parent/carers roadshows as well as being distributed to parenting/parent carer support groups by Families in Partnership, to community venues, Children's Centres and to schools, GPs and Health professionals. Banners and posters have been put up around County Hall and Wildwood and there was a SEND Local Offer stand at the recent Social Care Celebration Event to promote the site to social workers.

14. The parent carer roadshows were jointly delivered across the county throughout November 2018 by Families in Partnership, SENDIAS and partners including the Council and Health. Nearly 200 parent/carers attended in total. In summary attendees provided a positive response about the improved SEND Local Offer, they also found it useful to understand the laws in terms of support in schools. Parent/carers reported some good practice in some schools. The majority of the questions/concerns were around lack of support in mainstream schools, incorrect information being provided by some schools, and lack of support for children with autism and those with social, emotional and mental health needs.

15. The Children with Disability register, an online form for parents/carers to fill in, is in development. A first demonstration has taken place of the online form alongside

two members of FiP. An agreement was made to add more questions to the form to capture more valuable feedback and data from families.

16. More parents and young people are accessing the new Local Offer because it contains the information about support groups/activities that they requested. Web hit data is already showing a significant increase in the number of users visiting the Local Offer pages. There were 234 returning visitors and 163 new visitors to the site during August 2018 compared to 500 returning visitors and 361 new visitors to the site during January 2019.

17. The need to develop more inclusive mainstream provision and the significant overspend expected on the High Needs budget was discussed with members of the SEND Improvement Board in December. The High Needs Implementation Group has worked together to prepare a free-school bid that takes account of previous and ongoing dynamic analysis of pressures and casework priorities. Worcestershire is seeking to create a bespoke multi-service special school, to meet the needs of children and young people from within our county, on the main school site and in different sites according to their needs. If approved, it will provide specialist ASD outreach services and support and co-ordinate specialist mainstream sited ASD provision. A feature of its success will be that fewer children on the autism spectrum will need to attend out of county provision or their locality to have their educational need met. The bids are currently being reviewed by the Department for Education.

## **Workstream 2 – Embedding the Graduated Response**

18. This section of the WSoA responds to the need to strengthen our mainstream provision and work with schools and other settings to build their skills, experience and inclusive capacity. Local Area Leaders know that this needs a coordinated approach across health, education and social care services in the work with schools and educational settings, so we can re-build parental confidence in their local schools.

19. This section of the Action Plan concentrates on embedding the graduated response, that includes the APDR Cycle. This area for Improvement is part of the wider theme of strengthening the focus on pupil outcomes, the role and impact of support services, the use of assessment information to promote children's development, and the targeting of support and the mutual accountabilities of resource decision makers and those who use targeted SEND funding. This is the beginning of a longer journey that will lead to a necessary re-balancing of provision and resources, if there is to be a responsible and viable financial strategy. Embedding an effectively supported and monitored Graduated Response will strengthen mainstream provision and help to strengthen the mainstream sector.

20. The Key Concerns identified by Ofsted were:

- a) "The variation in the skills and commitment of some mainstream schools to provide effective support for children who have SEN and/or disabilities."
- b) "The fragile relationships with parents and carers and the lack of meaningful engagement and co-production and collaboration."
- c) "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."

- d) "The local area does not collect information about youth offenders who have SEN and/or disabilities sufficiently well. Consequently, they cannot ensure that they are receiving support that is tailored to their needs and abilities."
- e) "The disproportionate numbers of children and young people who have SEN and/or disabilities who have been permanently excluded from school."
- f) "Academic outcomes, behaviours and attendance of children and young people who have SEN."

21. Activity to address these key concerns has been extensive including, a new improved Graduated Response documentation co-produced with parent/carer representation and education professionals. The Graduated Response document is intended to be used as a tool for schools and settings and those partner agencies working with them and to be an information source for parents, carers and young people to inform and guide in relation to the education of children and young people with Special Educational Needs and Disabilities. The revised draft guidance is now out for final consultation with a range of stakeholders.

22. A draft Post-16 Graduated Response (Ordinarily Available) document has been developed to be tabled and discussed with the Post-16 Sector. A final version is planned for March 2019. A Post 16 Summit took place on 26 October 2018. It identified a number of key issues that dovetail into other SEND workstreams.

23. A series of briefings for SENCOs took place in November 2018 to share key messages from the SEND inspection and Written Statement of Action. The SEND group manager attended the Prime Inclusion Network meeting in November to give key messages regarding the graduated response and to share implications for schools. Babcock Prime teams continue to reiterate messages during ongoing/future work with schools.

24. A first draft of SEND Key Performance measures was shared at the December Board/DfE and NHSE monitoring visit. A revised set of Performance Indicators will be presented to the February SEND Improvement Board for sign off. The first set of data will be presented in March. The school inclusion profile is now populated with data regarding individual schools including number of pupils on roll, Ofsted, category, number of pupils with SEN, attendance, movers in and movers on and SEN finance information including top-up funding by band. The inclusion of attainment data for pupils with SEN will be considered in January along with a mechanism for sharing the profile with schools to aid their planning. Performance measures for special schools have now been agreed. Babcock Prime is collating data to provide a summary of performance for Local Authority Maintained Specialist settings.

25. An Achievement Tracking Tool for SEND is being shared by Babcock Prime through intervention work and the SENCo Leadership Programme. This will be shared at the Spring Babcock Prime Inclusion Network meeting and promoted through the website.

26. The Umbrella Pathway review identified amendments to be made to the referral form in order to maximise information available to support the assessment process and thus reduce delays. This should include evidence of adjustments made by schools as part of a graduated response. A follow up discussion to the recent SEND conference will be held with SENCOs at the inclusion network in the Spring looking at how they are implementing the Emotional Health and Wellbeing Pathway.

27. Early conversations (including a meeting in November) about the Pre-School Forum and provision for early years children with SEN have indicated that this is a complex situation requiring a multi-factorial response. Planning for the future will take account of the current direction of travel for more children to have their needs met effectively in mainstream settings. An Early Years SEND Workshop held on 4 December 2018 included colleagues from Health, Social Care, Education. FiP were invited and will be included in further meetings. A review of the process for two and a half year old Integrated checks has concluded in updated information for professionals being published on the Council website (<http://www.worcestershire.gov.uk/2yearoldreview> ).

28. An initial meeting has been held with Sean Bracken from the University of Worcestershire to discuss "SEN Training and Development Network". A follow up meeting with a wider stakeholder group is planned for late February.

29. A new EHC panel decision making moderation panel has been launched which includes school representatives at head teacher, MAT chief executive and SENCo level. Decision making at the panel provides an opportunity to embed the graduated response into decision making at a statutory level and is having an impact on the number of requests for EHC Needs Assessment being agreed.

30. An action plan following the Medical Education Team (MET) review has been written focusing on four main strands of work to be completed to aid decision making: Understanding Need and Demand, The Required Model of Delivery, The Funding Model, The Referrals process with clear timescales for completion of related actions. The project is still aiming to report its findings in the Spring term.

### **Workstream 3 – Assessment and Planning**

31. This section of the WSoA responds to the concerns of many parents and carers who have lost confidence because the Council has not completed EHC assessments on time. EHC Plans are not as accessible as they should be. A culture amongst some schools and some professionals has led to under-developed provision in local schools. Parents are too often disappointed with their experience of EHC assessment, and do not experience integrated responses and planning across health, education and social care. We need to do better in linking assessment, planning and review with measureable pupil outcomes. We need to develop more work oriented pathways for our post-16 students and develop a new confidence towards independent living and work with support. Our approaches to assessment and planning provision need to demonstrate better value for money.

32. The Action Plan aims to "get it right" – in the way the Statutory SEN Process is administered; in the way we maintain and develop our relationships with parents and in the collaborative planning and delivery of assessment systems across education, social care and health. We will involve parents and carers in judging how successful our efforts are and ask them to suggest ways that their experiences can continue to be improved.

33. The Key Concerns identified by Ofsted were: the CCG's lack of strategic leadership in implementing the SEND Reforms; the fragile relationships with parents and carers and the lack of meaningful engagement and co-production and

collaboration; the poor quality of EHC Plans including the limited contributions from health and social care and the processes to check and review the quality of EHC Plans; and 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.

34. Activity to address these key concerns includes; identifying and initiating of SEND Champions across health, social care and education. The SEND Champions will spread the word about “getting it right” for children and young people who have SEND, advocate for the best outcomes and service quality, work in Partnership across and with all agencies/services/teams and with the young person and their family irrespective of role, profession or organisation, and promote the “voice of the child/young person” in all aspects of their work at all times.

35. Four SENCO seminars have been delivered across the county to contextualise the Ofsted Post Inspection Priorities into other SEND matters of current relevance to SENCOs. A presentation was also made to the Chadsgrove and Babcock SENCO Forums.

36. A training programme from November to March is in place for SEND statutory service to support delivery. The first Workshop was really well received by staff. Early planning is underway to enhance a new Social Work Induction in relation to Education: SEND and Virtual School.

37. Head Teacher and SENCO Moderating Group is in place and meeting fortnightly to advise the Local Authority on EHC assessment requests. Monthly case planning and monitoring meetings between Youth Justice Service Education Lead officer and the lead SEN Manager are taking place. The Complex Health Care Needs Panel is in place and includes Health, Education and Social Care.

38. First stage changes are in place where EHC assessment decisions are moderated through a fortnightly panel of Head Teachers and SENCOs led by an SEN Manager. Early signs are that this new rigour is impacting on numbers of assessment, where fewer are good. The SEN Team and CWD team have met to agree and understand the outcomes of each other's teams. Forms are being revised based on these joint understandings. New arrangements for high level case discussion are in place with commissioners and Designated Clinical Officer and GM SEND. New systems for the provision of health funding to schools are agreed in principle.

#### **Workstream 4 – Joint Commissioning and Leadership**

39. This section of the WSoA responds to the concerns that the Local Area Leadership needs to improve. The Action Plan was jointly developed between the Council and the CCG as well as school leaders and parent representatives. This collaborative process has led to an action plan whose success depends on collaborative working and shared commitment to shared priorities.

40. Providing consistent and robust leadership means that we need to understand the needs of our population of children and young adults with SEND, and to listen carefully to the views of their parents. We know that we cannot always deliver what everyone wants, but we need to be clearer about our shared priorities for SEND.

These are reflected throughout the action plan, with our leadership focus reflected in this Workstream. The objective for this Workstream is to establish effective partnerships and achieve a joint understanding of need, our shared responsibilities and to know how we will judge the impact of the way in which we lead, monitor, review and invest. We need to do more in ensuring we make a difference. We have strengthened communication and consistency across our various Boards and Partnerships, and have used our respective roles as Local Area Leaders to drive the development of this Plan for Improvement.

41. The Key Concerns identified by Ofsted were the CCG's lack of strategic leadership; the poor quality of action plan for the SEND Strategy; and the lack of joint commissioning arrangements.

42. Activity to address these key concerns includes a CCG Board Lay member (Trish Haines) being identified as SEND Champion. The CCG Clinical Executive approved the WSoA (24 October) and receive six monthly updates. Workstream Lead meetings are held on a monthly basis with good attendance and include challenge and support sessions from the Project Sponsor. Highlight reports are presented to the CFC Leadership Team on a monthly basis including activity progress, impact, next steps, risks and issues. SEND Implementation update reports have been taken to the Health and Wellbeing Board in November 2018, and the Corporate Business Board in December 2018. SEND Self Evaluation is scheduled to start early March 2019.

43. The Integrated Commissioning Executive Officers Group approved the Transformation Plan for CYP Mental Health and Emotional Wellbeing on 12 November, which cross-references the WSoA. A presentation was shared with ICEOG regarding Joint Commissioning roles and responsibility. A first draft of financial reporting has been completed with further work planned to establish the overall picture. A Joint Commissioning Strategy Action Plan has been drafted.

44. The percentage of looked after children with up to date health assessment continues to improve and has increased (from 59% in May 2018 to 71% in October 2018). Ofsted remarked in the last monitoring visit "Completion of children's health assessments has improved. Most children's health assessments are up to date. This means that needs are identified and are being met through appropriate planning and action. Following a recent review with health partners, assessment processes have improved and additional resources are in place." (Ofsted monitoring visit letter 2 and 3 October 2018).

45. Two co-design events for Overnight Short Breaks have been jointly led by FiP and Council staff. 74 attendees including 28 parent carers and professionals, providers or Council staff. There were lots of ideas that collectively would help either to reduce/delay demand, reduce the cost of overnights or bring in extra funding. Collectively, and over a period of time, we hope this would allow us to make the savings needed but the ideas obviously need exploring still. Most common feedback points were the importance of short breaks, the variety needed to suit the different needs of families, better information and advice is needed to help families to know what's out there and for professionals to know what to signpost to and particularly from Saturday more support is needed to help families to help themselves (e.g. find DP workers, groups and activities suitable etc.). Monthly Steering Group meetings

are held including parent/carer representatives. Updates are shared via a newsletter and the Local Offer.

46. Education and health commissioners have reviewed the issue of cost of equipment needed for use by children in schools and agreed that equipment prescribed by occupational therapists (mostly special seating) should be funded as part of education provision, with equipment prescribed by physiotherapists for individual children continuing to be funded by health. This will be taken forward as part of the wider review of higher needs top-up funding within education, by looking at the concept of threshold of costs that should be borne by schools as part of their responsibility to make reasonable adjustments."

## **Workstream 5 – Workforce and Engagement**

47. This section of the WSoA deals with the engagement and participation of stakeholders in improving the planning and delivery of services for children and young people with SEND. This includes the issue of culture change and training so that a more inclusive and skilled workforce develops – both in schools and settings, and in those services provided through the Local Authority and the CCG's own employees and those provided through the wide range of jointly and separately commissioned services.

48. A framework of mutual accountability between partners was agreed as needed. This is being driven by a Local Area framework of SEND Key Performance Indicators (KPIs). Embedding a mutual accountability approach will require the development of enhanced understandings and some practice changes across the wider workforce, and structured systems to ensure stakeholder engagement.

49. The Key Concerns identified by Ofsted that this workstream is targeting are, the fragile relationships with parents and carers and the lack of meaningful engagement and co-production and collaboration; and the variation in the skills and commitment of some mainstream schools to provide effective support for children who have SEN and/or disabilities.

50. Activity in this workstream is dependent upon activity and progress within the other workstreams, engagement and workforce training span the breadth of the WSoA. Key activity that has progress includes a Co-production workshop in October 2018, facilitated by Genuine Partnerships (Rotherham). Representatives across the Local Area including Council officers, Health and Education were present alongside parent/carers from Families in Partnership (FIP). The session focused on what co-production is and how we understand this – aiding a Worcestershire definition. Families in Partnership are updating the Worcestershire Co-Production Charter to include shared definitions agreed across all agencies and with parents/carers, children & young people around 'Co-Production', 'Participation', 'Consultation', and 'Engagement' to ensure that expectations of our work are clear and feasible. This will likely change objectives of the plan appropriate to the work package to take place.

51. A Learning Needs Analysis has started, including consultation with workstream leads on defining the workforce. Frontline staff to identify suitable training opportunities as per business as usual offer. Interdependencies across all Workstreams for Workforce Development needs has produced some anticipated learning opportunities. These need to be understood in terms of content and timing

(e.g. when other areas of work are published/developed to reference and include in training).

52. A Local Area Communication Plan has been drafted across partners, Workstream Leads work directly with the Communication Leads to promote activity and progress across the Improvement Plan. The communication objectives are to ensure all Council Children, Families and Communities staff, members, workstream leads and CCG staff are aware of the key dates and actions for the SEND Improvement Programme, are fully informed and understand the benefits and implications of the SEND Improvement Programme, and are informed with timely communications about how the proposed changes could affect them. All external stakeholders are kept fully informed and made aware of the implications of the proposals on current provision. Promote and share the journey and actions being taken to improve services for service users. Work closely with Families in Partnership (FIP) and SENDIASS to shape the provision going forward and to communicate through both organisations to parents, carers and children/young people. Provide families, carers, young people and children with informed and timely communications about how the proposals could affect them and also benefit them. Ensure credibility and organisational reputation is at the very least sustained during the improvement programme. Recent media coverage has focused on the 2017 position, and highlights the need for regular engagement, participation and co-production with parent/carers within all areas of the Improvement Plan.

### **Department of Education and NHS England Monitoring**

53. Advisers hold quarterly joint monitoring visits to discuss progress on delivering the WSoA. These monitoring visits have taken place in June 2018 (Qtr1), September 2018 (Qtr2) and December (Qtr3). Where possible they have coincided with the SEND Improvement Board meeting.

54. In September the advisors concluded that "Some key pieces of work have been begun which should impact positively on outcomes for children and young people in Worcestershire with the work around engagement and co-production being very encouraging. It is evident that the senior leadership team have placed significant emphasis on the SEND agenda within health and the local authority with both a review of capability and capacity being undertaken within the local authority and a commissioner employed by the CCG, managed by LA to influence the agenda. The CCG governing body has identified the requirement for strategic oversight, challenge and assurance with the agenda now forming a key part of Governing Body meetings. There is a significant amount of work to do with the system initially focusing on the building blocks required to ensure that the agenda and actions are prioritised, capability and capacity is realised and with clear co-production and engagement from stakeholders, carers, parents and young people. The risk moving forward is ensuring that this important agenda remains a system strategic priority especially during the winter months when pressures of a different nature can challenge health and system partners. In addition the LA needs to be mindful of sustainability at this stage with the planned departure of the Interim AD (Education and Skills) and the Interim SEND Group Manager early next year." Positive verbal feedback was provided from the advisors at the December SEND Improvement Board.

55. The inspection handbook states that "the local authority (where it is not the principal authority) and every other person or body who has cooperated with the

principal authority” must publish the WSoA on its website. All partner websites have commentary regarding the Local Area SEND Inspection and the link to the published WSoA.

56. In line with the SEND Inspection Framework, DfE and NHSE officials will submit advice to the Minister of State for Children and Families on the progress made by the local area within 1 year of the publication of the report (August 2019).

<https://www.gov.uk/government/publications/local-area-send-inspection-guidance-for-inspectors> ).

## **Local Area Re-visit**

57. Supplementary guidance was published by Ofsted in November 2018 regarding '[Re-visits to local areas issued with a written statement of action](#)'. Ofsted and the Care Quality Commission (CQC) do not carry out monitoring inspections of a local area. The sole purpose of the re-visit is to determine whether the local area has made sufficient progress in addressing the areas of significant weakness detailed in the WSoA. Ofsted and CQC re-visit local areas under section 20(1) of the Children Act 2004. Ofsted and CQC will usually re-visit a local area within 18 months of the WSoA being declared fit for purpose. Worcestershire WSoA was declared fit for purpose on 24 August 2018, therefore a re-visit is likely to take place before February 2020.

58. Each re-visit will focus on the weaknesses that caused us to require the WSoA. These are detailed in the WSoA. However, if any other serious weaknesses are identified during the re-visit, we will refer to these in the re-visit letter. This information may be used when determining the timing of the local area's next review under any new Local Authority SEND framework. Any new significant weaknesses identified will not lead to a requirement for a new WSoA being produced because the re-visit is not a new inspection.

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

59. Financial pressures continue in relation the High Needs Budget. This budget was overspent by £3.4m in 2017/18 - against a total of £39m net High Needs (HN) Block Dedicated Schools Grant (DSG). This is entirely attributable to placement costs in the special school, independent non-maintained and college sectors. Given the current placement and pupil need pressures this trend will continue in all these sectors. The budget in 2018/19 is currently forecast to overspend by £7.8m. A significant risk remains that the overspend position will increase further due to further claims for funding.

60. The only capital funding the Local Authority is due to receive specifically for specialist education provision is the Special Provision Capital Funding at £1.8m per annum over four years (2018 – 2021). The expected expenditure is forecast at £4.2m over the 2018 – 2020 period, as reported to the Corporate Business Board in June 2018 as part of the School Organisation capital report.

61. The transport team forecast a growth to around 1,600 SEND transport pupils in 2018/19 – an increase of 2.04% - with resulting 2018/19 budget pressure of £598k. If the growth in numbers in 2019/20 holds at a similar level, SEND transport pupil numbers in 2019/20 would be 1,632.

62. All of the above pressures were reported as part of Corporate Strategy Planning including a request for additional staffing resources required to secure statutory compliance, improve performance, and reduce dependency on special schools, both in and out of county. The resource identified will ensure delivery of the SEND Improvement Plan (Written Statement of Action)/SEND Strategy to improve outcomes for children and young people with SEND. £675,000 was agreed to fund additional staffing. The SEND team have been re-structured and additional recruitment has started but there have been difficulties to find suitable applicants, HR are supporting to address these barriers.

## **Risk Implications**

63. Workstream leads and activity leads are responsible for identifying and reporting risks and issues in relation to delivery and consequences. The Project Management Team capture these and work with the leads to identify and implement mitigation strategies.

64. One of the key risks that needs further management is that parent/carers are reporting that they are not seeing a positive impact from the SEND Improvement activity yet (anecdotal feedback from FiP November 2018). Although significant activity and progress is being made and acknowledged by the DfE/NHS England Advisors, the Local Area recognises that the impact of the changes may not been seen for some time due to the complexity and extent of cultural changes required and the ongoing communication and training for SEND professionals taking time to embed and reach all education, health and social care professionals.

65. In spite of a successful restructure and focussed recruitment campaign, there remain vacancies in the structure for the SEND service and very large caseloads for SEND caseworkers. Capacity for improvement work is inhibited/slower than necessary. HR are supporting to remove barriers to recruitment.

66. Workstreams are expanding and creating more areas of work, this shows the depth of work but Workstream Leads and the Project Sponsor need to consider capacity and the scope of the programme. This will be considered and managed as the Self-Evaluation workshop in March 2019.

67. During development of the SEND action plan, budget for Learning and Development activities was captured as a risk to the implementation of the Improvement Plan. This will require investment from Health and Education (including procurement & development costs of learning interventions and staff release time). Learning and Development requirements are being captured as activity progresses but there is not a clear full requirement as yet to be costed and/or procured.

## **Privacy and Public Health Impact Assessments**

68. A Privacy and Public Health Impact screening and a Health Impact screening have been completed in respect of the activity in the Written Statement of Action. The screenings did not identify any potential considerations requiring further consideration during implementation.

## **Equality and Diversity Implications**

69. The Council must, during planning, decision-making and implementation, exercise a proportionate level of due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

70. A full Equality Impact Assessment has been carried out in respect of the recommendations. This identified potential positive impact for children and young people with disabilities. The potential positive impact relates to improvements in access to information and support available, increased engagement and co-production, access to mainstream education (where appropriate). The recommended course of action can be justified because the activity in the Improvement plan will improve outcomes for all children and young people with SEND. The full EIA is attached at Appendix 2.

### **Supporting Information (available via e-link only)**

- Appendix 1 – Privacy Impact Assessment
- Appendix 2 – Equality Impact Assessment

### **Contact Points**

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Specific Contact Points for this report  
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### **Background Papers**

In the opinion of the proper officer (in this case the Director of Children, Families and Communities) the following are the background papers relating to the subject matter of this report:

OFSTED/CQC Joint Local Area SEND Inspection in Worcestershire

SEND Improvement Plan/Written Statement of Action

Agenda and background papers for the meeting of the Cabinet held on 12 July 2018

Agenda papers for the meeting of the Children and Families Overview and Scrutiny Panel held on 8 August 2018