

## **HEALTH AND WELL-BEING BOARD 13 NOVEMBER 2018**

### **SEND IMPROVEMENT PROGRAMME**

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#### **Board Sponsor**

Catherine Driscoll & Simon Trickett

#### **Author**

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(Please click below  
then on down arrow)

#### **Priorities**

Mental health & well-being

Yes

Being Active

No

Reducing harm from Alcohol

No

Other (specify below)

#### **Safeguarding**

Impact on Safeguarding Children

Yes

Inspectors identified potential safeguarding concerns and the Written Statement of Action provides the vehicle to improve outcomes for children, young people and their families.

Impact on Safeguarding Adults

No

If yes please give details

#### **Item for Decision, Consideration or Information**

Information and assurance

#### **Recommendation**

**1. The Health and Well-being Board is asked to:**

- a) **note the steps taken to address the key concerns identified in the Local Area<sup>1</sup> SEND inspection in particular in relation to Local Area Leadership; and**
- b) **agree whether it would wish to make any comments to the SEND Improvement Board prior to the next meeting on 11 December 2018.**

#### **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) were jointly responsible for submitting the written statement to Ofsted and CQC.

3. 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 1).

4. 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.

5. Inspectors looked at a range of information about the performance of the local area, including the local area's self-evaluation. They reviewed performance data and evidence about the local offer and joint commissioning. The written statement of action was required to 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 CCG's' 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 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.

<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.

## **The Written Statement of Action**

6. The WSoA (Appendix 2) has been 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.

7. The WSoA has five workstreams each led jointly by representatives from WCC, Health and Partners – it has a detailed reporting and governance process to ensure accountability at all levels including the SEND Improvement (Strategic) Board, HWBB, ICEOG, CCG Gov Body and Cabinet updates. Appendix 3 details a summary of the five workstreams, outcomes, leads and objectives.

8. The final draft WSoA was reviewed by Children and Families Overview and Scrutiny panel on 8th August, provided useful questioning and feedback prior to the submission to Ofsted on 20 August 2018. On Friday 14 September, Ofsted and Care Quality Commission confirmed that the WSoA was fit for purpose subject to some minor alterations. The amendments have made by the Local Area. The Cabinet Member with Responsibility for Education & Skills approved the amended WSoA on 8 October. The CCG Board will meet to consider the amendments on 24 October.

## **Governance / Monitoring**

9. Workstream leads meetings are held monthly where leads discuss actions, updates (evidence), reporting, co-production, dependencies and risks/issues. Updates are provided from all workstream leads with support and challenge provided from the Project Sponsor. Monthly highlight reports are produced for review by CFC Directorate Leadership Team, and feedback and challenge provided to the Project Sponsor.

10. The SEND Improvement Board has been held monthly since the Peer Review in December 2017 and the development of the SEND Strategy. 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.

11. The DfE / NHSE first monitoring meeting took place on 5 September with Anne Porter (DfE SEND Advisor) and Sue Nicholls (NHSE SEND Local Office Lead). They met with the Director of Children's Services and the Accountable Officer for CCGs

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along with other key officers and a parent/carer representative. All partners shared key actions, impact and next steps focusing on the areas of weakness identified. Progress measures were agreed for the next period of monitoring.

12. On 9 October the Regional DfE Lead, Andre Imich, attended the SEND Improvement Board and provided positive feedback and questioning within the meeting. Workstream leads gave verbal updates to the Board including progress, milestones, and issues and risks identified. The next monitoring visit is planned for 11 December 2018.

## **Local Area Leadership**

13. The lack of strategic leadership in implementing the SEND reforms was one of the key areas of concern identified in the Inspection. The lack of joint commissioning arrangements was also highlighted as a weakness. The objective for Workstream 4 – Joint Commissioning and Leadership 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 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.

## **The Programme**

14. A Communication Plan is being drafted across partners to ensure key messages and updates are clear, timely, and planned effectively. Communication of the Plan is key, the Local Area are preparing bitesize video clips to explain what each workstream will deliver together with key information about the Action plan. These are being developed in conjunction with Equality and Diversity partner colleagues Sandy Bannister and Families in Partnership to ensure accessibility and co-production.

15. A Co-Production event was held on 23 October 2018, facilitated by Genuine Partnerships (Rotherham) to support all Local Area partners including parent / carer representatives to develop an understanding of co-production principles in practice and realise the benefits of co-production (challenging our thinking). The next steps for partners are to discuss and agree how we can design/shape our practice, policy and commissioning in a true coproduction style; and identify and select which tasks are going to be taken forward using this approach.

16. 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. SENCo Seminars are planned across the County in early November to explain the WSoA and discuss what this means for future collaborative working between schools and other services across the Local Area, exploring how this will lead to improving outcomes for children and young people with SEND across Worcestershire.

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17. Work has started with the WCC Management Information Analytics and Research team to identify Key Performance Indicators (KPIs) across Education, Health and Social care to drive SEND service improvement and demonstrate high aspirations and expectations of the Local Area. Collation of existing KPIs has started to introduce a dashboard approach.

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

18. The action plan will have resource implications for workforce and finance. HWBB members may 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 expect 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.

## **Impact Assessments**

19. 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 are being considered through the work streams.

20. 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 are being considered through the workstreams.

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21. 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 is to carry out equality analysis for individual workstreams as appropriate, workstream leads are once they are established and to review these during the life of the Action Plan.

## Contact Points

### County Council Contact Points

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### Specific Contact Points for this report

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## Supporting Information

- Appendix 1 - 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 2 - Written Statement of Action (Action Plan) [www.worcestershire.gov.uk/SENDupdates](http://www.worcestershire.gov.uk/SENDupdates)
- Appendix 3 – WSoA Overview

## Background Papers

In the opinion of the proper officer (in this case the Director of Children's Services) the following are the background papers relating to the subject matter of this report:

- [Cabinet 12 July 2018](#) - Joint Local Area Special Educational Needs And Disability (SEND) Inspection - Local Area Action Plan
- [Cabinet Member Decision 8 October 2018](#) – Special Educational Needs and Disability Written Statement of Action Amendments
- [Cabinet Member Decision 9 August 2018](#) – Special Educational Needs and Disability Written Statement of Action
- 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)
- Local Government Association - Peer Review [www.worcestershire.gov.uk/SENDupdates](http://www.worcestershire.gov.uk/SENDupdates)

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