

CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY PANEL

23 FEBRUARY 2022

OFSTED AND CARE QUALITY COMMISSION (CQC) JOINT AREA SPECIAL EDUCATIONAL NEEDS AND/OR DISABILITIES REVISIT IN WORCESTERSHIRE

Summary

1. The Cabinet Member with Responsibility for Education, the Director for Education, Early Years and Children with Disabilities (Worcestershire Children First (WCF)) and the Chief Executive Officer of Herefordshire and Worcestershire Clinical Commissioning Group (CCG) have been invited to the meeting to update the Panel on the outcomes of the Ofsted and Care Quality Commission (CQC) Special Education Needs revisit in Worcestershire that took place in November 2021.
2. As a result of the findings of the 2018 SEND Local Area 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 was required because of significant areas of weakness in the effectiveness of the Local Area to identify and meet the needs of children and young people with Special Educational Needs and Disabilities. HMCI determined that the local authority and CCG were jointly responsible for submitting a written statement of action to Ofsted. This was declared fit for purpose on 16 October 2018.
3. Between 1 and 3 November 2021, Ofsted and the CQC revisited the area of Worcestershire to decide whether sufficient progress has been made in addressing each of the twelve areas of weakness. The outcome of this inspection is detailed in the report letter published on 13 January 2022 (Appendix 1).
4. The area has made sufficient progress in addressing eight of the significant weaknesses identified at the initial inspection. The area has not made sufficient progress in addressing four significant weaknesses. As an outcome of the revisit inspection in November 2021, the Local Area is required by the DfE (Department for Education) and NHSE (NHS England) to produce an Accelerated Progress Plan to demonstrate how remaining areas of weaknesses will be addressed.

Background

5. Local authorities and partners must have regard to the SEND Code of Practice (January 2015) which provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations. It relates to children and young people with special educational needs (SEN) and disabled children and young people up to the age of 25.
6. SEND Local Area inspections examine the effectiveness of the Local Area to identify special educational needs and disabilities; assess needs, provide services,

jointly commissioned where appropriate and ensure and improve outcomes for children and young people with SEND. The Local Area includes the local authority, clinical commissioning groups, public health, NHS England for some specialist services, early years settings, schools and further education providers.

7. The inspection visit in November 2021 found that the Local Area had made sufficient progress in eight of the twelve areas of concern including:

- Safeguarding concerns around children and young people from London boroughs housed in Worcestershire; the use of long-term part-time timetables; children taken off roll and missing education
- CCG's lack of strategic leadership in implementing the SEND reforms
- Action plan required to implement the new SEND strategy was of a poor quality
- Lack of joint commissioning arrangements
- Lack of systems to track outcomes for children and young people who have SEND in special schools, post-16 provision, young people who are NEET (not in education, employment or training) and youth offenders effectively
- Disproportionate numbers of children and young people who have SEND who had been permanently excluded from school
- Quality of the local offer was not fit for purpose
- Academic outcomes, behaviour and attendance of children and young people who have SEND were poor

8. In addition, Ofsted and CQC inspectors have considered the impact of COVID-19 on the lived experiences of children and young people with SEND and their families as well as actions leaders took when schools were only open to some children and young people due to COVID-19 restrictions. Vulnerable children and young people with SEND were tracked and monitored, and settings were equipped with range of information technology hardware. The Local Area supported schools with test kits and extra staffing capacity. The Local Offer website reflected the latest COVID-19 advice and signposted to support services during the pandemic. Healthcare services provided a 'Well-being support guide' for children and young people and their families including additional emotional health and well-being support and mental health emergency support.

9. The Accelerated Progress Plan seeks to address the remaining four key areas of concern:

- The variation in the skills and commitment of some mainstream schools to provide effective support for children who have SEND.
- The lack of suitable specialist provision to meet the identified needs of children and young people.
- Fragile relationships with parents and carers and a lack of meaningful engagement and co-production and collaboration.
- The poor quality of Education, Health and Care Plans (EHC Plans) and limited contributions from health and social care along with the process to check and review the quality of EHC plans.

10. These are significant and inter-related areas to make further progress on. To inform the development of the Accelerated Progress Plan; aims, actions, milestones

and measures, WCF have engaged with relevant key stakeholders for their feedback and input including educational settings, parent carers groups, and health and will continue to do work with stakeholders to monitor and feedback on progress.

11. The purpose of the Accelerated Progress Plan is to address remaining areas of weakness as stated in the outcome of the SEND Ofsted and CQC reinspection. The plan will drive a focused programme of work that will be overseen by representatives of the accountable bodies including stakeholders through the SEND Partnership Board. Each of the four action areas has a WCF and a CCG Lead officer role and partnership members including parent carer representative groups who will be progressing the actions and reporting on progress. Each action area also has a set of aims and specific measure that we will use to monitor progress and impact for children, young people and families.

12. Additionally, WCF has developed and appointed to a new post of Head of Quality Assurance, this role oversees the Quality Assurance Framework to include SEND/All Age Disability. Throughout 2021-22, the Quality Assurance approach for SEND has been developed with the introduction of a new case file audit programme and feedback mechanisms, a focus of 2022-23 will be consolidating this work to provide the key insight into the improvements in quality of EHC Plan's. The Quality Assurance Framework has three dimensions:

- Key Performance Indicators (KPI's): Analysis of business and performance information on a daily, weekly, monthly, quarterly, and annual basis – this enables WCF to understand how much it is doing and how timely it manages this work
- Feedback from Children, Young People and Families: WCF is committed to understanding the experiences of its work and services directly from children and families; WCF strives to learn from these experiences and build it into our future practice. WCF brings this learning together from compliments and complaints, but it also has a programme of quarterly feedback mechanisms to hear about children and families' experiences – this supports the understanding of the impact of the work and the difference being made
- Audit Activity: Completion of case file audits (using a peer and moderation approach) – this supports WCF to know the quality of its practice

13. The Special Education Needs/Disabilities Accelerated Progress Plan (Appendix 2) will be submitted to the DfE during February 2022. The SEND Improvement and Intervention Unit (SIU) at the Department for Education will work with NHS England to review and approve the plan. Once approved the DfE will undertake monitoring at 6 and 12 monthly intervals by a review meeting with area leaders and key stakeholders. No further inspection under the current SEND inspection framework will be carried out unless directed by the Secretary of State. A new inspection framework for Local Area SEND effectiveness is expected in 2022. Worcestershire along with all Local Areas will be scheduled to receive this inspection in accordance with the timetabling of other Local Area inspections.

14. At a local level, the SEND Improvement Board will transform to become the SEND Strategic Partnership Board (0-25 years) and will take the Strategic oversight of monitoring and reinforcing the focus of progress of the Plan (Appendix 3). This

will be carried out via bi-monthly meetings with Accelerated Action Plan leads and meeting with the SEND Board Chairs and Director of Children's Services six weekly to report on progress. Whilst there is representation of the parent carer forum and SEND Information Advice and Support Service at the Board and as part of the action areas, WCF is also securing further structured involvement with the Families in Partnership Parent Carer Forum Stakeholder Group. Families in partnership as the constituted parent carer forum funded by the DfE are the key organisation to facilitate a wider engagement and reach to other parent carer groups and parent carers and WCF looks forward to extending this reach and engagement further and for the long-term partnership and co-production with parent carers.

15. The staffing across the SEND Service for EHC Plan assessment and planning was increased for operational capacity from 2019/20 by 17 full time equivalent posts at a cost of £675,000. This capacity has not reduced during subsequent budget rounds despite budget pressures. During 2021, the service experienced some turnover of staff however recruitment has been successful, and posts have been recruited to with permanent staff and where there are vacancies, active recruitment and temporary agency staff are used to support capacity. As of January 2022, the SEND Service has 87% (53) permanent staff, 7% (4) vacancies and 7% (4) agency staff. The CCG recruited to additional capacity and has increased staffing for SEND through the Designated Clinical Officer capacity and dedicated SEND commissioner role.

Purpose of the Meeting

16. The Children and Families Overview and Scrutiny Panel is asked to:

- Consider outcome and the feedback from the Joint Local Area SEND reinspection 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 Education/Representative from the CCG.

Supporting Information

Appendix 1 – Joint Local Area SEND reinspection by Ofsted and the Care Quality Commission Outcome Letter

Appendix 2 – The Special Education Needs/Disabilities Accelerated Progress Plan

Appendix 3 – Governance of the Accelerated Progress Plan

Contact Points

Tina Russell, Director of Children's Services Tel: 01905 846354

Email: russell@worcschildrenfirst.org.uk

Alyson Grice/Alison Spall, Overview and Scrutiny Officers Tel: 01905 844962/846607

Email: scrutiny@worcestershire.gov.uk

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:

[Ofsted/CQC Local Area SEND Inspection Handbook](#)

Agendas and Minutes of Children and Families Overview and Scrutiny Panel on 8 August 2018, 6 March 2019, 13 November 2019 and 16 June 2020

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