

CABINET MEMBER DECISION

Date of decision - 8 OCTOBER 2018

SPECIAL EDUCATIONAL NEED AND/OR DISABILITY (SEND) WRITTEN STATEMENT OF ACTION - AMENDMENTS

Relevant Cabinet Member

Mr M J Hart

Relevant Officer

Director of Children, Families and Communities

Recommendation

1. The Director of Children, Families and Communities recommends that the Cabinet Member with Responsibility for Education and Skills:

(a) notes the feedback received from Ofsted / Care Quality Commission regarding the SEND Written Statement of Action submitted on 20 August; and

(b) reviews and approves the amended SEND Written Statement of Action (Action Plan) attached as Appendix 1.

Background

2. A Joint Ofsted and Care Quality Commission (CQC) local area¹ Special Educational Needs and Disability (SEND) inspection took place 5 – 9 March 2018. The inspection of the Local Area 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 the 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 Clinical Commissioning Groups (CCGs).

3. The inspection raised significant concerns about the effectiveness of the local area, and required the submission of a written statement of action (WSOA) 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
- the use of long-term part-time timetables
- children taken off roll and missing education

b) the CCGs' lack of strategic leadership in implementing the SEND reforms

¹ 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.

- c) the current poor quality of the existing SEND Strategy action plan the lack of joint commissioning arrangements
- d) the variation in the skills and commitment of some mainstream schools to provide effective support for children who have SEN and/or disabilities
- e) the lack of suitable specialist provision to meet the identified needs of children and young people
- f) the fragile relationships with parents and carers and the lack of meaningful engagement and co-production and collaboration
- g) 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
- h) 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
- i) the disproportionate numbers of children and young people who have SEN and/or disabilities who have been permanently excluded from school
- j) the quality of the Local Offer
- k) academic outcomes, behaviours and attendance of children and young people who have SEN and/or disabilities.

4. The Written Statement of Action was prepared jointly by the Local Area to demonstrate how the Local Area will tackle the areas for improvement identified by the Joint Local Area SEND Inspection. The Action Plan was discussed at Scrutiny on 8 August and provided lengthy discussion and questioning prior to CMR decision to submit the plan to Ofsted / CQC on 20 August.

Feedback from Ofsted / CQC

5. Ofsted and CQC responded that the statement of action is deemed to be fit for purpose, with some amendments, in setting out how the local area will tackle the significant areas of weakness identified in the published report letter. The feedback letter was received on 14 September 2018 (appendix 2). The Local Area has 20 working days (up to 12 October 2018) to make the necessary amendments and re-submit and re-publish the WSoA.

6. Ofsted and CQC noted that the Local Area has acted swiftly to address the potential safeguarding concerns, have prioritised co-production alongside evaluation and opportunities for feedback on the services providing, clarified and strengthened the model of governance for special educational needs and/or disabilities, appointed a designated clinical officer and explained clearly how the different workstreams will be held to account in the implementation of the written statement of action through clear, deliverable targets.

7. Ofsted and CQC have requested improvements to the original written statement of action to:

- a) ensure that actions are fully focused on the resulting outcomes for children and young people in Worcestershire;
- b) ensure a variety of health providers are included in updating and maintaining the content of the local offer in objective 1.1;
- c) state explicitly how we will ensure effective social care input into EHC plans in objective 3.5 as this objective is currently focused on health input only; and

d) ensure that objective 3.6 states clearly how schools, parents and carers will work as partners in the process of developing policy and advice relating to children with complex health needs in schools and educational settings.

8. Amendments to the submitted WSoA have been made by key officers across partners to address the feedback provided and make the necessary improvements. The amended version is attached as Appendix 1 with amendments highlighted for ease of reading.

Governance of the SEND Action Plan

9. The production of the SEND Action Plan has developed since the Inspection with the support and dedication of all partners. The SEND Improvement Board is a key element of the monitoring 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, WH&CT, Babcock, Ourway Advocacy (children and young people representatives), Youth Justice, SENDIASS and officers from the SEND Services within the Council. The Board is responsible for overseeing the implementation of the programme of work outlined in the Worcestershire SEND (Special Educational Needs and Disabilities) Strategy and Action plan.

10. Cabinet on 12 July delegated authority to the Cabinet Member with Responsibility for Education and Skills to approve the Action Plan on behalf of the Council. From the CCGs' perspective, the Action Plan was approved by the CCG Governing Body on Friday 27 July for final submission. The Cabinet member retains authority to agree an amended WSOA.

Delivery of the SEND Action Plan

11. Work stream leads across all major partners are progressing with the activity documented in the WSoA; they are supported with monthly challenge and support sessions from the Assistant Director of Education & Skills. Each work stream is supported by a Senior / Project Manager to prepare monthly highlight reports to identify progress, risks, issues, milestones and decisions required. The Senior Project Manager then prepares combined work stream highlight report for the Directorate Leadership Team to review and challenge.

Legal, Financial and HR Implications

12. The Action Plan will have resource implications for workforce and finance. The Cabinet Member 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. The HR and financial implications continue to be considered through the activity of the Statement of Action work streams.

Privacy and Public Health Impact Assessments

13. An Information Risk & Privacy Impact Screening has been carried out in respect of the draft 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 activity of the Statement of Action work streams.

14. A Public Health Impact Screening has been carried out in respect of the draft 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 activity of the Statement of Action work streams.

Equality and Diversity Implications

15. 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. Equality impact assessments are being carried out as part of the activity in the Statement of Action and individual workstreams across all partners involved.

Supporting Information (electronic only)

- Appendix 1 - Written Statement of Action (Action Plan) amended
- Appendix 2 – Ofsted / CQC letter

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

Nick Wilson

Interim Assistant Director – Education & Skills

Nwilson2@worcestershire.gov.uk

Tel 01905 846328

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:

- [Children & Families Overview & Scrutiny Panel Wednesday 16 May 2018](#)
- [Cabinet Thursday 12 July 2018](#)
- [CMR decision 9 August 2018](#)