

## **CABINET MEMBER DECISION**

### **9 August 2018**

## **SPECIAL EDUCATIONAL NEED AND/OR DISABILITY (SEND) WRITTEN STATEMENT OF ACTION**

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### **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 progress made in developing the Special Educational Need and/or Disability (SEND) Written Statement of Action and the governance arrangements to manage delivery and monitor performance; and**

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

### **Background**

2. A Joint Ofsted and Care Quality Commission (CQC) local area<sup>1</sup> 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). The findings of the Inspection were published on 16 May 2018 (attached as Appendix 2).

3. The inspection raised significant concerns about the effectiveness of the local area, and requires the submission of a written statement of action 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

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<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.

- 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 Education and Health Care (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. Improving outcomes for vulnerable children and young people, which includes those with a special educational need and/or a disability (SEND), is a key priority within the Children and Young People's Plan and is dependent on, and expected of, effective partnership collaboration between strategic health bodies and the Council.

5. The Written Statement of Action (Action Plan – Appendix 1) has been prepared jointly by the Local Area and must be submitted to OFSTED/CQC within 70 days (by 20 August 2018) of the publication of the report to address the serious areas of weakness identified during the inspection. The written statement of action (demonstrates how the Local Area will tackle the areas for improvement identified by the Joint Local Area SEND Inspection. The 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 Action Plan is to build trust and confidence amongst parents, carers, children and young people with SEND. The Action Plan will be discussed at Scrutiny on 8 August 2018 and any comments will be addressed prior to Cabinet Member decision making.

### **Key updates since publication of Ofsted report**

6. Since the report was published on 16 May 2018, there have been a number of notable meetings and events which have taken place that relate directly to the SEND Improvement Plan. Work has taken place with all partners to produce this Action Plan, demonstrating how we will tackle areas for improvement identified by the Joint Local Area SEND Inspection. The plan includes actions and tasks to ensure there is a single implementation plan that responds to the findings of the SEND local area inspection, the recent Peer review carried out at the request of the Council by the Local Government Association (LGA) in December 2017 (see Appendix 4) and ensures effective implementation of the SEND strategy actions. The primary aim of this plan is to build trust and confidence in the system that supports parents, carers and children and young people with SEND.

7. At its two recent meetings in June and July, the SEND 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. 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 website and the CCG web-site.

8. On 12 July, Cabinet: a) noted the outcome of the Joint Area Inspection, b) acknowledged the progress of the work to develop the Action Plan and c) delegated authority to 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 20 August 2018.

9. The Director of Children, Families and Communities and the Chief Executive of the CCG took part in a structured telephone conversation with senior NHS and DfE officials on Monday 16 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.

10. 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.

### **Governance of the SEND Action Plan**

11. 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.

12. Cabinet (12 July) approved the delegated authority given to the Cabinet Member with Responsibility for Education and Skills to approve the Action Plan on behalf of the Council. From the CCGs' perspective, it is intended that the Action Plan will be approved by the CCG Governing Body on 27 July for final submission to CQC/OFSTED by 20 August 2018.

## **Delivery of the SEND Action Plan**

13. Work stream leads have been identified across all major partners; they will be supported with monthly challenge and support sessions from Assistant Directors and Group Managers. 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 reports for the SEND Improvement Board to consider.

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.

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

15. 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. 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 local authorities 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.

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

16. 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 will be considered through the development of the Statement of Action work streams.

17. 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 will be considered through the development of the Statement of Action work streams.

## **Equality and Diversity Implications**

18. 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.

## **Supporting Information (electronic only)**

- 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**

### County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

### Specific Contact Points for this report

Nick Wilson, Interim Assistant Director – Education & Skills

Email [Nwilson2@worcestershire.gov.uk](mailto: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:

- Agenda papers for [Children & Families Overview & Scrutiny Panel Wednesday 16 May 2018](#)
- Agenda papers for [Cabinet Thursday 12 July 2018](#)
- Information Risk & Privacy Impact Screening
- A Public Health Impact Screening
- An Equality Impact screening