

**CHILDREN AND FAMILY SERVICES OVERVIEW AND SCRUTINY
COMMITTEE**

1ST SEPTEMBER 2020

**SEND INSPECTION AND HIGH NEEDS DEVELOPMENT PLAN
UPDATE**

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES

Purpose of the Report

1. The purpose of this report is to provide a summary of the Ofsted and Care Quality Commission (CQC) inspection report of the local area Special Educational Needs and Disabilities (SEND) support along with an overview of the plans to continuously develop and improve services to support children and families who are experiencing SEND through the High Needs Development transformation programme.
2. Following the inspection, the views of the Committee are also sought on the local area Written Statement of Action that has been co-produced with the Clinical Commissioning Group (CCG), parents, carers, children and young people and other stakeholders. This is due to be submitted to Ofsted by 7 October 2020.

Policy Framework and Previous Decisions

3. The 0 – 25 SEND Code of Practice (2015) is the statutory guidance that sets out how local authorities (education and social services) and other organisations such as health services must work together to support children and young people with special education needs and disabilities.
4. In December 2018 the Cabinet authorised a consultation on the High Needs Block Development Plan including the proposed development of enhanced and expanded SEND provision across the County.
5. In October 2019 the Cabinet was advised of the progress of the High Needs Development Plan and on 5 November 2019 a report was considered by the Children and Families Overview and Scrutiny Committee summarising the national and local context relating to SEND along with an overview of the plans to continuously develop and improve services to support children and families who are experiencing SEND.
6. On 21 January 2020, the Children and Families Overview and Scrutiny Committee considered a report that provided an overview of the Ofsted SEND

Inspection Framework, outlining also that an inspection of local area SEND services was anticipated 'in the near future'. Assurance was given that the Committee would be informed of the outcome following the publication of the inspection report.

Background

7. Ofsted and the CQC conducted a joint inspection of the local area of Leicestershire between 3 and 7 February 2020 to judge the effectiveness of the area in implementing the disability and special educational needs reforms as set out in the Children and Families Act 2014.
8. On 15 May 2020 the inspection report for Leicestershire was published and as a result of the findings, and in accordance with the Children Act 2004 (Joint Area Reviews) Regulations 2015, Her Majesty's Chief Inspector (HMCI) had determined that a Written Statement of Action (WSOA) is required because of two significant areas of weakness in the local area's practice. The local authority and the area's clinical commissioning group are jointly responsible for submitting the written statement to Ofsted.

The areas of weakness outlined in the report are:

- The absence of a clearly defined joint commissioning strategy for 0–25 SEND provision.
 - Systemic weaknesses in the quality of Education, Health and Care (EHC) plans including the drawing up of these plans; the inaccuracy with which the plans reflect children and young people's needs; the absence of good-quality outcomes in EHC plans; the inconsistency with which plans include contributions from education and particularly health and care professionals; and the lack of any formal quality assurance framework to improve new and existing plans.
9. The report is a fair assessment of the strengths of the support and services for children, young people and their families with SEND in Leicestershire. As well as the areas for development highlighted along with the key issues for concern, there were many strengths also stated clearly in the report, concurring with the views of the Local Area, as stated in the Self Evaluation document that was shared with the inspection team prior to the inspection visit.
 10. Amongst many others, the following areas were identified as strengths:
 - Leaders have an accurate understanding of the strengths and areas to develop in Leicestershire's SEND arrangements.
 - Providers work collaboratively to support children and young people with SEND. The local authority, Special Schools and the Teaching Schools Alliance offer valuable support to professionals.
 - Early years provision for children in Leicestershire is strong with well-established working relationships across services to identify the needs of children and families. This approach supports good information sharing and a co-ordinated approach for children with SEND.

- Inspectors recognise the Local Area is taking action to improve but the SEND landscape requires joint responsibility. Plans to address this were recognised but the full impact is not yet evident.
11. Other areas for development highlighted, include:
- There are children and young people who are waiting too long for neurodevelopment assessments to identify autism spectrum disorder (ASD)
 - Some parents are exasperated with the systems for identifying and assessing their children's needs. They find that access to some services is complex and difficult to navigate.
12. The full report can be accessed through the following link:

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2020/5/15/Leicestershire-County-Council-Final-Inspection-Report.pdf>

The Written Statement of Action

13. The publication of the inspection report was delayed due to Covid-19. It was expected to be received in late March, however, was published on 15 May 2020. It is usual for local areas to submit a Written Statement of Action (WSOA) within 70 days, however a request for this to be extended due to the challenges of managing the impact of school closures as a result of the national lockdown during the peak of the Coronavirus pandemic was granted. The request was for a 30-day extension and this was granted, requiring the WSOA to be submitted by 7 October 2020.
14. In preparation for the submission of the WSOA to Ofsted by the agreed revised deadline of 7 October, a number of meetings and formal discussions have been held since the publication of the report in mid-May.
15. Throughout the school summer holiday period, a further schedule of proposed meetings and workshops are planned, some of which will involve stakeholders, including parents, carers, children and young people. These partnership meetings will also be supported by a shared collaborative space which will be accessible to the key working group members so that input into the plan can be ongoing.
16. Additionally, parents, carers, children and young people will also be providing feedback through surveys and questionnaires to supplement the meetings; this is not just to widen participation but is also necessary due to the time of year (school summer holidays) and because of the limitations to direct contact through the Coronavirus pandemic where home working and social distancing are still required.
17. The Parent Carer Forum (PCF) will be the main conduit for co-production with the wider parent body. However, SEND Alliance representatives are also invited to enable their views and suggestions to be considered for inclusion in the Written Statement of Action. The local SEND Alliance is a group of parents

from Leicestershire who have united as a support group, to advise and guide one another, as well as to campaign for better support for children and young people with additional needs. Children and young people directly involved in the co-production of the document (and subsequent monitoring of the action plan) includes representatives from the Autism Youth Council as well as many of those who met with the inspectors in February 2020 from across a wide range of ages and needs.

18. Engagement of schools and other partners will be made possible through creative and imaginative means of communication during the school summer holidays and the current social distancing/home-working guidance. The Local Offer inspection pages will also be regularly updated to highlight progress and to encourage wider engagement and awareness.
19. Elected Members will also be regularly briefed, and fortnightly meetings will be held with the Department for Education (DfE) and NHS England to monitor and oversee progress of the development of the Written Statement of Action. The governance of the key partners within the local area (local authority, CCG, Leicestershire Partnership Trust (LPT) and the PCF) will approve and sign off the final document prior to submission.
20. A draft template of the WSOA has been circulated to partners and stakeholders and all have agreed that the following sections will be developed for each of the priorities in the action plan:
 - **Area of Focus**
 - Key tasks that need to be completed
 - **Actions to implement**
 - Activities and actions required to drive completion of the tasks
 - **Lead**
 - Officer responsible for monitoring the actions
 - **Evidence**
 - How we will know that the action is making a positive difference
 - **Impact Measures**
 - Qualitative and quantitative information and data that will be used to check progress
 - **Completion Date**
 - When the action will be fully in place
21. Progress will be recorded on a RAGB scale with 'Red – Delayed', 'Amber – In progress', 'Green – On Track' and 'Blue – Completed'. The Written Statement of Action will also include links in appendices to the SEND and Inclusion Strategy as well as the High Needs Block Development Plan which will demonstrate the golden threads of improvement across these strategic documents and detail the additional improvement strands being addressed through their action plans.
22. The Written Statement of Action document will also highlight key performance indicators that will be used to measure and monitor progress against the intended improvements and the impact of the plan. There will also be a clear governance structure included to demonstrate ongoing leadership and oversight as well as the challenge and support to the local area partners involved in undertaking the identified actions to address the required improvements. This

will be through the SEND and Inclusion Board, with regular reports also to DMT and Lead Member. The draft WSOA is attached at Appendix A.

23. The local area is confident that the Written Statement of Action will be effectively and collaboratively co-produced and will provide a solid foundation for ongoing monitoring of progress.
24. Some key actions have already been completed, including:
 - Multi-agency panel meetings are in place to consider decisions to assess for an EHC plan, decisions to issue a plan and placements in specialist provisions including with Independent Providers where this is considered the most appropriate option.
 - A Quality Assurance Framework has been agreed and will be fully implemented in September 2020, with a rigorous audit and moderation process for Education, Health and Care Plans to improve quality and consistency.
 - A Joint Solutions Panel is now in place to consider complex cases requiring tripartite funding
 - Outcomes Training – helping colleagues providing advice for the EHC plans and drafting plans include specific and smart targets so that the desired outcomes can be easily measured.
 - Agreement for investment in a new IT case management system that will enable better management oversight in terms of the timeliness of issuing plans as well as their quality. This is currently being procured and will be developed with the supplier alongside the service to ensure a bespoke product for Leicestershire.
25. Other actions are also nearing completion or currently underway:
 - Agreement to a revised Education, Health and Care Plan template agreement in order to improve the quality of plans
 - Audit and Moderation guidance issued, and training scheduled for August 2020
 - Joint Partnership Agreement sign off to clarify the role, and engagement of the Parent Carer Forum
 - Neurodevelopmental (ND) Pathway processes for assessment and possible diagnosis of Autism or other neuro atypical conditions led by health partners through a partnership steering group. This has been slow to progress however the steering group to drive this action is now meeting regularly with better monitoring and oversight to ensure that this is now gaining traction.
 - Preferred provider for new IT system identified and procurement process commenced
26. The Written Statement of Action will be either approved by Ofsted following its initial submission or will be returned to the local area with a further 20 days

granted for a revised version to be prepared if the first iteration is not of the required standard. Fortnightly meetings, led by the regional DfE lead to ensure that the local area is 'on track', is reporting that excellent progress is being made towards completion of a robust plan.

27. The inspection and subsequent report clearly highlighted that the key issues and areas for development are already being addressed through the High Needs Block programme which has made progress towards improving services and support for children and young people with SEND although there is still much more to do to ensure the right support is in place at the right time for all children and young people with SEND.

High Needs Block Development progress

28. As a result of the challenges faced by local areas in implementing the 2014 SEND reforms and the consequent financial pressures, a robust High Needs Development (HND) Programme was agreed by the Cabinet in October 2018 and significant progress has since been made, with further work to do over the next two years to sustain improvements. An update report was provided in the Autumn of 2019.
29. As well as addressing the pressures on the High Needs Block budget, the plan has been developed following extensive diagnostic analysis by the Transformation Unit, to review and redesign systems and processes alongside the Special Educational Needs Assessment (SENA) Team to build on good practice and to develop a continuum of support for children and young people with special education needs, from school based support through to more intensive, low incidence, high cost provision.
30. The programme focuses on a system wide approach and is implementing activities across a wide range of teams through piloting and then embedding if proven to be effective in improving services and support for children and young people. The programme is constantly examining best practice from elsewhere and analysing existing service data to look for further opportunities and currently consists of activity such as:
- **Developing a wider inclusion offer** – focusing on early intervention and prevention, the programme has delivered products which provides schools and settings with the tools to provide good SEN support so as to ensure children's needs are met earlier and in mainstream settings where this is possible and appropriate.
 - **Continuous Improvement in SENA** - the programme focuses on a series of understanding, measuring and reviewing processes, introducing better management information and embedding improvement cycles in management meetings, the aim is to better understand demand to improve consistency across the local area.
31. Significant progress is reported, such as:

Requests to Assess

- A SENA/SEN Review (inclusion) step across process is agreed for roll out on 3 August (providing families with a support caseworker from the outset of the process)

Consistency of Decision-Making

- SEN officers are now referring requests for assessment to panel for decisions ensuring consistency across areas
- Following initial feedback, panels are now being conducted more effectively

EHC plan development

- An action plan has been developed to review the personal budget policy and process, including opportunities for co-production
- A Quality Assurance and Learning Framework is planned to be implemented in September 2020 that will include a cycle of regular audits and monitoring of EHC plans to drive up quality and consistency

Annual Reviews

- The backlog of outstanding annual reviews is being addressed by dedicated officers
- A process flow diagram and identifying best practice guidelines document is in development

Data and Dashboards

- Interim dashboards have been agreed and are in place
- Tableau dashboards have been agreed and are being developed

Communications

- A Communications plan has been agreed
- A fortnightly newsletter for the SEN Assessment team is up and running, with positive staff engagement providing regular content for the updates

32. The comprehensive communications plan ensures that each activity is well communicated with schools and partners.
33. The extensive programme for change is underpinned by robust governance and is overseen by a Programme Board, chaired by the Assistant Director for Education and SEND, with regular reports presented to the Children and Families Departmental Management Team.
34. The programme has made good progress and to date, many of the planned new provision has been delivered to target dates. However, there has been some delay to the building programme for the two new schools as a result of the Coronavirus pandemic and temporary provisions are having to be rapidly delivered over a very short period of time to ensure all children and young people expecting

to transfer into one of the new schools have an appropriate school place that can meet their needs at the start of the Autumn Term 2020.

35. The programme has had two notable successes in the last three months:
- The programme plan has been re-baselined and apart from some delays to the capital build programme, delivery timescales have not been negatively impacted by Covid-19.
 - There is now greater traction and focus from the service areas in delivering the actions required to improve the quality and consistency of SEN provision. A significant range of practice and system changes will be delivered in the next six months.

Consultation

36. Although there is no requirement for statutory consultation with the development of the Written Statement of Action, there is a requirement for the plan to be co-produced by the local authority and CCG through engagement with stakeholders for example schools, parents, carers, children and young people.
37. Any views of the Committee on the Written Statement of Action will be considered and fed into the final document.

Resource Implications

38. The Written Statement of Action is being co-produced by the local authority, the CCG, LPT and PCF and co-ordinated by fixed term appointment of a local authority officer (SEND Development Specialist), funded through the budget agreed for the delivery of High Needs Development programme. The actions proposed to deliver the improvements identified in the SEND inspection report are inextricably linked with the intended outcomes of the High Needs Development Programme and therefore it is entirely appropriate that there is a tangible link across the two activities.

Timetable for Decisions

39. The Committee is asked to provide any feedback to the Written Statement of Action by 11 September 2020 so that any requested amendments or inclusions can be actioned in time for final sign-off by the SEND and Inclusion Board at the extraordinary meeting scheduled for 22 September.
40. The CCG, LPT and PCF will also sign off the Written Statement of Action at this Board meeting, having taken the document through their senior management and governance.

Conclusions

41. The Committee is requested to consider the partnership Written Statement of Action document and to provide any feedback, suggested amendments or input by 11 September 2020.
42. The Committee is asked to note the update on the HNB development programme.

Background Papers

Special Educational Needs and Disabilities Provision – High Needs Block
Development Plan (Cabinet, 18 December 2018) -

<http://politics.leics.gov.uk/documents/s143211/SEND%20Strategy%20Report.pdf>

Special Educational Needs and Disabilities Funding – Latest Funding Position (High
Needs Block) and Development of New Provision (Cabinet, 22 October 2019) -

<http://politics.leics.gov.uk/documents/s148882/SEND%20Funding%20HNB%20and%20New%20Provision%20final.pdf>

Overview of Special Educational Needs and Disabilities Improvements (Children and
Families Overview and Scrutiny Committee, 5 November 2019) -

<http://politics.leics.gov.uk/documents/s149165/SEND%20v2.pdf>

Local Area Inspection of Special Educational Needs and Disabilities (SEND) (Children
and Families Overview and Scrutiny Committee, 21 January 2020) -

http://politics.leics.gov.uk/documents/s150494/CFS%20Overview%20Scrutiny%20-%20SEND%20INPSECTION_final.pdf

Circulation under the Local Issues Alert Procedure

43. None

Officer to Contact

Paula Sumner, Assistant Director, Education and SEND

Tel: 0116 305 0546

Email: Paula.Sumner@leics.gov.uk

Brenda Wile, SEND Development Specialist

Tel: 0116 305 1430

Email: Brenda.Wile@leics.gov.uk

List of Appendices

Appendix A – Written Statement of Action, Leicestershire County Council, 2020 (Draft)

Equalities and Human Rights Implications

44. There is no requirement to include an EHRI assessment as the report does not propose any changes to the Council's policies, procedures, functions and services. There are no equality or human rights implications arising from the report.

45. Any proposed actions within the Written Statement of Action or High Needs Block Development Plan will impact positively on Children, Young People and their families where there are additional SEND needs.

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