



**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY  
COMMITTEE – 2 NOVEMBER 2021**

**WRITTEN STATEMENT OF ACTION AND HIGH NEEDS BLOCK  
DEVELOPMENT**

**REPORT OF THE  
DIRECTOR OF CHILDREN AND FAMILY SERVICES**

**Purpose of the Report**

1. The purpose of this report is to provide an update on the progress being made against the Written Statement of Action and High Needs Development programme.

**Policy Framework and Previous Decisions**

2. The primary legislation regarding children and young people with SEND is the Children and Families Act 2014. The 0-25 SEND Code of Practice (2015) is the statutory guidance that sets out how local authorities and Clinical Commissioning Groups must work together to support children and young people with special educational needs.
3. In December 2018 the Cabinet authorised a consultation on the High Needs Block development plan, including proposed development of enhanced and expanded SEND provision across the County.
4. 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.
5. On 21 January 2020, the Children and Families Overview and Scrutiny Committee considered a report that provided an overview of the Ofsted and Care and Quality Commission (CQC) SEND Inspection Framework. An update was provided on 1 September 2020 following the local area SEND inspection that took place in Leicestershire in February 2020, resulting in a Written Statement of Action. The report gave an update on the progress of the High Needs Block development programme.

### **SEND local area inspection**

6. Ofsted and the CQC had 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 special educational needs and disability reforms as out in the Children and Families Act 2014.
7. 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) was required because of two areas of significant weakness in the local area's practice. The local authority and the area's Clinical Commissioning Group are jointly responsible for ensuring actions are progressed.
8. The areas of weakness outlined in the report are:
  - The absence of a clearly defined joint commissioning strategy for 0-25 SEND provision.
  - Systemic weakness 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. 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 were held involving stakeholders including parents, carers, children and young people. Additionally, parents, carers, children and young people also provided feedback through surveys and questionnaires to supplement the meetings.
10. At the time of the development of the WSOA, the Leicestershire Parent Carer Forum (PCF) were the main conduit for co-production with the wider parent body. A local SEND Alliance group were also represented to enable their views and suggestions to be considered. Some members of this group have now formed a new Parent Carer Forum for Leicestershire, known as the Leicestershire SEND Hub.

### **Progress on the Written Statement of Action**

#### **Leicester, Leicestershire and Rutland (LLR) SEND Joint Commissioning Strategy**

11. The strategy, jointly developed by Leicester, Leicestershire and Rutland Councils and the Clinical Commissioning Groups for the area has received final sign-off. The strategy contains a high-level vision for joint commissioning that ***'we will work together across Leicester, Leicestershire and Rutland to improve the outcomes for children and young people with SEND'*** and a

set of priorities to focus joint work over the coming three years with clearly defined actions.

#### Neurodevelopmental (ND) Pathway

12. The mandate for the development of a Neurodevelopmental Pathway included a recognition for the need to progress the improvements to the local service offer to children and young people with known or suspected ASD/ADHD disorders. The development of the ND pathway is a priority within the LLR SEND Joint Commissioning Strategy. A delivery model has been developed and is currently being presented across the partnership and has been agreed by the ND programme board. Full timescales for implementation will be brought to a future Committee.

#### EHC plan Statutory assessment

13. A significant amount of work has taken place across the statutory assessment process which has previously been reported to the Children and Families Overview and Scrutiny Committee. Further progress outside of the High Needs Development programme is outlined below:

#### EHC plan development

14. A Quality Assurance and Learning Framework has been implemented since March 2020 and a key feature has been the EHC plan audit from a multi-agency perspective. Six audits have taken place, with the first three looking across the whole of the EHC plan and the remaining three taking education, health and social care advice. A judgement is made on each EHC plan: Outstanding, Good, Requires Improvement and Inadequate. The majority of EHC plans are still rated as Requires Improvement. By taking each aspect of an EHC plan individually for a series of audits, it has highlighted the areas for improvement at an individual service level both as an advice giver and for the SENA service that draws the information provided together.
15. Health and social care were particularly highlighted within the SEND inspection report as needing to improve their input into an EHC plan. The Designated Clinical Officer has drawn up an audit schedule, working with health leads to improve the quality of health advice, including the development of an aide memoire for health advice givers, briefings within team meetings and an afternoon surgery for plan writers to discuss health advice received. Social care has recently appointed a Designated Social Care Officer to take the lead on improving the quality of advice for Social Care and Early Help.
16. A recent parent/carer survey called Make Your Voice Count asked parents and carers for their opinion on outcomes within their child's EHC plan. Of the total respondents, this question was pertinent to 40 parents/carers. 48% felt that they were clear, 24% felt that they were neither clear nor not clear and 28% felt that they were not clear. Specific work to improve the writing of SMART outcomes continues across the partnership through a range of targeted activity, for example an e-learning module that follows virtual training that has taken

place across Local Authority teams over the last year, an aide memoire for health advice givers and a DCO surgery for Case Managers.

### Satisfaction surveys

17. Across the different processes and communication with parent/carers on decisions made within the EHC plan statutory assessment process, electronic surveys have been developed to capture the customer experience. The first of these has been made available at the decision to assess the stage where there has been a turn down for an assessment. This survey supplements the SENA service request for feedback on proposed EHC plans. The first set of results of this will be collated and analysed by the end of the calendar year in order to account for the six-week timescale associated with this part of the process.

### Implementation of a SEN portal

18. The implementation of the SEN portal (Synergy) is now progressing. A project team has been established and regular meetings are being held with various staff from across the local authority, overseen by the Assistant Director, Education, SEND and Commissioning. The case management system for use by the SENA service is due to go live in December 2021, with testing taking place currently, and the customer facing portal is anticipated to be launched in April 2022. This case management system and portal will ensure case recording is accurate, improve communication with parents, carers and other agencies and make the process much more efficient. Service standards for SENA have been produced and are available to the public through the Local Offer. Adherence to the service standards are being monitored by the service.

### Responsive processes in place where needs or requirements change including at times of crisis

19. A review of processes and procedures relating to statutory processes overseen by the Inclusion team, for example Elective Home Education, Children Missing Education and Children with Medical Needs, has taken place. Schools receive regular reminders with the key points for them to follow when a pupil falls under a particular statutory policy.
20. The Virtual School oversees the education for Looked After Children and has good communication with schools to identify any issues arising at the earliest opportunity, taking prompt action to develop solutions.
21. Developments as part of the Transforming Care Programme (TCP) for young people and adults with a Learning Disability and/or Autism have developed a Risk of Admission Register (ROAR) process to better identify and provide support to those young people who may be at risk of hospital admission. A further development has been the LLR Keyworker project. This will provide support below the level of the ROAR and will work as part of a multi-disciplinary team to improve early identification and track children and young people at risk of escalation and provide timely, personalised support working with all professionals involved.

### **High Needs Block Development programme**

22. The High Needs programme was agreed by the Cabinet in 2018 to respond to the pressures faced by local areas in implementing the 2014 SEND Reforms and subsequent financial pressures. The Committee has received several reports on progress and further achievements within the programme are set out below along with next steps for further development.
23. The SEND and Inclusion services have been working closely with the Transformation Unit to diagnose and remedy specific lines of enquiry to develop consistent working practices and a continuum of support for children and young people with special educational needs, from school-based support through to more intensive, low incidence, high cost provision.
24. The programme continues to focus on a system wide approach and is implementing improvements across a wide range of teams. The High Needs Block programme looks at best practice across the country and uses comparative data to inform its decision making, enabling the programme to constantly identify further opportunities.
25. The Inclusion Service is aiming to continue to focus on providing schools with the training and advice required to identify need early and to provide appropriate support for children and young people in mainstream settings.
26. An Improvement Cycle has been established within the SENA service that is underpinned by an ethos of continuous improvement and a focus on improving outcomes for children. This approach allows the use of indicators that focus on quality and other data to inform consistent decision making.
27. The SENA service has been restructured to clarify roles and responsibilities within the teams and a locality model has been implemented to promote local knowledge and build relationships with schools within a geographic area. The service structure is supported by 'fit for purpose' documented processes that are improving consistency in decision making and have significantly increased management oversight. To further support this, performance dashboards have been designed to support SENA management to understand and better monitor workflows and performance.
28. The SEN Sufficiency programme has delivered a £30 million capital investment over a three-year period and currently encompasses 35 projects resulting in there being 534 additional school places in the system to support children with special educational needs. There has been positive feedback from parents, carers and young people about some of this provision, namely Foxfields, Fusion and the new Oakfield site.
29. Further work is now in progress to develop a second phase of the HNB sufficiency programme which could include the further expansion of special schools, two new resource bases in secondary schools and potentially a new 50+ place Communication & Interaction school to serve the north of

Leicestershire. Capital funding will need to be secured to support these additional developments.

30. Decisions to assess panels have been refreshed into a multi-disciplinary model that includes a range of educational specialisms and health and social care involvement. This has resulted in more consistent and robust decision making within the legal framework whilst ensuring that the right children receive timely support or assessments where appropriate.
31. The EHCP has seen significant changes making it fit for purpose. It now allows for things such as personal budgets and health and social care input. EHCPs are now audited by experts through the Quality Assurance and Learning Framework, which provides oversight against the service quality standards and drives performance within the SENA service.
32. Annual Reviews are now being undertaken more consistently by the service, ensuring that where children are achieving their outcomes, they can move on and transition whilst ensuring that children's needs are continuously reviewed, and needs continue to be met. Performance against this area of work is monitored at Assistant Director level through the Improvement Cycle Meeting.

### **Next Steps**

33. Monitoring of the actions within the WSOA sits within the governance arrangements for the SEND and Inclusion Board. All of the actions contained within the WSOA are also featured within the SEND and Inclusion Strategy 2020 to 2023. Performance reports relating to delivery of the strategy, including the actions within the WSOA, are developed in preparation for the re-inspection. The latest formal meeting with DfE and NHS England was held on 11 October 2021.
34. The HNB Programme continues to ensure that best practice is being adopted within the SENA service as well as some new areas that the programme will focus on in the coming months:
  - Considering next steps around the approach to funding placements for children and young people with EHCPs to ensure it is fair and consistent;
  - Ensuring provision for children and young people is jointly planned and commissioned with other services and Health partners; and
  - the approach taken with Post 16 learners is as effective as possible and EHCPs for these young people are focused on preparation for independence and adulthood.

### **Background Papers**

Special Educational Needs and Disabilities (SEND) Strategy 2020 to 2023 –  
Leicestershire Written Statement of Action –

<https://www.leicestershire.gov.uk/education-and-children/special-educational-needs-and-disability/where-to-start-with-send/send-strategic-developments>

**Circulation under the Local Issues Alert Procedure**

35. A copy of this report will be circulated to all members under the Members News in brief service.

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**Equalities and Human Rights Implications**

36. An Equality and Human Rights Impact Assessment screening tool has been completed and a decision was been made that a full impact assessment did not need to be completed.

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