



**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY
COMMITTEE**

8 MARCH 2022

WRITTEN STATEMENT OF ACTION

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

Purpose of the Report

1. The purpose of this report is to provide the Children and Families Overview and Scrutiny Committee with an update on the progress being made against the Written Statement of Action and to report on the findings of the Leicestershire local area SEND Peer Challenge.

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. 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.
4. 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.

SEND local area inspection

5. 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 special educational needs and disability reforms as out in the Children and Families Act 2014.

6. 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.
7. 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.
8. In preparation for the submission of the WSOA to Ofsted by the agreed revised deadline of 7 October 2020, 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.
9. 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. Since the publication of the WSoA, there has been a transition period between the recognised Parent Carer strategic partnership. Some members of the SEND Alliance Group have now formed a new Parent Carer Forum for Leicestershire, known as the Leicestershire SEND Hub. It is this group that are the recognised Parent Carer Forum.

Formal reporting on Written Statement of Action to DfE and NHS England / NHS Improvement

10. Since the WSoA was approved by Ofsted, formal reporting to DfE and NHS England/NHS Improvement has taken place quarterly. These meetings provide an external check on the progress that the local area is making on the actions within the WSoA.
11. At each formal meeting, good progress has been recorded by DfE and NHS England/NHS Improvement. The January 2022 meeting was the final formal monitoring meeting prior to a re-inspection that is due in 2022. In preparation for the re-inspection, further work is underway involving senior managers who are reviewing the evidence and impact against the statements that are included

within the WSoA. It was also raised that strategic co-production has been impacted due to the changes in the strategic partner and the pandemic. The local area has put in place plans to work with a wider sphere of parent/carers to capture the lived experience of families.

12. Good progress continues to be made on the WSoA, with 100% of actions now underway, compared to 87.8% at the previous formal meeting in October 2021. There are seven actions which are in progress but have minor delays. This has reduced from October 2021.
13. A significant programme of work, highlighted in the September 2021 report to the Children and Families Overview and Scrutiny Committee, is the development of a Neurodevelopmental pathway. Confirmation has been received from CCG colleagues that a programme team are being appointed and timescales for delivery will be confirmed when in post.
14. It is worthy of note that there is limited evidence that progress against the two areas within the Written Statement of Action have been negatively affected by COVID-19. An LLR SEND Joint Commissioning Strategy was developed and approved and is in the second year of implementation. A SEND Quality Assurance and Learning Framework was approved by the SEND and Inclusion Board in March 2020 and a multi-agency EHC plan audit takes place bi-monthly alongside a range of agency-led quality assurance processes to improve the quality of EHC plans.

Findings of the SEND Peer Challenge

15. The East Midlands region has developed a SEND Peer Challenge to compliment Children's Services Peer Reviews. The SEND Peer Challenge process provides an external view of a local area's progress in implementing the 2014 SEND Reforms. The Leicestershire local area received a SEND Peer Challenge in November 2021, led by the SEND Regional Co-ordinator, with the two areas from the Written Statement of Action forming the key lines of enquiry.
16. The process includes a similar methodology to a SEND local area inspection. Documentary evidence was provided prior to the formal meetings. A session was held with Leicestershire Young People led by young people from Nottingham City to gather their views. A range of staff attended focus groups with the Peer Challenge team to discuss the improvements made against the Written Statement of Action. A range of meetings were held with the Leicestershire SEND Hub and the previous Leicestershire Parent Carer Forum to discuss strategic co-production, alongside meetings with parent/carers.
17. Key findings are as follows:
 - an LLR SEND Joint Commissioning Strategy has been approved and is being implemented,
 - Examples were discussed of joint commissioning project work, e.g. Neurodevelopmental pathway and Keyworker programme,

- There is a reliance on the Designated Clinical Officer role. This has been impacted upon due to the resignation of the previous post-holder,
- Co-production has been impacted due to the transition from one Parent Carer Forum to the forming of the Leicestershire SEND Hub,
- Schools and families prefer the layout of the new EHC plan,
- There is an incremental improvement in the quality of EHC plans. Quality assurance mechanisms are being developed and implemented by health services,
- The appointment of the Designated Social Care Officer is supporting the development of a coherent social care response,
- There is a recognition from families and practitioners that the implementation challenges for the SENA service are the right thing to do as quality is the central objective, therefore, widely supported.

Next Steps

18. 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.
19. A range of meetings have been arranged with staff from across the local area to discuss each focused action within the WSoA. Documentary evidence and evidence of impact will be the focus for each meeting. This will compliment conversations with senior managers when approving documentary evidence.

Equalities and Human Rights Implications

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

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>

Leicestershire Local Area SEND Peer Challenge report Reports and Inspections:

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

Children and Families Overview and Scrutiny Committee – 7 September 2021:

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1043&MId=6515&Ver=4>

Circulation under the Local Issues Alert Procedure

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

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