

**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY
COMMITTEE**

24 JANUARY 2023

**SPECIAL EDUCATIONAL NEEDS AND DISABILITIES LOCAL AREA
REVISIT**

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

Purpose of report

1. The purpose of this report is to provide an overview of the Ofsted and Care Quality Commission (CQC) Local Area Special Educational Needs and Disabilities (SEND) re-inspection report.

Policy Framework and Previous Decisions

2. Duties on local areas regarding provision for children and young people with special educational needs and/or disabilities are contained in the Children and Families Act 2014 (the Act) and amplified in regulations and in the 'Special educational needs and disability code of practice: 0 to 25 years'.
3. The Code of Practice is statutory guidance published by the Department for Education (DfE) and the Department of Health (DoH). The guidance 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. The duties came into force in September 2014.
4. The Minister of State for Children and Families has tasked Ofsted and the Care Quality Commission (CQC) with inspecting local areas on their effectiveness in fulfilling the duties.
5. On 1 September 2020, the Children and Families Overview and Scrutiny Committee considered a report that provided a summary of the Ofsted and CQC SEND inspection that took place in February 2020.

Background

6. 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. The inspection letter was published on 27 March 2020 and identified two significant areas of weakness:
 - 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.
7. As a result of the two areas of significant weakness, the Local Area Partners (Local Authority and Integrated Care Board) were required to submit a Written Statement of Action that set out how improvements would be made in both areas of significant weakness.

SEND Revisit

8. Between 14 November and 16 November 2022 Ofsted and the CQC revisited the local area (Leicestershire) to decide whether sufficient progress had been made in addressing the two areas of significant weakness.
9. The revisit letter, appended to this report, was published on 10 January 2023 and sets out the following conclusion:

Area of significant weakness	Progress
The absence of clearly defined joint commissioning strategy for 0 to 25 SEND provision.	Sufficient progress made
Systemic weaknesses in the quality of EHC plans, including the following: the drawing up of EHC 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.	Sufficient progress not made

10. The revisit letter sets out the following key findings:

Joint Commissioning

- Area leaders across education, health and social care have strengthened their working relationships and improve their joint working procedures. Leaders have demonstrated their commitment, ambition and willingness to improve commissioning arrangements across the local area.
- Leaders from social care, health and the local authority meet on a monthly basis to evaluate the support that can be provided to families with particularly complex needs. They work collaboratively to ensure that

families with children and young people with SEND receive the right support at the right time.

- Area leaders maintain a secure oversight of the joint commissioning strategy. They frequently review the outcomes of their actions to inform the progress of changes in services.
- Some parents and carers are not aware of the joint commissioning strategy. Some are unclear as to how it supports professionals in education, health and social care to meet their children's needs.
- Area leaders recognise the need to communicate more effectively with parents and carers so that they understand the purpose and benefits of the joint commissioning strategy.
- Leaders also aim to expand the involvement of children and young people with SEND in the future design and development of services.

Education Health and Care Plans

- The format of Education, Health and Care (EHC) plans has been reviewed and redeveloped to better reflect the needs and provision for children and young people with SEND.
 - Children and young people's outcomes link more precisely to their needs, interests and aspirations. Their views, and the opinions of their parents and carers, are woven well through newer plans.
 - There is now a clear framework to assure the quality of EHC plans.
 - There are still too many existing EHC plans that need to be transferred to the new template.
 - The proportion of children and young people with EHC plans in Leicestershire has increased significantly over the last three years. This has placed increased strain on the system and processes for the assessment of children and young people's needs, leading to delays in assessment and too many children and young people are waiting too long for their identified needs to be met.
 - Some parents and carers told inspectors of their frustration at the length of time they have to wait for EHC plans to be completed and were exasperated with the lack of communication from area leaders.
 - Too many EHC plans contain inaccurate and out of date information and there is a high number of annual reviews completed without the EHC plan being updated.
11. Ofsted and the CQC recognised that area leaders understand the concerns of parents and carers and are keenly aware of the potential risks for children and young people with SEND that arise from the delays in completing their EHC plans and annual reviews. They recognised that area leaders have revised their priorities for improvement to address these identified weaknesses and have implemented a plan to bring about the necessary improvements.

Next Steps

12. The Local Area Partners are now required to submit an Accelerated Progress Plan to the Department for Education (DfE), that sets out how they will make accelerated progress in the area identified as not making sufficient progress. When it is developed, this plan will be shared with the Children and Families Overview and Scrutiny Committee. Progress towards the plan will be monitored by the DfE.
13. The Transforming Send and Inclusion in Leicestershire (TSIL) programme will focus on changes to the whole SEND system to ensure that children with special educational needs and disabilities have their needs met at the right time, in the right place and with the right support. A whole system mapping exercise has been completed to identify the key aspects of the system that will lever the necessary changes. The programme will be a key driver of the improvements required that will be set out in the Accelerated Action Plan and will focus on:
- System Transformation: support for schools, early years, inclusive culture and visibility of inclusive practice,
 - Service Transformation: identifying needs, decision to assess and drafting EHCPs, setting type and decision making, confirming placements and sufficiency and proactive reviews and ceasing plans,
 - Digital and Performance: data consolidation and access, performance framework and benefits monitoring,
 - Communication and engagement: engaging system stakeholders through change, and ensuring consistency across the programme and improving communications with key groups such as schools, early years and parents.

Circulation under the Local Issues Alert Procedure

14. None

Equalities Implications

15. There are no equality implications arising from the recommendations in this report.
16. Any proposed actions within the Accelerated Action Plan will impact positively on Children and Young People with SEND and their families.

Human rights implications

17. There are no Human rights implications arising from the recommendations of this report.

Appendix

Joint Area SEND Revisit in Leicestershire Letter - January 2023

Background Papers

18. March 2020 Joint Areas SEND inspection in Leicestershire letter:
<https://files.ofsted.gov.uk/v1/file/50150954>
19. Report to the Children and Families Overview and Scrutiny Committee, 1 September 2020: 'SEND Inspection and High Needs Development Plan Update':
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1043&MId=6182&Ver=4>

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