

Report to:	Health and Wellbeing Board	Date of Meeting:	11 th September 2019
Subject:	SEND Continuous Improvement		
Report of:	Chief Executive	Wards Affected:	(All Wards);
Portfolio:	Children, Schools and Safeguarding		
Is this a Key Decision:	N	Included in Forward Plan:	No
Exempt / Confidential Report:	N		

Summary:

The report updates the Board on actions taken and progress made with regard to the improvements required following the Ofsted and Care Quality Commission joint local area special educational needs and/or disabilities (SEND) revisit. The report details the key actions and responses since the revisit outcome was made public.

Recommendation(s):

The Board is asked to

- (i) request Overview and Scrutiny Committee (Children's and Safeguarding) to monitor progress against the Improvement Plan on a quarterly basis commencing in January 2020
- (ii) request Overview and Scrutiny Committee (Children's and Safeguarding) to give particular consideration to the improvements needed and progress made in the area of Co-production, Communication and Engagement.

Reasons for the Recommendation(s):

The revisit highlighted that partner agencies need to significantly improve outcomes for children and young people and support parents and carers through improvements to joint working, transparency and health system responsibility. Since the report to the Health and Wellbeing Board in June 2019 the Department of Education, responded by issuing the Council with an Improvement Notice on the 14th June 2019 (published on 25th July) which will remain in place for the next 18 months.

Given the feedback received governance and leadership across the local area for SEND has never been more important. The Health & Wellbeing Board will provide system leadership, keep the Council's Cabinet informed of progress and if necessary will escalate concerns. The role of the Health & Wellbeing Board the Board is to offer robust challenge and oversight to the continuous improvement of the local are offer to Children, Young People and their families. As the Improvement Plan is still being considered by

the Department for Education the Health & Wellbeing Board is asked to put plans in place that will provide added rigor to the monitoring of the Improvement Plan.

Alternative Options Considered and Rejected: (including any Risk Implications)

None.

What will it cost and how will it be financed?

(A) Revenue Costs

Not Applicable

(B) Capital Costs

Not Applicable

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):

There are no direct financial implications from this report.

In December 2018 the Government announced, "*Children with special educational needs and disabilities (SEND) are set to benefit from an extra £350 million funding to provide specialist support and tailored facilities, helping those with complex needs to succeed.*"

The Local Government Association (LGA) states "*There is simply not enough money to keep up with demand, leaving many councils unable to meet their statutory duties and meaning children with high needs or disabilities could miss out on a mainstream education.*"

The High Needs Budget in 2018/19 overspent by £2.3m. This is after taking into account the additional £562k awarded in December 2018 as part of Sefton's share of the £350m two-year additional funding.

Annual expenditure has risen by £4.5m between 2014/15 and 2018/19 an increase of 17.7%, whereas annual High Needs funding has only increased by £2.392m (9.4%) across the same period, this includes taking inter-DSG block funding transfers into account.

Legal Implications:

The Children and Families Act (2014) places a statutory duty on local authorities, education providers, CCGs and other NHS organisations to provide support for children and young people with SEN or disabilities aged 0-25. In doing these local authorities, NHS England and their partner CCGs must make arrangements for agreeing the education, health and social care provision reasonably required by local children and young people with SEN or disabilities.

Equality Implications:

There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Ensure a focused response on providing improved outcomes for the children, young people with SEND and their families.
Facilitate confident and resilient communities: The Improvement Plan responding to the revisit and the subsequent activity will need to build the confidence of the community that the Council and its Health partners are delivering on their commitments.
Commission, broker and provide core services: A key pillar of the Improvement Plan will be the development of a Joint Commissioning Strategy.
Place – leadership and influencer: The Council will work with partners, in particular Health, to work towards common goals in relation to the delivery of the Action Plan. The Council has a key role in holding the whole system to account on this matter and will ensure an evidence-based plan is delivered against.
Drivers of change and reform: The Council will work with partners, in particular Health, to make change happen so as to improve outcomes for children and young people with SEND.
Facilitate sustainable economic prosperity: Not Applicable
Greater income for social investment: Not Applicable
Cleaner Greener Not Applicable

What consultations have taken place on the proposals and when?**(A) Internal Consultations**

The Head of Corporate Resources (FD5760) and the Chief Legal and Democratic Officer (LD4884) have been consulted and any comments have been incorporated into the report.

Officers of all parties will ensure that all members of the SEND workforce are aware of the content of the Improvement Plan, their role in delivering the change and progress against plan.

(B) External Consultations

The Council has engaged with the CCG and other Health partners on this matter. This engagement continues to be led by the Chief Executive.

The Council's Chief Executive have met with representatives from the Department for Education and NHS England.

The Improvement Plan is the Council and Health Partners response to the revisit and so not subject to co-production with parents and carers, however, it is important to note that as operational changes and commissioning intentions are developed parents and carers will be engaged in the process. Families will be kept fully informed of developing and planned changes as well as progress against the Improvement Plan.

With regard to future operational and commissioning changes there are different definitions of collaboration and coproduction but there is a consensus that working together leads to improved outcomes for people who use services and carers, as well as a positive impact on the workforce. The Council's approach will not just be about partnerships across sector boundaries. It is much more about combining the knowledge, skills and experience of people who access activities and services, delivering services and commissioning services, working together on an equal basis to achieve positive change and improve lives and outcomes.

Implementation Date for the Decision

Immediately following the Committee meeting.

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Appendices:

- A. The Joint Inspection Letter
- B. Terms of Reference

Background Papers:

1. Introduction

- 1.1 This report informs the Health & Wellbeing Board of the progress made and improvements planned in response to the Ofsted and Care Quality Commission in the joint local area special educational needs and/or disabilities (SEND) revisit that took place between 15th to 17th April 2019.
- 1.2 Following the revisit, the Local Area received a letter on 14th June from the Department for Education (Appendix A) regarding the outcome of the revisit and expressing concern that Sefton had failed to make sufficient progress against the weaknesses identified during your initial inspection, and that delivery of services has worsened in some areas.
- 1.3 Since that time the Department of Education, have issued the Council with an Improvement Notice on the 14th June 2019 (published on 25th July) which will remain in place for a minimum of 18 months.
- 1.4 In light of the feedback a Special Meeting of Overview and Scrutiny Committee (Children's and Safeguarding) was called on 1st July with Members of the Overview and Scrutiny Committee (Adult Social Care and Health) invited to attend as the system supported children and young people aged 0 to 25. At this meeting it was agreed that the Improvement Plan be submitted to the meeting of this Committee to be held on 24 September 2019.
- 1.5 In response the partnership has developed an Improvement Plan which at the time of writing this report is being consideration by the Department for Education (DfE) and will be presented to the Health and Wellbeing Board for consideration and approval following receipt of DfE feedback
- 1.6 Progress against the Improvement plan will be reported to SEND Continuous Improvement Board (SENDICIB) and the Health and Wellbeing Board. Terms of Reference for the SEND Continuous Improvement Board (SENDICIB) are available at Appendix B.

2. Background

- 2.1 Members will recall that Sefton underwent a local area SEND inspection in November 2016. This tested identification of need in the local area, what support was provided and the impact that support was having.
- 2.2 The Inspection found weaknesses in the way the local area provided the support required and required the local area to submit a Written Statement of Action (WSOA) detailing how the weaknesses would be addressed over a 3-year period.
- 2.3 The five areas of weakness identified were:

To improve the poor progress made from starting points by pupils with a statement of special educational needs or an EHCP at Key Stages 2 and 4
To address the poor operational oversight of the DCO across health services in supporting children and young people who have special

educational needs and/or disabilities and their families
To improve the lack of awareness and understanding of health professionals in terms of their responsibilities and contribution to EHCPs
To address the weakness of co-production with parents, and more generally, in communication with parents
To address the weakness of joint commissioning in ensuring that there are adequate services to meet local demand

- 2.4 Ofsted and CQC jointly inspect local areas to see how well they fulfil their responsibilities for children and young people with special educational needs and/or disabilities. These inspections provide an independent external evaluation of how well a local area carries out its statutory duties (under the Children’s and Families Act 2014) in relation to children and young people with special educational needs and/or disabilities to support their development. The inspection reviews how local areas support these children and young people.
- 2.5 Local areas with a WSoA are re-visited by Ofsted and the CQC, usually around 18 months after the statement has been approved as fit for purpose. The sole purpose of the re-visit is to determine whether the local area has made sufficient progress in addressing the areas of significant weakness detailed by the WSoA. The focus of each re-visit is the areas identified in the WSoA. However, if any other serious weaknesses are identified during the re-visit, these will be referenced in the re-visit letter. The re-visit inspection team is led by Her Majesty’s Inspector (HMI) who is accompanied by a CQC inspector.
- 2.6 The re-visit is quality assured by senior HMI from Ofsted and by nominated inspectors from the CQC. The respective inspectorates decide whether these re-visits are quality assured on site or off site. In Sefton’s case the revisit took place on site between 15th and 17th April 2019.
- 2.7 Following the revisit OFSTED and CQC published their findings in a letter attached at Appendix A. Given the local area is making insufficient progress the Department for Education and NHS England have determined the next steps and subsequently the Department of Education have issued a formal Improvement Notice that will remain in place for a minimum of 18 months.
- 2.8 On July 18th the Chief Executive for the Council and Deputy Chief Officer for the CCG presented the Improvement Plan and to Senior Officials from the Department of Education.

3. Making the required improvement

- 3.1 In June 2019 the Health & Wellbeing Board approved the establishment of a joint SEND Continuous Improvement Board (SENDICIB). The SENDICIB is a multi-agency partnership arrangement that includes senior representatives from the local authority, CCGs, Alder Hey, North West Boroughs, along with other key stakeholders. It is designed to drive the actions in this focused plan

and ensure the delivery of the required improvements to maximise life opportunities and positive outcomes for children and young people with SEND and their families.

- 3.2 The Cabinet Member for Adult Social Care chairs SENDCIB, this board will oversee the progress and delivery against the Improvement Plan and will report progress to the Health and Wellbeing Board.

The board operates as a sub group of the Health and Wellbeing Board and has specific task and finish groups established to drive the changes needed;



- 3.3 The membership of SENDCIB now includes representatives of Parent Carer Forum, head teacher representatives from Nursery, Primary, Secondary and Special education and advisors from the DfE and NHS England. Given the scope of the improvements required each quarter the SENDCIB will undertake a deep dive into one of the following area

- Performance Management and Assessment & Provision
- Joint Commissioning
- Co-production, Communication and Engagement

- 3.4 To provide added rigor to the monitoring of progress against the Improvement Plan the Health & Wellbeing Board is recommended to request Overview and Scrutiny Committee (Children's and Safeguarding) to monitor progress against the Improvement Plan on a quarterly basis commencing in January 2020. In addition to this, given the importance of rebuilding the trust and confidence of parents and carers the Health & Wellbeing Board is recommended to request Overview and Scrutiny Committee (Children's and Safeguarding) to give particular consideration to the improvements needed and progress made in the area of Co-production, Communication and Engagement. I

- 3.5 All partners have taken immediate action to improve current operational performance in meeting the 20-week statutory timescale to produce Education Health and Care Plans Recovery Plans are in place. To ensure improvement going forward a number of operational changes have been made, the Council has
- agreed temporary funding for two additional Case Workers and a senior case worker
 - recruitment to all vacant posts is being actively progressed and it is anticipated that all vacancies will be filled by October 2019
 - seconded an experienced Head Teacher from the Ofsted rated Outstanding Rowan Special School on a part time basis, to assure the improvements that are being put in place from an education perspective and that the progress made to date is sustained
 - offered a number of secondment opportunities to SENCOs to progress EHCP reviews
 - has developed a tracker that monitors all outstanding and new requests for assessment, decisions to assess, production of draft plans, consultation with key stakeholders and parents and issue of final plans and
 - organised training for the SEND workforce from the National Association of Special Educational Needs (NASEN) for September 2019 on writing EHCP outcomes.

The CCGs have

- agreed funding for two additional temporary Speech and Language Therapists (commence in September/October 2019) plus recruitment of 1 permanent speech therapist (commence in September/October 2019)
 - created a new performance dashboard and reporting structure so that all services can be more effectively monitored
 - changed booking systems so that in the future families should not experience multiple appointment cancellations to see a paediatrician
 - implemented clinical supervision implemented for the DCO
- 3.6 Parents told us that they highly value the support of the SEND Information, Advice and Support Service (SENDIASS) but that this service is stretched and is working at capacity. This meant that the service is not able to provide all the support it would like to, due to the high level of demand. Access to this support is limited because of reduced capacity and because it is a term-time only. The Council has agreed to ensure the SENDIASS service covers non-term time and the CCGs now jointly commission the service. This will not only ensure compliance with the Code of Practice but more importantly provide parents and carers with greater access to this valued support. It is anticipated that this additional resource will become available to parents and carers in Autumn 2019.

4. Conclusion

- 4.1 The Local Area recognises the significant challenges faced by Sefton families of children with special educational needs and disabilities (SEND) as identified by Inspectors. It also recognises that it has not delivered services to the standard it should have and that our children and young people deserve.

- 4.2 To ensure delivery of the required change the Local Authority and health organisations will work together to put things right. All parties are committed to delivering the required actions that will improve the lives and life chances of Sefton's children and young people with SEND.
- 4.3 There has been a galvanised and cohesive response to start making the changes that are required immediately, in the medium and long term. As plans progress partners will improve engagement with young people and their parent/carers to better understand their experiences, to co-produce changes so that their experiences improve and to build their trust and confidence in the local area.
- 4.4 Partners are jointly committed to delivering an effective local offer of support for children and young people with SEND, and their families.