

<b>Report to:</b>	Cabinet	<b>Date of Meeting:</b>	28 May 2020
<b>Subject:</b>	SEND Continuous Improvement Plan Update		
<b>Report of:</b>	Chief Executive	<b>Wards Affected:</b>	(All Wards);
<b>Portfolio:</b>	Cabinet Member - Adult Social Care (Chair of SEND Continuous Improvement Board)  Cabinet Member Children, Schools and Safeguarding		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

**Summary:**

The report updates Cabinet on the progress made against the actions taken and progress made with regard to the SEND Continuous Improvement Plan. It also updates on the impact of the COVID 19 pandemic.

**Recommendation(s):**

Cabinet is asked to

(1) consider the progress made to date

(2) ) be aware that changes have now been introduced and this means many of the action plan objectives are being met plus where required appropriate remedial action is in place.

(3) note that the ASD pathway has been impacted by the COVID 19 pandemic, also to consider the remedial actions being taken by the provider and note the approaches taken to maintain a safe level of service for children requiring ASD/ADHD assessment and diagnosis.

(4) confirm that they consider the level of risk is being effectively managed.

**Reasons for the Recommendation(s):**

The Health & Wellbeing Board provides system leadership, keeps the Council's Cabinet informed of progress and if necessary, will escalate concerns. On 11<sup>th</sup> March 2020 the Health & Wellbeing Board agreed the report at Appendix A, this report relates to recommendation (9) of that report and seeks to provide assurance of robust oversight of the delivery of the SEND Continuous Improvement Plan.

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

NA

## **What will it cost and how will it be financed?**

### **(A) Revenue Costs**

The CCGs have invested a recurring £35k in SENDIASS and a recurring £100K+ in Speech and Language Therapy. The CCGs have also seconded a senior nurse- Deputy Chief Nurse (SEND) for 4 months to focus on the health aspects of the plan.

The CCG's in Sefton are prioritising additional investment in the ASD / ADHD pathway despite recording a £22.7m deficit in CCG's draft accounts. The CCGs recognise the importance of ensuring that the service meets the needs for our children, young people and their families. We are working with all partners in the local health and care system to find solutions to the CCGs financial challenges as part of recovery programme which is overseen by NHS North West senior leadership team. The CCGs have also seconded a senior nurse- Associate Chief Nurse (SEND) up to end September 2020, to focus on the health aspects of the plan.

### **(B) Capital Costs**

NA

## **Implications of the Proposals:**

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

The High Needs Budget is part of the Dedicated Schools Grant (DSG) allocated annually by Government to local authorities and schools for education provision. The High Needs Budget "Block" is funding specifically for the education of pupils with an identified special educational need and normally subject to an Education, Health and Care Plan (EHCP). The funding is for pupils from ages 0-25 in a range of provision including special schools, mainstream schools, alternative provision and independent specialist provision.

The 2019/20 financial outturn for the High Needs Budget is an overspend of £4.5m. In accordance with guidance from the DfE and CIPFA, this has been combined with other balances within the DSG to form an overall retained DSG deficit balance to be carried forward into 2020/21 of £4.4m.

A High Needs Budget Recovery and Improvement Plan has been developed to bring forward immediate proposals to address ongoing in-year pressures, it also has a series of workstreams focused on longer-term actions to improve process and governance, balance the budget and payback the cumulative deficit.

The Plan has been presented to the SEND Schools Forum and covers the following themes:

- Providing clarity to schools regarding their own responsibilities to fund SEND

provision;

- Short-term measures regarding funding for consultation with schools;
- Longer-term aims and objectives linked to improving process, consistency and transparency in the funding process; and
- Sufficiency planning to ensure that future provision meets the needs of children and young people whilst ensuring financial sustainability.

There will be full consultation regarding any changes that are proposed working closely with both the SEND Forum, the main Schools Forum, schools and children young people and parents/carers where appropriate.

**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.

The Government have recently released guidance re EHCPs during COVID 19.

Coronavirus Act 2020 Modification of section 42 of the Children and Families Act 2014 (England) Notice 2020

**Equality Implications:**

The equality implications will be assessed as the Improvement Plan progresses. The SEND Continuous Improvement Board will be kept informed of all equality implications, risks and mitigations.

**Contribution to the Council's Core Purpose:**

Protect the most vulnerable: The delivery of the Improvement Plan will ensure a focused response on providing improved outcomes for the children and young people with SEND and their families.

Facilitate confident and resilient communities: The delivery of the Improvement Plan responding to the revisit and the subsequent activity will need to build the trust and 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 is the development of a Joint Commissioning Strategy. Through this strategy our ambition is to ensure adequate services that can respond when people need it most. The Joint Commissioning Strategy for SEND has been developed in the context of the Children and Young People's Plan "My Sefton: heard, happy, healthy, achieving,'.

On 11 <sup>th</sup> March 2020 the Health & Wellbeing Board agreed the SEND Commissioning Action Plan.
Place – leadership and influencer: The Council will work with partners, in particular commissioners and providers of Health Services, to work towards common goals in relation to the delivery of the Improvement 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: NA
Greater income for social investment: NA
Cleaner Greener: NA

## What consultations have taken place on the proposals and when?

### (A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD6025/20) and the Chief Legal and Democratic Officer (LD4208/20) have been consulted and any comments have been incorporated into the report.

### (B) External Consultations

The Council has and will continue to engage with the CCG, other Health partners and Sefton Parent Carer Forum on this matter.

The initial parent career survey closed on 18th December 2019. The feedback gathered has been analysed and shared with the SENDCIB and Overview and Scrutiny (Children’s Services and Safeguarding) in January 2020 and is included in this report at Appendix B. Engagement with Sefton Parent Carer Forum continues on a regular basis. In March 2020 many children and young people also took part in the Youth Conference. Schools are represented within the governance of the Improvement Plan and updated via the SEND Schools Forum.

### Implementation Date for the Decision

NA

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## **Appendices:**

Appendix 1 Copy of report to 11<sup>th</sup> 2020 March Health and Wellbeing Board

Appendix A Current KPI Performance

Appendix B Analysis of baseline Parent Carer Survey

Appendix C SEND Strategic Needs Assessment

Appendix D Feedback from Children and Young People (on draft Joint Commissioning Strategy)

Appendix E Draft SEND Joint Commissioning Strategy including Action Plan

Appendix F Draft SEND Joint Commissioning Strategy Action Plan

## **Background Papers:**

COVID-19 Guidance <https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people#children-with-education-health-and-care-ehc-plans>

Coronavirus Act 2020 Modification of section 42 of the Children and Families Act 2014 (England) Notice 2020

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/882290/CV19\\_Act\\_modification\\_notice\\_SEND.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882290/CV19_Act_modification_notice_SEND.pdf)

House of Commons Education Committee (Special educational needs and disabilities) issued its First Report of Session 2019–20 is available at

<https://publications.parliament.uk/pa/cm201920/cmselect/cmeduc/20/20.pdf>

Published version of the SEND Improvement Plan

[https://search3.openobjects.com/mediamanager/sefton/fsd/files/sefton\\_send\\_improvement\\_plan.pdf](https://search3.openobjects.com/mediamanager/sefton/fsd/files/sefton_send_improvement_plan.pdf)

## **1. Introduction**

- 1.1 On 11<sup>th</sup> March 2020 the Health & Wellbeing Board received the report at Appendix 1 informing them 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 15<sup>th</sup> to 17<sup>th</sup> April 2019.
- 1.2 Cabinet members will be aware that in response the partnership has developed an Improvement Plan. The SEND Continuous Improvement Board (SENDICIB) was established, is chaired by the Cabinet Member Adult Social Care, comprises of partners from across the Local Area including Sefton Parent Carer Forum. The SENDICIB receive support and challenge from the NHS England and DfE advisors.
- 1.3 Demonstrating the impact of the changes being made will take time and the SENDICIB recognise that being able to demonstrate impact will be crucial. Over the coming months the Local Area will work together and use a number of tools such as surveys to ensure that the changes being made are resulting in the desired improvement. The Council's Chief Executive has put in place additional measures that ensure corporate oversight of the Improvement Plan progress from a Council perspective and this includes the Council Executive Leadership supporting prioritisation of activity, offering additional source of challenge.

## **2. Delivering the Improvement Plan**

- 2.1 There are a number of appendices that demonstrate the progress made and are products of the work of the SEND Improvement Plan attached to this report
  - Appendix 1 Copy of report to 11<sup>th</sup> 2020 March Health and Wellbeing Board
  - Appendix A Current Key Performance Indicator (KPI) Performance a presented to 11<sup>th</sup> 2020 March Health and Wellbeing Board
  - Appendix B Analysis of baseline Parent Carer Survey
  - Appendix C SEND Strategic Needs Assessment
  - Appendix D Feedback from Children and Young People (on draft Joint Commissioning Strategy)
  - Appendix E Draft SEND Joint Commissioning Strategy including Action Plan – Which was agreed by the 11<sup>th</sup> 2020 March Health and Wellbeing Board
  - Appendix F Draft SEND Joint Commissioning Strategy Action Plan - Which was agreed by the 11<sup>th</sup> 2020 March Health and Wellbeing Board
- 2.2 From this information it can be seen that the majority of actions in the Improvement Plan are on target for delivery and where risk exists appropriate remedial action plans are in place.

## **3. Risk**

- 3.1 Whilst every effort will be made to ensure that the required change will put solid foundations in place, the Local Area remains vulnerable to a range of issues that can impact upon its financial sustainability and which impact upon the decisions that each member of the system must make. These include pressures across the

system nationally such as the impact of demand pressures and most significantly central government policy.

- 3.2 The System Leadership and Governance Sub Group monitor risks on a regular basis and provide the risk log to the SENDCIB on a regular basis. The SENDCIB will continue to monitor risks, putting in place mitigation where possible and escalating risks as required.
- 3.3 The area of greatest risk was the commissioning of a National Institute for Health and Care (NICE) compliant neurodevelopmental diagnostic pathway. The March 2020 SENDCIB received a report confirming current waiting list numbers and detailing a way forward regarding this matter. Funding has been agreed by the CCG's and the establishment of a NICE compliant. The pathway went live 1<sup>st</sup> April 2020.

However, in response to the COVID 19 pandemic there has been a requirement to make revisions and re-prioritise activities, based on Guidance issued on 20<sup>th</sup> March 2020 by NHS England and Improvement entitled 'Covid 19- Prioritisation within Community Health Services.

It has been necessary to make changes to the way ADHD and ASD clinics are delivered to maintain social distancing measures and the provider is offering digital solutions comprising of telephone and video consultations. All activities which can be completed from the office or remotely, for example; clinical validation or virtual multi-disciplinary meetings and assessments, are planned to continue to support reduction in numbers waiting for assessment and diagnosis.

Workforce planning has continued regarding recruitment to posts to support the implementation of the agreed improvements for ASD and ADHD. However, redeployment of Community staff to support acute care needs in the hospital as part of emergency preparedness planning has been necessary. For example, Junior Doctors in Community services have been relocated to acute services.

Sefton Parent Carers have been fully engaged in communications and the local offer has been updated to ensure parents are kept up to date with any service changes.

Cabinet is asked to note the risk as the service has been impacted by the pandemic, also to consider the remedial actions being taken by the provider and note the approaches taken to maintain a safe level of service for children requiring ASD/ADHD assessment and diagnosis.

- 3.4 There is also a risk relating to the timely completion of reviews. KPI 1/3 focuses on percentage of Education Health and Care Plan (EHCP) reviews completed for Yr 6 and Yr 11. The target was for 50% of those transition reviews to have been completed by the end of January 2020. As at January 2020 good progress was being made on reviews associated with Year 6 and Year 11 and performance data regarding this matter was shared at the SENDCIB. We are currently ahead of target having completed 80.2% of Year 6 reviews at the time of writing this report.

KPI 1/3a focuses on all other EHCP reviews. The target set was for 15% of all other reviews to have been completed by end of January 2020. Like many other

Local Areas across the country Sefton is not completing the number of reviews that it should. The SEND team has been working closely with schools and in line with the statutory guidance schools and maintained nursery schools had been convening and holding the annual review meeting on the LA's behalf.

The DfE Advisor has supported the approach being taken by the Council to prioritising Year 6 and Year 11 reviews given that these are key transition points in a child's life. The SENDCIB has agreed the following remedial action:

- a) The SEND team continue to prioritise Year 6 and Year 11 reviews for completion
- b) Schools and maintained nursery settings continue to action reviews in line with statutory guidance
- c) SEND team prioritise the input of reviews completed by schools and maintained so that the Performance Management and Assessment & Provision Sub Group can report a more accurate position.
- d) In addition to the Council and CCG will ensure that that the reviews for the following groups of children and young people are up to date and where they are not put in place appropriate remedial action
  - Looked After Children with and EHCP
  - Young people with an EHCP receiving support from YOT
  - Young people with an EHCP receiving or awaiting support from CAMHS
  - Children placed out of borough

Officers are currently considering how best to resource this area going forward.

3.5 Cabinet is asked to note that the completion of reviews remains a risk, consider the remedial action being taken (described above), which has been supported by the DfE Advisor and endorse the approach.

3.6 At the 10<sup>th</sup> March 2020 SENDCIB the risk relating to COVID-19 was also discussed and the impact that this may have on the delivery of the SEND Improvement Plan. The impact of this will be considered as part of all partners business continuity planning.

3.7 Since that time the Government has released guidance relating to children and young people with EHCPs and this includes

*“During this outbreak, educational settings, local authorities, health bodies, parents and young people with SEND should work together to respond pragmatically and flexibly to each individual's needs.*

*The Coronavirus Act 2020 will help government respond to the outbreak. This legislation gives the Secretary of State powers to provide for local authorities where appropriate temporarily to have more flexibility to prioritise their efforts to support those with the most complex needs.*

*Local authorities will need to work closely with educational settings – and in particular, special schools and specialist colleges, and other*



*specialist provision – to ensure sufficient provision is available across the local area. Local authorities and educational settings may need to redeploy staff (whether teachers, support staff or other critical workers) to ensure that specialist settings have sufficient workforce to operate safely; and may need to do this across the usual boundaries of maintained, academy, college or other status to ensure the right staff are in the right settings.*

*Any changes made to a child or young person's provision in their EHC plan would only remain in place temporarily. The full range of provision would be reinstated once the temporary notice expires.*

*We are also proposing to amend regulations to provide for flexibility over matters such as the timescales in EHC needs assessments, and the reviews, re-assessments and amendments processes where particular cases are affected by the COVID-19 situation.*

*The Department for Education will seek to ensure that local authorities receive clear guidance and support to help them manage these new requirements effectively.”*

3.8 It is important to note that the SENDCIB has and will continue to meet virtually during the pandemic, as have all of the sub groups. The Local Area recognises the stress and concern that the COVID 19 pandemic is causing families and remains accessible to provide support. All partners have put business continuity plans in place and are working together to ensure that robust plans and effective communication is in place during this time of uncertainty. This work has included communications confirming that the local area are still available to support families.

Despite the enormous pressure across the local area work to deliver the Improvement Plan has continued and required changes have happened at a pace and staff have been diverted to support children, young people and schools, for example

- i) The performance rates for the completion of EHCPs continues to improve. The SEND team continues to work remotely, and performance continues to improve with in month performance of EHCPs for April 2020 being 63.6% and the annualised rate was 54.2%.
- ii) There was a postponement of a quality meeting due to COVID 19 but monitoring is now back on track.
- iii) A virtual youth group is being piloted with young people from Rowan High and from Buddy Up. SCVS Buddy Up agreed to host the meeting on Zoom.
- iv) Health consultations are also happening virtually.
- v) Our Special schools remain open to support key workers families and some children with EHCPs. Staff from the Aiming High team have been redeployed to support Special schools.

vi) Work is continuing to improve the content and navigation of the Local Offer. We have also used social media to ensure that families are aware that the Local Area is available to support them at this difficult time.

3.9 The Coronavirus Act 2020 Modification of section 42 of the Children and Families Act 2014 (England) Notice 2020 is in place from 1<sup>st</sup> to 31<sup>st</sup> May 2020.

#### **4. Conclusion**

- 4.1 There has been a positive start to delivery of the Improvement Plan with the Local Area partners responding to the challenges including the COVID 19 pandemic. The Local Area recognises the significant challenges that continue to be faced by Sefton families of children with special educational needs and disabilities (SEND) especially at this testing time. The system is confident that the actions being taken are beginning to have a demonstrable positive impact in 2020.
- 4.2 The Local Area recognises the need to maintain focus, build pace and achieve demonstrable positive impact in 2020 and all joint sub groups and the SENDIB continue to meet remotely to maintain focus and oversight on the improvement plan objectives. The COVID 19 pandemic may mean that we deliver in different ways but the focus and the priority remains on delivering the improvements required.
- 4.3 All parties remain committed to delivering the required actions that will improve the lives of Sefton's children and young people with SEND, to enable them to reach their potential. The impact of COVID 19 on the Improvement Plan will continue to be assessed and partners are continuing to work together to minimise impact.