

## **Report of the Interim Strategic Director Children's Services to the meeting of Children's Overview and Scrutiny Committee to be held on 13 February 2019**

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**Subject:**

**Special Educational Needs and Disability reforms**

Appendix 1 of this Report is not for publication

**Summary statement:**

This report provides an overview of the developments and progress in respect of the delivery of the SEND reforms.

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**Overview & Scrutiny Area:**

**Childrens**

## **1. SUMMARY**

- 1.1 This report provides an overview of the developments and progress in respect of the delivery of the SEND reforms.

## **2. BACKGROUND**

- 2.1 Under the Children and Families Act 2014 and the SEND Code of Practice (2015) statutory guidance, the local authority, health services, early years settings, schools and further education providers have statutory duties to identify and meet the needs of Children and Young People aged 0 to 25 years who have Special Educational Needs or Disabilities (SEND). Local area inspections of responsibilities for children and young people with special educational needs and/or disabilities are carried out under section 20 of the Children Act 2004. SEND Inspections of all local authorities and local areas over the period May 2016 to May 2021 will be undertaken to assess how effectively these duties are being met. Inspections are a 10 day process and can be called at 5 days notice. An inspection of the Bradford area is imminent.
- 2.2 The Local Authority (LA) and relevant partners have undertaken a process of Self Assessment in preparation for the pending inspection. The SEND Strategic Partnership Board has been re-launched with clear terms of reference, multi agency membership and 4 clear project work streams supported by the SEND Transformation and Compliance team. The 4 work streams which comply with the SEND Code of Practice 2015 are: Integrated Assessment and Service Delivery, Joint Commissioning, Co production and Engagement and Preparing for Adulthood
- 2.3 Nationally the delivery of the SEND Reform agenda has proven to be challenging with many Local Authorities reporting concerns regarding adequate finances and resourcing to support the delivery of the SEND Reforms as well as having sufficient provision to meet the needs of C&YP with SEND.

## **3. OTHER CONSIDERATIONS**

- 3.1 As part of the self assessment process the LA and Health (through the 3 Bradford area Clinical Commissioning Groups (CCGs)) have completed Audit tools which feed into the Self Evaluation Framework (SEF). The Local Authority Audit Tool was updated, refreshed and circulated to SEND Strategic Partnership Board members for further moderation in January 2019. The CCG has recently updated their Audit tool which it will be subject to the same moderation and review process involving the SEND Strategic Partnership Board. The RAG ratings in the LA Audit Tool contain a large number of Amber ratings (Partial Compliance and Work in Progress), many of which could revert to Red or non compliance if progress is not sustained or quick enough. This and the work of the SEND Transformation and Compliance team have identified a number of areas which require immediate action to be taken.

## **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 Consideration needs to be given as to whether or not current resourcing is adequate to aid rapid recovery.

## 5. RISK MANAGEMENT AND GOVERNANCE ISSUES

5.1 The self assessment process has identified a number of priority areas where action needs to be undertaken immediately by ensuring:

- The completion of Education Health and Care (EHC) assessments within the statutory 20 week assessment period is improved rapidly. In 2017 the national return reported this as 12%. Performance during 2018 is 22%. Work is underway to overhaul existing and implement new processes to enable a more efficient delivery model for EHC Assessments
- The Compliance and Quality of existing EHC Plans is improved by establishing a quality assurance process to review existing EHC Plans and sign off new EHC plans over a 12 months period. The rationale behind a 12 month period is to enable all existing EHC Plans to be amended and quality assured as part of the Annual Review process. It is important that the Annual Review is used as the vehicle to make the changes as it is not feasible to make changes to an EHC Plan outside of the Annual Review process. As such it will take 12 months to complete these changes for the existing 3600+ EHC Plans as well as provide quality assurance to the circa 700 new assessments & plans annually.
- SEND Identification, Assessment and Review processes are developed and implemented, including the allocation of a Caseworker system for existing EHC Plans and all EHC assessments.
- Data Accuracy and Recording includes an interface to Social Care and Health
- Outcomes in EHC Plans for Children and Young people with SEND fully reflect their needs
- Sufficiency and diversity of SEND Placements and Provision across the District. Scoping work has begun and the findings have been presented to Schools Forum in January 2019 setting out a timeline for delivery for the establishment of 350 additional specialist placements from September 2019. This will include special school placements and developing the resourced provision model.
- Joint Commissioning arrangements are established and in place to enable the delivery of integrated services across the Local Authority and health providers, including detailing arrangements for the commissioning of bespoke highly specialist provision.

5.2 Areas that the CCG, in partnership with the Local Authority, need to take action immediately:

- Although an updated CCG Audit tool assessment has recently been submitted, the judgements have not yet been validated against evidence.
- Ensuring the quality and consistency of Health advice into EHC assessment process supports the requirements as set out in the SEND Code of Practice
- Developing a collective agreement that the pathway on ASD (Autistic Spectrum Disorder) identification and assessment. Currently there is a waiting list with a waiting time of just over 2 years. This is non compliant with NICE (National Institute for Clinical Excellence) timescales and a Plan is being developed to address this as a high priority.
- Waiting lists for access to specialist services eg SALT (Speech and Language Therapy) need to be reduced so that services are timely and meet assessed need

- Access to CAMHS (Child Adolescent Mental Health Services) is clear, transparent and supports the identification and provision for C&YP with SEND, including the transition into Adult Mental Health Services
- 5.3 The SEND Action Plan and the wider Local Area Improvement Plan that supports the self evaluation, needs to be appropriately resourced. Service improvements are already in progress, but given the multi agency and long term nature of some of the areas of concern these will need to be challenged, phased and embedded over the next 12 months.
- 5.4 The SEND Strategic Partnership Board, which monitors highlight reports from the 4 work streams could monitor progress on the SEND Action Plan and establish further reporting linkages as required. The SEND Strategic Partnership Board is a multi-agency Board that is chaired by the Deputy Director, Education & Learning and the Vice Chair is the CCG Director of Commissioning.
- 5.5 As well as key Local Authority and CCG Officers, the membership of the SEND Strategic Partnership Board includes schools, colleges, parents, health providers, public health and VCS representatives. This representation is also reflected in each of the 4 work streams. The 4 work streams are:
- ❖ Integrated Assessment & Service Delivery
  - ❖ Joint Commissioning
  - ❖ Preparing for Adulthood & Transitions
  - ❖ Co-production and Engagement

## **6. LEGAL APPRAISAL**

- 6.1 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) , Regulations and in the 'Special educational needs and disability code of practice: 0 to 25 years' (the Code of Practice). The Code of Practice is statutory guidance published by the Department for Education (DfE) and the Department of Health (DoH). The duties came into force in September 2014.
- 6.2 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 these duties.
- 6.3 A Framework for inspecting local areas under section 20 of the Children Act 2004 sets out the key inspection principles which should be read alongside the Code of Practice and the 'Handbook for the inspection of local areas' effectiveness in identifying and meeting the needs of children and young people who have special educational needs and/or disabilities'.
- 6.4 The inspection handbook is a guide for inspectors on how to carry out local area inspections. The framework and handbook are made publicly available to help ensure that local authorities and health services, early years settings, schools, further education providers and other organisations are informed about the process and procedures of these inspections and to support local areas in their self-evaluation and

on going improvement. It is also available to young people, parents and carers to help ensure that they are aware of how these inspections are carried out.

6.5 Inspections will evaluate how effectively the local area meets its responsibilities, and not just the local authority. The local area includes the local authority, clinical commissioning groups (CCGs), public health, NHS England for specialist services, early year's settings, schools and further education providers.

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

7.1.1 SEND Code of Practice is aimed at supporting C&YP aged 0-25yrs with Disabilities to have their needs identified, assessed and met as quickly as possible to ensure that they have the best possible chances to achieve their potential and have timely access to services across education, health and care.

### **7.2 SUSTAINABILITY IMPLICATIONS**

7.2.1 There are no direct sustainability implications resulting from this report

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

7.3.1 There are no direct greenhouse gas emission implications resulting from this report

### **7.4 COMMUNITY SAFETY IMPLICATIONS**

7.4.1 There are no direct community safety implications arising from this report.

### **7.5 HUMAN RIGHTS ACT**

7.5.1 As identified in paragraph 7.1.

### **7.6 TRADE UNION**

7.6.1 Staff and Trade Unions will be briefed on the implications of the SEND Action Plan.

### **7.7 WARD IMPLICATIONS**

7.7.1 All wards.

### **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)**

7.8.1 n/a

### **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

7.9.1 Looked after Children with SEND, particularly those with an EHC Plan, will benefit from the improvements outlined in this report.

## **7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

7.10.1 There are no specific data protection implications.

## **8. NOT FOR PUBLICATION DOCUMENTS**

8.1 Appendix 1 of this Report is not for publication.

8.2 In view of the business affairs content of Appendix 1, “business affairs” includes contemplated, as well as past or current, activities of the Local Authority, the public interest in maintaining the exemption outweighs the public interest in disclosing the details contained within that Appendix.

## **9. RECOMMENDATIONS**

9.1 The recommendations are for Overview and Scrutiny to note and comment on the contents of this report and the strength of the draft SEND Action Plan against the areas for rapid improvement.

9.2 To refer the draft SEND Action Plan to the Executive together with any recommendations for approval

## **10. APPENDICES**

10.1 Draft SEND Action Plan – Not for Publication

10.2 The SEND Strategic Partnership Board Terms of Reference

## **11. BACKGROUND DOCUMENTS**

11.1 None