

Report of the Strategic Director Children's Services to the meeting of Children's Overview and Scrutiny Committee to be held on 29th January 2020

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Subject:

Special Educational Needs and Disability Reforms

Summary statement:

This report provides an overview to the Children's Overview and Scrutiny Committee of the developments and progress made on the delivery of the SEND Reforms and the current risks and areas for development pending the imminent SEND Local Area Inspection.

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Children's Services

1. SUMMARY

- 1.1 This report provides an update on the developments and progress in respect of the delivery of the SEND Reforms. It updates the risk profile and impact of the work undertaken and provides an updated SEND Action Plan.

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 year's 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).
- 2.2 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.

3. OTHER CONSIDERATIONS

- 3.1 The SEND Strategic Partnership Board acts as the Strategic Governance Body to oversee the delivery of the SEND Reforms across the Local Area (LA, CCGs and Public Health). The Membership of the Board is reflective of the Local Area and includes representation from key stakeholders, including parents/carers.
- 3.2 The Board receives progress reports from operational workstreams, tasked with delivering key elements of the SEND Reforms and in turn reports on progress and risks in line with the agreed governance structure. The SEND Strategic Partnership Board reports to the Children's Overview and Scrutiny Committee on progress against the SEND Reforms on a quarterly basis. Progress meetings also take place quarterly with representatives from DfE and NHSE.
- 3.3 Co-Production with children, young people and parents is fundamental to all activities relating to the role of the SEND Strategic Partnership Board and associated workstreams.
- 3.4 The operational workstreams are:
- Co-Production and Engagement
 - Preparation for Adulthood
 - Integrated Assessment and Compliance
 - Joint Commissioning
- 3.5 The work of the SEND Transformation and Compliance team facilitates the SEND Strategic Partnership Board and operational workstreams. Monthly highlight reports are presented to the Board which identify progress in implementing the SEND Reforms and also identified areas of concern.
- 3.6 Work to implement the SEND Reforms and to prepare for inspection is on-going,

with the partnership delivering the following key achievements:

- SEND Assessment Team restructure finalised and implemented to become the Integrated Assessment Team (0-25 years).
- Additional Targeted Assessment Team (TAT) in place in June to work through historic backlog cases ensuring these have now been reduced to less than 200 cases.
- Caseload and Performance Management systems have been introduced across the SEND 0 to 25 years service to meet statutory requirements within the 20 week EHC Plan process.
- Revised 20 week EHC Plan statutory process agreed and implemented with Health partners for clarity.
- Training programme for SEND Assessment staff and other key staff to support consistent use of the case management system (CAPITA1).
- Production of a SEND Handbook and Procedure Manuals for SEND staff to reinforce good practice and operational requirements.
- Experienced EHC Plan writers in place to improve the quality of plans and share good practice.
- Quality Assurance review group established with Health and Social Care to ensure quality of Health information in plans.
- Partnership work with North Yorkshire County Council to model good and outstanding EHC Plans.
- SEND teams located on same floor at Margaret McMillan Tower to improve communication.
- 7 SEND Ambassadors have been appointed to champion the voice of children and young people with SEND and to provide insight and feedback on development of key strategies and documentation.
- Parents listening events held in June to provide opportunity to talk to professional across the Local Area. 'You said We did' feedback placed on the Local Offer website. Further Parents listening events held on 20th and 26th November 2019 (37 parents attended along with representatives from key services to provide advice and guidance) and a monthly programme of events planned from January to June 2020.
- Essential data collection from Local Authority (LA) and key partners to help improve performance reporting and inform the Self Evaluation for SEND Inspection. SEND Data Dashboard and headline performance indicators developed and presented to SEND Strategic Partnership Board and DfE/NHS England representatives. Positive feedback received.

- One year SEND Joint Commissioning Strategy and action plan produced and approved by Strategic Partnership Board. Action plan monitored through the Joint Commissioning workstream.
- Engagement and consultation with schools, children and young people to support and promote better inclusion of children and young people with SEND.
- SEND Strategy revised following engagement and feedback process with schools, children and young people, parents/carers Health and SEND Ambassadors including:
 - 25 families who shared their hopes for SEND provision across the District at two summer activities events;
 - 40 students from 3 secondary schools who have helped to shape the 'I' Statements in the Strategy;
 - 16 pupils from Primary Schools who participated in an activity on inclusive schools;
 - One of our SEND Ambassadors who helped us with the 'I' Statements; and
 - Parents and carers from AWARE (Airedale and Wharfedale Autism Resource) who gave their views on what we want SEND provision across the District to 'look like'
 - 2 students who attended SEND Strategic partnership Board in November to tell us about their challenges and wishes for the future.
- SEND Strategy district wide consultation process from November to December 2019 (on Local Offer, Council Website and Bradford Schools Online), final Strategy and new logo to be completed by January 2020.
- Revised LA Accessibility Strategy co-produced with schools, children and young people and approved by SEND Strategic Partnership Board.
- SEND workstreams restructured and action plans developed to enable delivery of SEND Strategy.
- District wide review of SEND provision and school places being implemented creating an additional 354 places within the district.
- Preparation for SEND Inspection with Health colleagues through monthly joint meetings.
- Health SPOC (single point of contact) inbox implemented from September 2019 and appointment of DCO (Designated Clinical Officer) post to support the quality of Health information in EHC Plans. Agreement has been reached that the DCO will attend EHC Panel on a weekly basis as the health representative and will ensure that the health input is as it should be. The new post holder is expected to commence February 2020.
- Bradford's Local Offer is seen as a beacon of good practice by others. On-going work is being undertaken with parents/carers and key partners to

improve website content and access to information about SEND.

- 3.7 There are a number of areas where further activity is required to support the implementation of the SEND Reforms. These areas are being monitored closely by the SEND strategic board. These areas for development are identified across the council and the CCG, as well as the partnership as a whole and include:

Local Authority lead areas:

- Education Health and Care Plan (EHCP) compliance rates within the statutory 20 week assessment period need to further improve. In 2018 they were reported as 28% compared to a national average of 58% and Yorkshire and Humber average of 59.8%. Current performance is improving at about 36% although this figure is depressed by the historical backlog cases which are outside of the 20 week timeframe. A large number of non-complaint EHC plans were finalised in the last three months of the year. This was the result of the Intergraded Assessment Team working more effectively through the backlog of historical cases. This had a significant impact on the overall compliance rate which was previously around 40%.
- Priority work to transfer pupil data from other bespoke systems into the main case management system (Capita) to improve the quality of SEND data and reporting continues to be undertaken. This work is being supported across the wider Council as a priority area.
- Processes for managing and monitoring Out of District SEND Placements including: pupil attendance, future provision projections, individual funding agreements and contracting need to be fully established. We are currently working to extend the Welfare Call system contract used by the Virtual School for Looked after Children, for SEND Placements.
- Individual pupil Annual Reviews to be held within 12 month compliance time frames.

Health (CCGs) lead areas:

- Implementation of the DCO role (Designated Clinical Officer) to enhance capacity to the current DMO (Designated Medical Officer) roles and provide strategic oversight of the quality and timeliness of health information in EHC Plans. As stated above these changes and appointments have been made and this will ensure improved practice in response of EHC plans.
- Reduction in waiting times for specialist services: CAMHS (Child and Adolescent Mental Health Services) and ASD (Autism Spectrum Disorder) Services, including timescale for achieving NICE (National Institute for Clinical Excellence) guidelines.
- Health monitoring of children and young people with SEND and regular sharing of data to inform performance and needs analysis.

Local Area Partners to jointly address:

- Timeliness of the flow of information between Education and Health to ensure statutory requirements are met, within the 20 week process.
- Improving the general quality of Education Health and Care Plans (EHCPs) to ensure good and outstanding plans are developed for individual children. This will be supported by joint quality assurance workshops with Health and Social Care and on-going partnership work with North Yorkshire County Council (an outstanding LA) to help improve the quality of EHC Plans.
- Joint Commissioning of services to meet the needs of children and young people with SEND needs. Although there is evidence of some behaviour projects being jointly commissioned further work needs to be undertaken to demonstrate strategic commissioning as outlined in the SEND Code of Practice.
- The CCGs have committed to jointly commissioning the new SENDIASS (Special Educational Needs and Disabilities Information Advice and Support Services) which is being progressed for April 2020.
- A review of Speech and Language Services with a view to future joint commissioning between the local authority and CCGs.
- A Review of the personal budgets process for education, health and social care and good practice to be led via the Co-Production workstream.
- The need to ensure parents or carers of children and young people with SEND are fully engaged in the design and commissioning of services to instil confidence that the SEND Reforms will be fully implemented. The use of parental listening events will help to ensure that feedback continues to be gathered and that work progresses at pace to improve the experiences of children and young people with SEND and their families.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The Council has committed additional funding to aid the recovery of the SEND Reforms. The Education & Learning Service, within the wider children and young people Directorate, will be reviewing the current allocation of resource to consider if further investment is required from within the allocated budget envelope to ensure that the pace of delivery and change continues and increases.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 Monthly highlight reports are presented to the SEND Strategic Partnership Board, which highlight progress in implementing the SEND Reforms from each of the four workstreams and also identified areas which require urgent attention.
- 5.2 A monthly composite report is also compiled for the Board to give an overall assessment of progress and highlight any further delays.

- 5.3 Progress in implementing the SEND Reforms in Bradford has been slow and we will be inspected on the assumption that the Reforms should have been fully implemented by 31st March 2018, with a transitional period from 2014-2018.
- 5.4 Whilst there has been much progress since January 2019 as outlined in this report, a number of significant challenges remain for both the Local Authority & the CCG. Therefore, based on the outcomes of inspections in other areas, there is a high probability that the SEND Inspection will identify a number of areas requiring improvement across the Local Area, resulting in a Written Statement of Action.
- 5.5 A Written Statement of Action is determined by Ofsted where they believe that a local area needs to take urgent steps to accelerate progress. A Written Statement of Action is overseen and monitored by the DfE for a period of between 12 months. At the end of the monitoring period, Ofsted will re-inspect the local area to determine if all actions have been addressed adequately. This re-inspection takes place approximately 18 months after the original inspection.

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 The 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 Not applicable

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

7.3.1 Not applicable

7.4 COMMUNITY SAFETY IMPLICATIONS

7.4.1 Not applicable

7.5 HUMAN RIGHTS ACT

7.5.1 As identified in paragraph 7.1.1

7.6 TRADE UNION

7.6.1 Staff and Trade Unions continue to 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 Not applicable

7.9 IMPLICATIONS FOR CORPORATE PARENTING

7.9.1 Looked after Children with SEND.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

7.10.1 Not applicable

8. NOT FOR PUBLICATION DOCUMENTS

8.1 Not applicable

9. OPTIONS

9.1 Not applicable

10. RECOMMENDATIONS

10.1 That the Committee consider the contents of this report and make recommendations at the meeting.

11. APPENDICES

11.1 Updated SEND Action Plan (Appendix 1).

12. BACKGROUND DOCUMENTS

12.1 None.