

Report of the Strategic Director of Children's Services to the meeting of Executive to be held on the 2nd July 2023

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Subject: SEND Services Update and Next Steps

Summary statement:

The following report provides the Executive with an update on the SEND Inspection and proposed changes to SEND Services following the Ofsted Inspection.

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**Overview & Scrutiny Area: Childrens
Services**

1. SUMMARY

1.1 This report provides an update of the SEND Inspection outcomes following the SEND Inspection that was undertaken by Ofsted and the CQC on the 7th March 2022 to the 11th March 2022.

1.2 Bradford was identified with 12 service areas being identified as strengths, compared to 18 areas for development that have led to the generation of five areas that will require a Written Statement of Action (WSOA). the areas of strengths included:

- Leaders have introduced identification tools such as the 'matrix of need' and 'graduated response handbook' successfully to help practitioners identify additional needs in school and early years settings. The matrix of need identifies clearly when an education setting should take action to access additional support and resources for a child or young person with SEND.
- The education psychology service has rolled out core strands of intervention to support schools and develop staff's skills. For example, some schools have a mental health champion who attends monthly training meetings run by an educational psychologist. This is helping to raise awareness of children and young people's mental health needs and supports the early identification of children and young people's emotional health and well-being needs in schools.
- Health practitioners have introduced new initiatives, such as '1001 days' and the 'Early Language Identification Measure', to support children, young people and their families in the early years. These are improving therapeutic relationships and contributing to the early identification of speech and language needs well.
- The PFBA has a voice in the governance of SEND in Bradford. While it is too early to show evidence of impact on long-term outcomes for children and young people with SEND, there are concrete examples of leaders' commitment to improving communication with parents and carers. For example, the SEND strategic partnership board have received and are acting on a report about autistic spectrum disorder (ASD), anxiety and school attendance, produced by the Aware group and the PFBA.

1.3 The Bradford local area performed better in this inspection than our closest comparator city, Sheffield City Council (7 WSOA's) and comparably to other councils our size inspected recently such as Warwickshire County Council (5 WSOA's).

1.4 This reports sets out the reforms and changes The Local Area are undertaking and proposing to complete, to meet the requirements set out in our Written Statements of Action from Ofsted.

1.5 This report should also be considered in light of the SEND Review launched by the Government, to consider the impact of the new proposed SEND Code of Practice that is referenced within this report in relation to the DSCO role.

2. SEND Services in the Bradford Local Area

- 2.1 Bradford was inspected on the 7th March 2022, to determine the effect and impact of SEND services that are set out in the SEND Code of Practice 2015 and Children and Families Act 2014.
- 2.2 The Inspection considered the progress of all statutory partners known as the Local Area which include; NHS Services, The CCG, Education and Learning, Bradford's Schools, Public Health, The Voluntary Sector Adult Social Care, Children's Social Care and core commissioned services such as SENDIASS.
- 2.3 The Local Area has been mandated to create a WSOA improvement plan to improve the following areas to Ofsted within 70 days of the SEND letter being published:
1. Poor communication between stakeholders across education, health and care.
 2. The variable quality of EHC Plans including plans which do not fully describe the provision that children and young people with SEND need.
 3. The inconsistent delivery of the 0-19 health visiting, school nursing and specialist nursing service.
 4. Children and young people wait too long for assessments, treatment and diagnoses. There is insufficient support for children and young people with SEND who are waiting for provision, services, diagnosis or equipment.
 5. Joint Commissioning of Services for SEND which are underdeveloped.
- 2.4 Bradford was the last Local Area to be inspected under the 2015 SEND Code of Practice. Of the **149** Local Areas in England who have had their inspection letter published, **53%** of these LA's were issued with a Written Statement of Action.
- 2.5 The average numbers of Written Statements issued to these Local Areas is **5.1** Written Statements per area. Bradford is slightly below the average of follow on actions that are required following a SEND Local Area Inspection.
- 2.6 Bradford has evaluated these findings to consider how we compare to other Local Areas. Nationally, there are **15** other areas who have performed comparably to Bradford in being in the majority of having a WSOA and having 5 Written Statements which is the average within the average of all inspected areas.



Figure 1 – Bradford Comparators with 5 WSOA;’s as the national average.

- 2.7 These areas include **7** Councils who are rated good or outstanding for social care. This highlights the challenges this inspection provides in providing the overarching partnership arrangements that are needed for meeting the needs of children with SEND across Health, Education and Social Care.

The EHC Process in Bradford

- 2.8 Education Health and Care Plans, provide families and children with the legal support and protections to ensure that their needs are identified, assessed and supported. This takes place across school settings, through the work of appropriate professionals and with support from social workers and wider universal services.
- 2.9 Following assessment, the numbers of plans being issued to children in Bradford has been increasing year on year. The overall numbers increased from **3,441** in December 2019 to **4,898** in December 2021. At the time of this report this has further increased to **5,112** children having an EHC Plan in Bradford. This has equated to a rise of **48%** in the last three years.
- 2.10 We can estimate with some confidence based on previous rises, that an additional **480** plans will be issued to support children within the Bradford District over the next 12 months. This will give Bradford an overall footprint of children being supported by an EHCP plan of between **5,350** to **5,500** EHC plans.

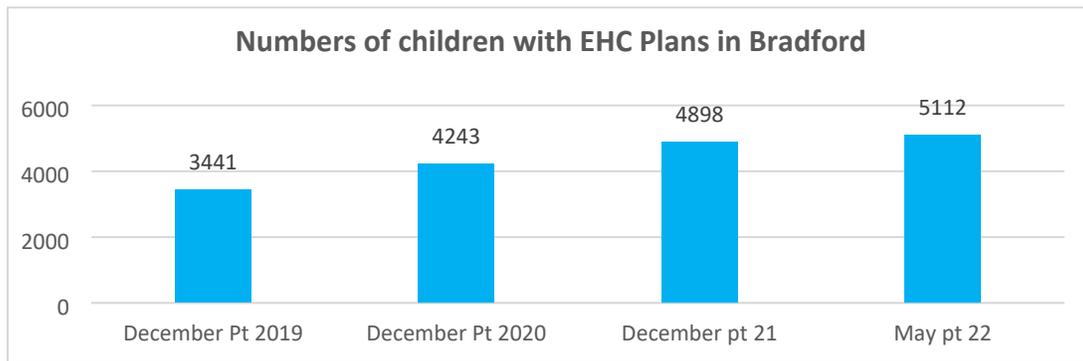


Figure 2 – Nos of EHCP's in Bradford

- 2.11 Bradford has seen substantial improvements over the last 3 years, in the timeliness of the issuing of EHC Plans to families. In 2019, the overall timeliness and issuing of plans within the 20-week time limit was **29%**. This has translated to increased improvements and timeliness for families and children. In 2020, this improved to **55%** and now in 2021/ 2022, the Local Area has issued **81%** of its plans within 20 weeks placing it in the top third of all LA's nationally.
- 2.12 An area improvement plan must be submitted to Ofsted on the 21st of September to address the five written statements of action areas. This will be monitored by the DfE and Ofsted. The work is underway to write the improvement plan with leads from health, CCG/ICS public health and the local authority.

Conclusions and Next Steps

- 2.13 Overall, substantial improvements have been made to support families and children with SEND in Bradford despite substantial rising demand for services over the last three years.
- 2.14 Building on these improvements, further work will be required over a variety of areas as outlined in this report to provide the types of services our families will require over the next few years.
- 2.15 Where further resourcing is required, it is requested that the designated Portfolio Member be permitted to consider these asks "in year" through existing budgets. Where a permanent new resource allocation is requested, that these are submitted to the budget setting process for the 2023 / 2024 budget.
- 2.16 Statutory NHS partners will consider their own resourcing asks within the context of their own governance arrangements. They will report back to the Executive in due course in line with the submission of the Written Statement of Action in September 2022.
- 2.17 Where the Local Area has been issued with a Written Statement of Action (WSOA) Designated Directors will be required to submit a WSOA plan to Ofsted within 70 days of the SEND Letter by September the 20th 2022.
- 2.18 Named Directors and Chief Officers from September 2022, will be required to update the Department for Education and NHS England on a 90-day basis on

progress being made against plans submitted to the statutory regulator.

- 2.19 The following Directors will be statutorily responsible for progress and will update the Executive on the progress via the SEND WSOA Improvement Plan. This improvement Plan will be shared with this group in September ahead of submission to Ofsted.

Written Statement Area	Named Statutory Director
WSOA 1 Poor Communication between stakeholders	Niall Devlin Assistant Director SEND and Inclusion BDMC
WSOA 2 the variable quality of EHC Plans	Niall Devlin Assistant Director SEND and Inclusion BDMC
WSOA 3 – Inconsistent Delivery of The Healthy Child Programme	Sarah Muckle Director of Public Health BDMC
WSOA 4 – Appropriate and Timely Access to all Health Services that Support SEND	Melanie Pickup Chief Executive Bradford District Teaching Hospitals Foundation Trust
WSOA 5 – Joint Commissioning of SEND Services	Ali Jan Haider Asst Director of Integrated Commissioning ICB

- 2.20 The Designated LA Officer for SEND will co-ordinate the improvement planning having experience of completing this work and supporting the lifting of a previous LA from a Written Statement of Action.

3. OTHER CONSIDERATIONS

There are no further considerations that the Executive are asked to consider at this time.

A further report with the final Written Statement of Action will be tabled in early September 2022 for review ahead of submission to Ofsted in late September 2022.

4. FINANCIAL & RESOURCE APPRAISAL

Further financial implications arising from the inspection will be considered as part of the 2023 / 2024 budget setting process by the Council.

In year considerations for additional resources will be requested to be considered by the Portfolio Member from within existing budgets for the 2022/ 2023 financial year where appropriate.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

The challenges outlined in this report are being tracked through the SEND Strategic Partnership Board. Risks are being managed through the governance arrangements for each respecting statutory authority involved in SEND service delivery.

6. LEGAL APPRAISAL

The Local Area will be required to create an Improvement Plan within 70 days of the receipt of the inspection letter. This will be ratified by each host agency where they are the statutory improvement agency for the required improvement.

There are no further direct legal requirements in regards to this report, outside of the statutory framework for SEND as mandated in the Children and Families Act 2014 to comply with the Written Statement of Action (WSOA).

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

There are no direct sustainability Implications.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

There are no direct impacts from the contents of this report relating to Green House Gas Emissions.

7.3 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications bearing from the contents of this report.

7.4 HUMAN RIGHTS ACT

The Provision of Services for SEND operate within a complex legal framework that is set out in the Children and Families Act 2014 that considers HRA requirements in its provisions.

7.5 TRADE UNION

There are several direct HR implications in this report for consideration. Future changes to structures will be reviewed through OJC, officer and constitutional gateways.

7.6 WARD IMPLICATIONS

There are no direct ward implications for this report.

7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

There are no Area Committee Action Plan implications for this report.

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

The report does not directly relate to Children in Care, the report references some

children who are looked after as part of this report. A specific update on this is to be scheduled at a later date.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

A Privacy Impact Assessment will be published as part of the setting of the 2023/2024 budget relating to Education and Learning.

8. NOT FOR PUBLICATION DOCUMENTS

There are no not for publication aspects to this report.

9. OPTIONS

There are no specific options for the Executive to consider at this time.

10. RECOMMENDATIONS

- a) *For the Executive to note the contents of the report and the SEND letter.*
- b) *The local authority and CCG/ICS need to consider if further financial investing is required to support the delivery of the five written statement of action areas in preparation for the next area inspection.*
- c) *Expenditure retreating to services delivered by the council it is recommended that power are delegated to the Executive to approve appropriate levels of funding. To support the delivery services for children with SEND.*

11. APPENDICES

A copy of the SEND Inspection letter is included with this report as Appendix 1.

12. BACKGROUND DOCUMENTS

- Background documents are documents relating to the subject matter of the report which disclose any facts or matters on which the report or an important part of the report is based, and have been relied on to a material extent in preparing the report. Published works are not included.
- All documents referred to in the report must be listed, including exempt documents.
- All documents used in the compilation of the report but not specifically referred to, must be listed.