

## **Update on the Special Educational Needs and Disability (SEND) Local Area Inspection**

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### **1. Summary**

- 1.1 Special Education Needs and Disability (SEND) is a statutory requirement under the Children and Families Act 2014. It requires local partners to work together to deliver a coordinated offer across education, health and social care for children and young people (aged 0 – 25) who have a special educational need and/or disability.
- 1.2 Shropshire Council works in partnership with the CCG and other key stakeholders including parents and carers ensuring that the SEND offer meets the needs of children and young people; supporting them to achieve their full potential and prepare for life as an adult.
- 1.3 A joint SEND CQC and Ofsted Inspection took place in Shropshire across education, health and social care between 27 January and 31 January 2020. The final letter was published on 6 May 2020.
- 1.4 As a result of the findings of this inspection and in accordance with the Local Area Inspection Framework the Chief Inspector determined that a Written Statement of Action (WSOA) is required because significant areas for improvement were identified. The WSoA is due to be published on 25<sup>th</sup> September 2020.
- 1.5 This report provides detail on this inspection and provides an update on progress to date.

## **2. Recommendations**

- 2.1 That the contents of this report and the actions identified are noted.
- 2.2 That Scrutiny Committee continue to monitor the implementation of SEND within Shropshire.
- 2.3 Note the date for publication of the WSoA as 25 September 2020
- 2.4 That the People Overview and Scrutiny Committee is asked to appoint one of its members to be a champion for SEND.

## **REPORT**

### **3. Risk Assessment and Opportunities Appraisal**

(NB this will include the following: Risk Management, Human Rights, Equalities, Community, Environmental consequences and other Consultation)

- 3.1 Disability is one of recognised characteristics of the Equality Act 2010.
- 3.2 Children and young people with special educational needs and disabilities (SEND) experience a range of health and social care inequalities. A robust EHC process should assist with improving the co-ordination of services and enhancing their life chances

### **4. Financial Implications**

- 4.1 Whilst there are no direct financial implications arising from this inspection, in order to address the issues identified it is likely that investment will be required. This has not been quantified at this point in time and will be developed as the -WSoA is further developed.
- 4.2 The high rate of school exclusions does impact significantly on the High Needs Block of the Dedicated Schools grant, and reductions in the rate of exclusions will reduce the high costs placed on this budget.
- 4.3 In order to realise long term savings in the high needs block it is likely that short term investment will be required in order to provide effective support services to schools as part of a multi-agency response to early identification and meeting need. This will be further developed within the WSoA.

## 5. Background

- 5.1 The Children and Families Act 2014 required local areas to introduce significant reforms with regard to Special Educational Needs and Disability (SEND) and placed requirements on local authorities and CCG's to work together to implement Education, Health and Care Plans (EHCP) for children and young people with special educational needs and/or disabilities up to the age of 25.
- 5.2 Currently within Shropshire the implementation is overseen by the SEND Strategic Board, which feeds into the Health and Wellbeing Board.
- 5.3 A joint SEND CQC and Ofsted Inspection took place in Shropshire across health, social care and education between 27 January and 31 January 2020. The inspection is therefore not just of the work of Shropshire Council, but also of the CCG and its commissioned health providers and other key stakeholders. The final letter was published on 6 May 2020.
- 5.4 As a result of the findings of this inspection and in accordance with the Children Act 2004 (Joint Area Reviews) Regulations 2015, the Chief Inspector determined that a Written Statement of Action is required because of the areas for improvement identified. Ofsted have agreed via a joint meeting with LA and CCG meeting that the date of publication of the Written Statement of Action is September 25<sup>th</sup> 2020.
  - 5.4.1 Over 50% of local areas have received a WSoA. From January 2019 to January 2020 there were 30 inspections 17 of which have a WSOA (57%).
  - 5.4.2 A higher proportion of inspections have resulted in a WSoA being issued as the inspections have progressed, this is because many of the early inspections were not able to consider impact as it was too early to be able to demonstrate this
- 5.5 Inspectors identified 6 significant concerns; this is low in comparison with other areas (average 10).
- 5.6 The inspectors acknowledged that the LA and CCG were aware of what the areas for improvement were; they acknowledged that a clear plan of how to improve the gaps had been identified, but there was reduced confidence in the system's ability to deliver at pace on the actions required due to the other pressures within the system, particularly around the healthcare system.

- 5.7 A workshop (face to face) jointly presented by the LA and CCG took place on 23<sup>rd</sup> June 2020. This workshop initiated the joint Written Statement of Action (WSOA).
- 5.8 A refresh of the governance arrangements will form part of the discussions, but a regular meeting at executive level has already been put into place to ensure senior oversight and accountability will be maintained through the SEND partnership board.

## **5.9 The inspection**

The inspection was led by one of Her Majesty's Inspectors (HMIs) from Ofsted, with a team of inspectors including an HMI and a Children's Services Inspector from the CQC.

### **5.9.1 Key Findings during the Inspection:**

- Strategic leadership across the area is weak. This is most notable in the leadership of the CCG. The implementation of the SEND reforms by the CCG has been too slow. There has been inconsistent leadership for SEND within the CCG and a lack of cohesive partnership working. Consequently, the focus on SEND has not been sharp enough due to competing health priorities across Shropshire. It is not clear how SEND services will be given greater priority in the area.
- There is no effective pathway for specialist assessment of autism spectrum disorder (ASD) for children over the age of five. Recently, leaders have taken effective action to ensure that some children are assessed. However, there remains a large number of children waiting for assessment. A sustainable assessment model to address this ongoing problem has not been implemented.
- Children and young people experience significant waits for speech and language assessment and treatment. The current speech and language therapy (SALT) service specification is not fit for purpose. Consequently, the SALT service is not meeting the needs of children and young people with SEND in the area.
- Area leaders' self-evaluation identifies some of the key issues in education, health and care provision for children and young people with SEND. Some of the area leaders' action plans and actions are informed by this self-evaluation. However, it is not clear what area leaders hope to achieve as a result of their activities because their plans have no measurable success criteria. Moreover, the area's SEND action plan does not include crucial health elements, such as community health services. Therefore, area leaders' ability to improve the range and quality of services for children and young people with

SEND and their families is limited. This is a significant gap and means that children and young people do not get the help and support that they need.

- Area commissioners do not make effective use of the data available to them. Consequently, they do not accurately commission and plan services that meet the full range of children and young people's needs. Area leaders have been able to demonstrate that they are making some improvements. However, the absence of a SEND-specific joint strategic needs assessment to steer the direction of this work, combined with the lack of a robust action plan with measurable success criteria, means that area leaders are unable to evaluate the success of their actions.
- The area met the requirement to convert statements to education, health and care (EHC) plans within statutory timescales. However, there are inconsistencies in the quality of input from education, health and care into the plans. This is particularly so for those plans written before January 2019.

#### **5.9.2.1 Areas for improvement and any actions already undertaken:**

##### **i. LA Specific Improvements**

- a) The high rate of exclusions for children and young people with an EHC plan and the high rate of repeat fixed-term exclusions for those receiving SEND support. An immediate action to review and present the data on school exclusions and understanding the issues has commenced. Further action to review the services available to support schools to identify SEN and engage with appropriate services to be identified within the WSOA.

##### **ii. Health specific improvements:**

- a) Inconsistent leadership for SEND- the CCG's Director of Partnerships has responsibility for SEND and is working with the Executive Director of Children's Service at Shropshire Council to develop the WSoA jointly with other partners.
- b) Ineffective pathway for specialist assessment of autism spectrum disorder (ASD) for children over the age of five. Commissioners are working on the pathway as a matter of urgency although funding streams remain an issue.
- c) Significant waits for speech and language assessment and treatment- the CCG Director of Partnerships has arranged to meet with the director lead for Shropshire Community NHS Trust to discuss the changes and proposals for reducing waiting times for speech and language therapy. Shropshire Community NHS

Trust are attending the initial workshop to support development of the WSoA. Significant progress and review of the SaLT waiting list has been undertaken and a new way of working has been developed and will be implemented through restore and recovery.

- d) Waiting times for CYP accessing intervention once assessed by Bee-U service is too long. This needs to be addressed.
- e) The number of young people leaving care who have received a health passport is low. A plan needs to be developed to improve this and will form part of the WSoA.
- f) Therapy services do not proactively work with local early help services to share information and provide a joined-up approach for families who are receiving support from both teams. A joint approach is being developed and will be overseen through the SEND Partnership Board.
- g) Several health services do not seek feedback from parents, carers and young people about the service being delivered. The CCG Director of Partnerships has had an initial meeting with the Chair and Trustee of the Parent and Carers Council (PACC) in Shropshire.
- h) Lack of inclusion of health services input into the area's SEND action plan. This will be addressed through joint partnership working and an immediate action to review the health chapter of the SEND strategy has been commenced.

#### **5.9.2.2 System improvements:**

- a) Inconsistent input from partners into EHC plans. This has been agreed to be an action within the WSoA but needs further development.
- b) Knowledge of the SEND reforms and EHC assessment and planning processes across services is inconsistent. An immediate action to ensure consistent training jointly, is undertaken to ensure all partners understand the revised SEND framework and the implications for both strategic decision making and delivery of services.
- c) Co-production of services, to continue to be developed and be an integral part of the SEND strategic board and CCG Partnership Board.
- d) Support of specialised practitioners within specialist schools is inadequate- this needs to be addressed.
- e) No SEND-specific joint strategic needs assessment. Shropshire Council is leading on this as an action with support and input from partners and will be incorporated into the WSoA.
- f) EHC plans are not updated in a timely way following an annual review. This will be an action within the WSoA and will need a review of training and an oversight of plans.

## 5.10 Good Practice

There were many areas of good practice identified within the report. Below are some examples of this good practice:

- a) Generally speaking, academic outcomes for children and young people with SEND are strong. This is particularly so for pupils with an EHC plan.
- b) The service offered by Beam has a good uptake and has been able to support more than double the anticipated number of children and young people.
- c) Improvements have been made to the ASD diagnostic pathway for under-fives. Further work on the older age groups is being undertaken following a workshop with partners.
- d) Children and Young people with severe speech and language impairment benefit from intensive SALT and specialist teacher input, with joint care assessments and care planning.
- e) The public health nursing team has dedicated SEND practitioners who help.
- f) The children's community nursing team respite service helps to reduce anxiety for parents of children with acute and/or complex needs
- g) There is effective joined up working between the occupational therapists provided by health and LA services. A trusted assessor agreement is in place.
- h) There is good support from education, health and social care professionals at key transition points. Therapists take a proactive approach to transition planning.
- i) The development of the hub model to provide specialist support for mainstream schools is having a positive impact on the lives of children and young people with SEND.
- j) Area leaders continually look for ways to develop and improve the local offer.
- k) The percentage of 17-year olds receiving SEND support who were in education, employment or training is above the national average.
- l) Parents speak highly of the support and advice they receive from PACC, the Information, Advice and Support Service, and Autism West Midlands. Representatives of these services are strong advocates for children and young people with SEND.

## 6 Ongoing actions:

- 6.1 Senior partnership working has improved significantly. Executive leadership is in place and a strategic board for SEND is in the process of being commenced.

- 6.2 Further dialogue with PACC (Parents and Carers Council) is underway and plans to continue to work together in developing true co-production of services.
- 6.3 The strategic SEND Board have agreed that a SEND statement of Intent be developed highlighting the need to reduce health inequalities as requested by parent group, which has been signed up to by all partners involved. A key set of principles adopted and agreed by all partners is to be developed as an action from the workshop.
- 6.4 The three work streams are: Joint Commissioning, Preparing for Adulthood and Inclusion. Impact & monitoring of these groups is through the SEND strategic Board.
- 6.5 The Local Offer has been relaunched and continues to be developed further following feedback from the inspection and following the workshop.
- 6.6 Quality processes to improve EHCP's continues and is embedded as business as usual. Improvements have been noted.

## **7 Challenges:**

- 7.1 Commissioning capacity for children's and young people's services may be an issue during restoration and recovery phase.
- 7.3 The pace of developing joint commissioning across the local area needs a clearer sense of direction and commitment from all partners.
- 7.4 Reducing the number of school exclusions is a medium-term challenge that requires the engagement of the whole school community.

## **8 Opportunities:**

- 8.1 Increased challenge and pace to secure change and improve long term outcomes for Shropshire children and young people with SEND
- 8.2 Development of co-production, partnership working and wider engagement of stakeholders across the local area.
- 8.3 opportunity to identify early those children and young with SEND who will require access to specialist services into adulthood will support better commissioning decisions within adult services and promote economic independence.



<b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b>
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Joint Area SEND Inspection in Shropshire – report published 6 May 2020
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<b>Cabinet Member (Portfolio Holder)</b>
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Cllr Edward Potter
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<b>Local Member</b>
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All Members
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<b>Appendices</b>
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Appendix A: Joint Area SEND Inspection in Shropshire report
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