

Scrutiny for Policies, Children and Families Committee (virtual meetings from May 2020 due to Coronavirus)

Thursday 9 July 2020

1.00 pm Virtual meeting



SUPPLEMENT TO THE AGENDA

To: The Members of the Scrutiny for Policies, Children and Families Committee (virtual meetings from May 2020 due to Coronavirus)

We are now able to enclose the following information which was unavailable when the agenda was published:

Item 6	<p>Special Educational Needs and Disabilities (SEND) Area Inspection Update (Pages 3 - 8)</p> <p>Committee to consider the findings from the recent Ofsted and CQC joint inspection and the proposed actions to address several areas of significant weakness. Presentation and progress update to be provided at the meeting.</p> <p>Scrutiny to focus upon:</p> <ul style="list-style-type: none">i) How did we reach the position that resulted in the report?ii) Partnership working and Joint Commissioningiii) How will SCC and other partners produce the Written Statement of Action (WSOA) and timetable to meet the submission deadline?iv) How will this Scrutiny Committee monitor the WSOA and the improvement plan?v) What has been done since the Inspection and what is underway now?vi) Committee to consider any further actions and next steps? <p>Report from Director of Childrens' Services to follow.</p> <p>Joint Ofsted and CQC inspection report can be viewed at https://choices.somerset.gov.uk/025/local-offer/area-inspection-by-ofsted-and-cqc</p>
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Item Scrutiny for Policies, Children and Families Committee (virtual meetings from May 2020 due to Coronavirus) - 1.00 pm Thursday 9 July 2020

Democratic Service Team, County Hall, Taunton

Somerset County Council

Scrutiny for Policies, Children and Families Committee

9 July 2020

Item No. 6

Special Educational Needs and Disabilities (SEND in Somerset)

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 Cabinet Member: Cllr Frances Nicholson
 Division and Local Member: All

THE SEND REFORMS 2014

In 2014 the Government implemented SEND Reforms following a review of the previous legislation. SEND legislation is mainly embedded within the Children and Families Act 2014 (Part 3) but there is also a wealth of associated legislation that Local Areas must conform with in respect of SEND.

The reforms set out a set of principles alongside the legislation and statutory guidance that everyone working with children and families must have regard to, this includes:

- Local Authorities (education, social care, housing, employment and other services provided by a Local Authority)
- Governing Bodies of schools, including non-maintained special schools
- Governing Bodies of further education colleges and sixth form colleges
- Proprietors of academies (including free schools, university technical colleges)
- Management committees of Pupil Referral Units
- Independent schools and independent specialist providers approved under Section 41 of the Children & Families Act 2014
- All early year’s providers in the maintained, private, voluntary and independent sectors that are funded by the Local Authority
- The National Health Service Commissioning Board
- Clinical Commissioning Group (CCG)
- NHS Trusts
- NHS Foundation Trusts
- Local Health Boards
- Youth Offending Teams and relevant youth custody establishments

The 2014 reforms introduced a number of new requirements including:

- An extension of the age ranges from 2 -19 to 0-25
- Clearer focus on the participation of children, young people and parents in decision-making at individual and strategic levels
- A stronger focus on high aspirations and on improving outcomes for children and young people
- Guidance on joint planning and commissioning of services to ensure close co-operation between education, health & social care
- Guidance on publishing a Local Offer of support for children and young people with SEN or disabilities
- New guidance for education and training settings on taking a graduated approach to identifying and supporting pupils and students with SEND
- Children and young people with more complex needs must have a co-ordinated assessment process and a new plan Education, Health, Care Plan (EHCP) that would replace a Statement of Special Educational Need (SSEN) and a Learning Difficulties Assessment (LDA)
- A greater focus on support that enables those with SEND to succeed in their education and make a successful transition to adulthood
- Information on relevant duties under the Equality Act 2010
- Information on relevant provisions that must be made under the Mental Capacity Act 2005
- New guidance on supporting children and young people with SEND who are in youth custody

The reforms were implemented on 1st September 2014 with transitional arrangements and funding being made available to support Local Areas in transitioning those children and young people with Statements of Special Educational Needs and Learning Difficulties Assessments via an holistic assessment process to being in receipt of an Education, Health, Care Plan if the assessment determined that their Special Educational Needs were complex enough to require provision that is different to or additional to that which is usually provided for children and young people of the same age.

WRITTEN STATEMENT OF ACTION (WSoA)

Following the Inspection and the determination that the Local Area in Somerset required improvement actions a Joint Written Statement of Action (WSoA) is required. This must be a co-produced action plan, with the stakeholders identified above and is owned by both the Local Authority and the Clinical Commissioning Group as set out in the Annex A. The plan must set out a range of actions to address the weaknesses identified in the Inspection.

The Local Area has 70 working days from the notification of the report publication (May 20th) and therefore the Written Statement of Action (WSoA) is due to be submitted to OFSTED no later than 19th August 2020. It is likely that due to the challenges faced in developing the Written Statement of Action due to the Covid 19 pandemic that an extension to the submission date may be sought. The Written Statement of Action (WSoA) must be signed off by the Local Areas SEND Improvement Board prior to submission to OFSTED

OFSTED/CQC must approve the plan and many Local Areas find that several versions of the plan are submitted before being signed off. Once the plan is signed off the Local Area must publish this on the Local Offer and must keep the Local Offer updated with progress reports. There are 7 areas in the South West Region with Written Statements of Action and approximately 60% of all Local Areas inspected in England have a requirement for a Written Statement of Action.

The progress against the Written Statement of Action (WSoA) will be monitored on a bi-monthly basis by the SEND Improvement Board, with a monthly reporting mechanism into the Childrens Executive Board. Formal monitoring will take place bi-monthly by regional DFE and NHS England Advisors, who have the authority to challenge and also escalate any concerns within their own organisations.

A re-inspection by OFSTED and CQC will take place within 15-18 months, again this timeframe may be extended due to a backlog of inspections created by the pandemic. Should Inspectors find that limited or little progress has been made then the Local Area may be required to produce an Accelerated Progress Plan (APP) which requires immediate improvements. If concerns remain then the Local Area may be referred to the Secretary of State who will decide what further actions to take and this may include a Statutory Improvement Notice. So far only one local area has received a Statutory Improvement Notice.

Annex A: Roles and responsibilities information sheet

This information sheet sets out the role and responsibilities of key organisations in a joint working approach to improve services in your area, following your Local Area SEND Inspection, where it has been determined that a Written Statement of Action (WSOA) is required.

Local Authority and Clinical Commissioning Group

The Local Authority (LA) and Clinical Commissioning Group (CCG) are jointly responsible for submitting a WSOA to Ofsted and CQC which must state clear details for each action, who is responsible for taking each action forward and time period for completion.

The published inspection report will state the principal authority responsible for producing the WSOA. This will usually be the 'local area', which means the LA and CCG are jointly responsible for delivering the WSOA.

Ofsted and CQC

The Ofsted regional team will agree with the local area when the WSOA will be submitted. It can be submitted before this date.

Ofsted and CQC are responsible for evaluating the WSOA within 10 working days of receiving it. If it is not fit for purpose, the LA and CCG must resubmit a revised WSOA within 20 working days.

Area SEND inspections and revisits have been temporarily suspended due to the impact of the Covid-19 pandemic. Ofsted and CQC will inform local areas in due course when they will be revisited.

Department of Education and NHS England

The DfE SEND adviser and NHS England SEND Local Office lead (referred to as Advisers) will support the local area to produce the WSOA. Adviser meetings may be supplemented by requests from senior officials at the DfE and NHS England – and

potentially Ministers – for meetings with senior leaders from the local area to discuss progress with delivering the necessary improvements to services.

Whilst Advisers may offer comments on the WSOA, they do not approve or sign off the statement submitted by the local area – only Ofsted and CQC do this.

The inspection handbook states that “the local authority (where it is not the principal authority) and every other person or body who has cooperated with the principal authority” must publish the WSOA on its website.

We encourage local areas to make contact with the designated Regional Schools Commissioner, whose role is to work with school leaders to take action in underperforming schools. They may be able to contribute to the WSOA by addressing any issues raised about SEN provision in schools. The area RSC lead can be found at <https://www.gov.uk/government/organisations/schools-commissioners-group>.

We also encourage local areas to work with colleagues in their Learning Disability and Autism programme and with their Sustainable Transformation Partnerships/Integrated Care Systems, with a particular focus on embedding children and young people within your planning and delivery of services in relation to CYP with SEND and CYP with Learning Disability and or Autism.

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