

Somerset County Council
Scrutiny for Policies, Children and Families
Committee

– 2nd December 2020

Written Statement of Action (WSOA)

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Cabinet Member: Frances Nicholson

Division and Local Member:

1. Summary

1.1 Following a Local Area SEND Inspection by OFSTED (Office for Standards in Education) and CQC (Care Quality Commission) in March 2020, the Local Area (Somerset County Council & Somerset Clinical Commissioning Group) was deemed to require significant improvements and were required to produce a Written Statement of Action (WSOA) to address the nine areas of improvement.

The following are the nine statements to address the areas of significant weakness:

1. We all need to work more closely with children and young people with SEND and their families to understand and learn from their experiences as we develop strategies to improve the area. Inspectors recognised that there are many strengths in this area, but we are not consistent in our practice.
2. We need to improve leadership capacity across services in Somerset to provide effective support to children with SEND.
3. We need to continue to strengthen and embed partnership working across Education, the NHS, Public Health and Social Care.
4. By improving joint commissioning arrangements between Somerset County Council and the NHS, we can improve leaders' abilities to ensure they meet area needs, as well as improving outcomes and achieving cost efficiencies.
5. Our pathway for children with autistic spectrum disorder needs substantial development to address the poor service too many families are receiving.
6. We need to extend inclusive practice in schools across the local area and in turn reduce exclusion rates which currently mean too many children and young people are not accessing education.
7. We need to improve the outcomes for all children with SEND, through ensuring effective identification of needs and the right support to make the difference for children.
8. The multi-professional assessments and planning required for Education, Health and Care Plans needs to be carried out more swiftly.

9. The quality of professional input for Education, Health and Care Plans needs to be at a consistently high level.

1.2 Many of the areas identified by Inspectors for Improvement within the SEND arena support and further enhance the commitments of the County Plan, specifically:

- Continue to focus on prevention and early intervention (Improvement Priority Areas 4, 5, 6 & 7)
- Work across health and care to promote people's independence and reduce unnecessary demand on services (Improvement Priority Areas 3 & 4)
- Work with our partners to provide the physical, digital and employment infrastructure that our economy and communities need (Improvement Priority Areas 1, 2, 3)
- Work to create a county where people can aspire and achieve without being held back by their background or circumstances (all Improvement Priority Areas)

2. Issues for consideration / Recommendations

2.1 The Committee to consider areas it wishes to explore in detail, the Committee have undertaken focussed work on School Exclusions, and has asked for a report on the timeliness and quality of Education, Health and Care Plans (EHCP).

Along with other areas the joint working improvement needed between partners to support children with Autism and other associated neuro-development conditions is a significant challenge for Somerset and will be closely monitored by the SEND Improvement Board.

3. Background

3.1 The Written Statement of Action has been truly co-produced, and this has been recognised by Inspectors. The first submission of the WSoA required further detail and a second version was submitted on 5th November 2020, at the time of publication of this report, discussions with Inspectors are on-going as they are seeking further clarification around some aspects of our plans.

3.2 The Written Statement of Action prioritises the areas' work on SEND for the next 18-24 months. The plan is ambitious however given the Inspectors comments regarding Somerset's lack of implementation of the SEND Reforms 2014 and the amount of work that is required to address this, then it

is appropriate for Leaders to commit to address this shortfall with ambition. This said, we must be under no illusion as to the enormity of delivering against the actions within the plan.

4. Consultations undertaken

- 4.1** All consultations were undertaken as part of the Inspection process in March 2020 are referenced in the Inspection Report May 2020.
- 4.2** The production of the Written Statement of Action has been co-produced with a series of engagement events/activities that have centred around the lived experiences of Children and Young People with SEND and their families.

5. Implications

- 5.1** A re-inspection against the actions outlined in the Written Statement of Action will take place within the next 24 months and Inspectors will expect to see significant improvement against all 9 areas. Failure to have made the expected progress could lead to the area being asked to produce an Accelerated Progress Plan (APP) which will lead to increased formal monitoring by the DfE (Department for Education) and NHSE (NHS England) Regional and National Advisors.
- 5.2** It should be noted that should the Local Area fail to demonstrate progress should an APP be required then a referral will be made by OFSTED/CQC to the Secretary of State who is able to issue a formal Improvement Notice to the area or a Statutory Direction, both of which require immediate improvements.

To date 116 Local Areas have been inspected under the SEND Inspection Framework, 60% of these have been required to produce Written Statements of Action. 21 areas have received their re-visits with only 9 having been deemed to have made sufficient progress. Two Local Areas who following re-visits and the requirement to produce APPs have since been issued with a formal Improvement Notice/Statutory Direction.

Background papers

- OFSTED/CQC Inspection Report – May 2020
- Written Statement of Action, V2 – November 2020

Note: For sight of individual background papers please contact the report author

SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) 0-25 IMPROVEMENT BOARD

Terms of Reference

This says who the board are, what we will do and how we will do it

Updated August 2020

Version	Author of Changes	Date Agreed
<i>V1.0</i>	<i>Vikki Hearn</i>	<i>22 July 2020</i>

1. What is Special Educational Needs and Disability (SEND)?

1.1 A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her

1.2 A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- ✎ has a significantly greater difficulty in learning than the majority of others the same age, or
- ✎ has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions

1.3 For children aged two or more, special educational provision is education or training that is additional to or different from that made generally for other children or young people of the same age by mainstream schools, maintained nursery schools, maintained post-16 institutions or by relevant early years providers. For a child under two years of age, special educational provision means educational provision of any kind¹

[Special Educational Needs & Disability Code of Practice 2015](#)

2. What is the SEND Improvement Board?

2.1 The SEND Improvement Board will oversee the work of professionals and service providers in Somerset who are involved in SEND. In doing so the Improvement Board will ensure that children and young people from 0-25 with SEND:

- achieve well in their early years, at school and in further education;
- lead happy, safe, healthy and fulfilled lives;
- where possible, have choice and control over their support
- find suitable employment

2.2 To ensure that everyone who is involved and engaged in the Improvement Board has a voice the Board will;

- include representation from children and young people who have SEND, their parents/families, carers and providers; and
- actively listen to a broad range of views and give people a chance to have their say, ask questions and explore ideas;

2.3 To ensure that positive things happen for children and young people who have SEND the Improvement Board will;

- hold to account professionals and service providers involved in SEND;
- hold and track progress against the Local Area Inspection SEND improvement Written Statement of Action (WSOA) as one joint SEND action plan through reports from theme and priority leads;
- make sure that SEND strategies, policies and practices are fit for purpose, co-produced and being implemented
- ensure that what is identified in key national documents relating to SEND is actually happening in Somerset; and
- Conduct assessments of improvement on a quarterly basis to include:
 - progress against the improvement plan objectives;
 - staff and stakeholder surveys;
 - the quality of feedback from parents and carers.

2.4 To make effective decisions to ensure clear and active progress the Improvement Board will;

- ensure that people come together who have the collective knowledge and experience to work together to deliver change;
- ensure everyone thinks about how their work affects and impacts on children and young people with SEND, their parents/families, carers and providers;
- consider how available resources and money can be best spent on SEND services and work/activities working closely with the Children's Executive Group (the Enabling Group) to realise the benefits agreed as part of the overall SEND Improvement Business Case

2.5 To ensure activity undertaken as part of the WSoA follows good commissioning principles the Improvement Board will;

- Putting children and people at the heart of commissioning activity and all decision making
- Co-producing our approach with children, young people, adults (including parents and carers), providers and partners
- Creating ambitious and transformation solutions which will focus on realising agreed outcomes
- Providing choice and opportunities for local children, young people and adults in every aspect of their lives
- Making sure any changes are evidence-based
- Making the best use of our collective resources
- Being open and transparent
- Being flexible and responsive

3. What will the SEND Improvement Board do?

3.1 Hold the programme together as one joint SEND Improvement Action Plan (and Risk Register) with shared responsibility of all board members by recording and monitoring progress against the plan in a timely manner (through monthly meetings);

3.2 Direct, develop and monitor priority area workstreams required to fulfil the Joint Written Statement of Action (WSOA);

3.3 Ensure accountabilities are assigned for all actions agreed (with timescales to achieve them) and provides support and challenge to SEND action leaders across the local area, holding them to account for local area performance;

3.4 Ensure cross cutting elements of priority area workstream and theme activity are highlighted and managed in parallel.

3.5 Take responsibility for ensuring that progress reports to the improvement board includes data, analysis and recommendations supported by evidence of impact of improvements on the experience of children and families;

3.6 Highlights those objectives which are slow to progress and where contributions need to be strengthened;

3.7 Will evidence through its working how the views of frontline staff and of schools, parents, children and young people have been taken into consideration in the effectiveness of the WSOA;

3.8 Board members are responsible for reporting progress and escalating issues to their respective partnership governing bodies/groups;

4. What will the SEND Improvement Board monitor and evaluate?

4.1 The Board will ensure that progress against each theme and priority area within the Written Statement of Action (WSOA) is on track. The WSoA themes and priority areas are as follows:

- **Cross Cutting Priorities** relevant to all three themes
 - **Priority 1** - Work more closely with children and young people with SEND and their families to understand and learn from their experiences when formulating strategies to improve the area.
 - **Priority 2** - Further improve leadership capacity across area services.
 - **Priority 3** - Continue to strengthen and embed partnership working across Education, Health and Social Care.
- **Theme 1** - Joint Working Arrangements (NHS and LA)
 - **Priority 4** - Improve joint commissioning arrangements, so that we can improve leaders' abilities to ensure they meet area needs, as well as improve outcomes and achieve cost efficiencies.
 - **Priority 5** - Develop a more effective pathway for autistic spectrum disorder.
- **Theme 2** – Inclusive Schools
 - **Priority 6** - Extend inclusive practice in schools across the local area and in turn reduce exclusion rates which currently mean too many children and young people are not accessing education.
- **Theme 3** - Inclusion Services, Capacity and Performance
 - **Priority 7** - Drive out inconsistency in our practices which at times causes unsatisfactory assessment and means we are not meeting the needs of some families.
 - **Priority 8** - Carry out assessment, writing and publication of Education, Health and Care Plans more swiftly.
 - **Priority 9** - Improve joint working in the area to iron out variances in the quality of Education, Health and Care Plans.

4.2 The Board will ensure that the high-level outcomes as agreed in the WSoA are monitored and achieved. Appendix B outlines the high-level outcomes agreed within the WSoA under each theme and priority.

5. Who reports to the SEND Improvement Board?

5.1 The SEND Improvement Board will receive an overall dashboard of progress and summarised Highlight Reports from the WSoA Theme leads on evidencing the work and progress towards improvement.

5.2 Where required and by escalation, the Lead for any Improvement Priority or Individual Local Area Improvement Network (LAIN) members will be asked to attend the Improvement Board to present a more detailed report on progress

6. Who does the SEND Improvement Board report to?

6.1 The SEND Improvement Board will inform the Health & Wellbeing Board about its work on a quarterly basis.

6.2 Formal decisions required regarding the SEND Improvement Board's work will be referred to the relevant partnership governing bodies for determination. Where a governing body rejects a decision the SEND Improvement Board will enact the [Resolving Professional Differences protocol](#).

7. How often does the SEND Improvement Board Meet?

7.1 The SEND Improvement Board meets on a Monthly basis; however, the Co-Chairs may call ad-hoc meetings/briefings to deal with any critical issue or risks that arise between scheduled meetings.

7.2 The SEND Improvement Board requires representation from each Statutory Partner and the Somerset Parent Carer Forum at Director Level to be quorate and enable meetings and decisions to be made.

7.3 All members of the SEND Improvement Board will be expected to attend each meeting. If members cannot attend, they will be expected to send apologies before the meeting and must send a deputy who can act on their behalf and make decisions.

7.4 The agenda and related documents for each SEND Improvement Board meeting will be made available 5 days in advance of each meeting.

8. Who chairs the SEND Improvement Board?

8.1 The SEND Improvement Board is co-chaired by:

- **Patrick Flaherty** (Chief Executive, Somerset County Council).
- **James Rimmer** (Chief Accountable Officer, CCG)

8.2 An annual review of the Terms of Reference for the SEND Improvement Board will be undertaken in **August 2021**.

9. Who sits on the SEND Improvement Board?

9.1 The SEND Improvement Board consists of the strategic leads identified from all Local Area partners and are responsible for monitoring progress and agreeing key actions where progress is slowed / stalled (See membership list Appendix A).

9.2 The SEND Improvement Board may invite 'critical friends' to attend the meetings when appropriate / required, these are individuals or groups of people who support the SEND Improvement journey in Somerset and offer advice, support & guidance to the Local Area. Many of these will be members of the LAIN

9.3 The SEND Improvement Board meetings will need to have a minimum of one representative from Somerset County Council, the CCG, the Somerset Parent Carer Forum (SPCF) and Somerset Schools to be quorate.

9.4 There will be occasions when a SEND Improvement Board member has more than one legitimate interest that may conflict with matters coming to the group for discussion, consideration or decision. In order to protect themselves and the business of the group, members should declare any potential conflict of interest at the time it arises, or with one of the Co-Chairs immediately following the meeting.

10. SEND Improvement Board Notes, Actions and Risks.

10.1 The key notes will be kept on the SEND Improvement Board OneNote (accessible to all members) will be written in plain jargon-free language.

10.2 The key risks, actions, issues, decisions and lessons learnt (RAIDL), once approved by the Chair, will be circulated within 5 working days to allow follow-up by members, as noted.

10.3 Agendas, RAIDL and the OneNotes from the meetings will go on the pages of the Somerset Local Offer website, within 1 calendar month of the meeting, and sign posted from the NHS/Somerset CCG website so people can find out what we have talked about.

Appendix A – SEND Improvement Board Membership (as of 01.09.20)

Name	Position and Organisation	Role
Pat Flaherty	Chief Executive, Somerset County Council (SCC)	Co-Chair (Core Member)
RIMMER, James	Chief Accountable Officer, Somerset Clinical Commissioning Group (CCG)	Co-Chair
Julian Wooster	Director of Children's Services, SCC	Lead Director and Theme Lead 3
Becky Applewood	Deputy Director of Women and Children's Health, Somerset CCG	Lead Director and Theme Lead 1
Mark Ruffett	Schools Representative (SEN.Se)	Schools Theme 2
Amy Joynes	Schools Representative (SASH)	Schools Theme 2
Claire Marsland	School Representative (SAPH)	Schools Theme 2
Councillor Frances Nicholson	Lead Cabinet Member – Children's Services	Lead Member (SCC)
Ed Ford	Chair of SCGG Governance	Lead Non-Executive Member
Keith Thompson	DfE Regional Representative	Lead Advisor DfE
Graham Carr	NHS England Regional Representative	Lead Advisor NHS
Giles de Rivaz	Head of Somerset, North Somerset and BANES	Regional Schools Commissioner DfE
Catherine Falconer	Consultant, Public Health	Lead Public Health
Meredith Kane	Clinical Director, NHS Partners	Lead NHS Provider
Andy Heron	Clinical Director, NHS Partners	Lead NHS Provider
Ruth Hobbs	Parent Carer Forum Representative	Lead for Parent Carer Forum.
Sandra Corey	Director, Somerset Clinical Commissioning Group (CCG)	CCG Executive Lead

Appendix B: SEND Improvement Governance Structure

SEND Governance Arrangements

