

Scrutiny for Policies, Children and Families Committee

Monday 6 March 2023

**1.00 pm Luttrell Room - County Hall,
Taunton**



SUPPLEMENT TO THE AGENDA

To: The Members of the Scrutiny for Policies, Children and Families Committee

Please find enclosed the slightly revised cover report for this agenda item:

Agenda item 6 – Joint Local Area SEND Inspection Outcomes (pages 3 – 8 –see paragraph 4.5).

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Democratic Service Team, County Hall, Taunton, TA1 4DY

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Somerset County Council
Scrutiny for Policies, Children and Families Committee
– 6th March 2023

Joint Local Area SEND Inspection Outcomes

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Lead Member: Cllr Tessa Munt

Division and Local Member:

1. Summary

- 1.1.** Between 28 November and 1 December 2022, Ofsted and the Care Quality Commission (CQC) revisited the area of Somerset to decide whether sufficient progress has been made in addressing each of the 9 areas of significant weakness detailed in the inspection report letter published on 27 April 2020.
- 1.2.** This paper provides an overview of implications of the revisit and recommends next steps in relation to this.

2. Issues for consideration / Recommendations

- 2.1.** As a result of the re-inspection, Ofsted and CQC judged that the area had made sufficient progress in addressing seven of the significant weaknesses identified during the 2020 inspection and they judged that they had not made sufficient progress in addressing two of the significant weaknesses.
- 2.2.** As the area has not made sufficient progress in addressing all the areas of significant weakness, the area is required to develop and implement an Accelerated Progress Plan (APP) to address the remaining two areas of weakness.
- 2.3.** The end of the Written Statement of Action, development of APP and wider changes in system governance mean that it is appropriate to review and change governance arrangements for SEND.

3 Background

- 3.1** Between 28 November and 1 December 2022, Ofsted and the Care Quality Commission (CQC) revisited the area of Somerset to decide whether sufficient progress has been made in addressing each of the areas of significant weakness detailed in the inspection report letter published on 27 April 2020.
- 3.2** Ofsted and CQC judged that the area had made sufficient progress in addressing seven of the significant weaknesses identified during the 2020 inspection, specifically:

- a lack of focus on the experience of children and young people with SEND and their families when formulating strategies to improve the area;
- a lack of leadership capacity across area services;
- weak partnership working between services across education, health and care;
- an ineffective autism assessment pathway;
- wide variances in the quality of education, health and care plans caused by weaknesses in joint working;
- poor timeliness of the assessment, writing and publication of education, health and care plans; and,
- poor joint commissioning arrangements that limit leaders' ability to meet area needs, improve outcomes and achieve cost efficiencies.

3.3 The revisit report notes various ways in which Somerset's SEND system has improved since March 2020, and the positive impact this has had for children and young people with SEND and their families, for example: a strong commitment significant to working together with partners including families to improve area services; sustained improvements to the timeliness and quality of education, health and care plans; an improved autism pathway including a pre-assessment pathway that schools can refer into; improvements in early years SEND services that have helped to improve parental confidence in their children's readiness for nursery and school; development of new enhanced SEND provision within some mainstream schools.

The report notes that some improvements are at an early stage and there is still further work that the area needs to do to ensure that children and young people with SEND and their families receive the right support and improve their experiences. While there have been improvements to the autism pathway, further work is required to address growing waiting times and improve post-assessment support. The Somerset Graduated Response Tool has been developed with schools and other partners, but more work is needed to ensure that it is embedded consistently in schools. There were examples of schools working together through area inclusion partnerships to pool resources and share expertise to reduce exclusions, but this is at an early stage and not consistent across the area.

3.4 Ofsted and CQC judged that the area had not made sufficient progress in addressing two of the significant weaknesses identified during the 2020 inspection, specifically:

- poor assessment and meeting of need caused by inconsistent practice, leading to poor outcomes for children and young people with SEND; and,

- too many children and young people not accessing education because of the disproportionate use of exclusion and poor inclusive practices across the area.

3.5 The report states that too many children and young people requiring SEND support have a poor experience. While progress has been made in development of the Somerset Graduated Response Tool, some SENCOs do not have the time, resources or influence needed to implement this as expected. For those children with an EHC plan, too often they do not receive the provision that is set out in their plan.

The rate of exclusion from schools in Somerset for children and young people with SEND continues to be too high. The report notes high rates of repeat suspensions and imposition of long-term part-time timetables. Consequently, there are too many children and young people missing out on learning

4. Implications

4.1 As the area has not made sufficient progress in addressing all the areas of significant weakness, the area is required to develop and implement an Accelerated Progress Plan (APP) to address the remaining two areas of weakness.

4.2 Accelerated Progress Plan

The APP should set out a revised governance structure with clarity about lines of accountability. For each of the remaining areas of weakness, stakeholders should agree success criteria for the APP, and there should be a limited number of key performance indicators, as well as descriptions of the qualitative information that leaders intend to collect and analyse to evaluate the impact of improvement actions, with the focus being on changes to the lived experiences of children and young people with SEND and their families.

The APP will contain improvement actions to address the two remaining areas of significant weakness, with named leads and completion dates. The APP is not the sole responsibility of any one agency; rather it is a joint area plan, which will identify the contribution to addressing the remaining significant weaknesses from area partner services, i.e.:

- Local authority SEND services;
- Schools and other education providers;
- Health – commissioners and providers; and,
- Social care

Progress in delivering the APP and in monitoring its risks and impacts will take place quarterly, with progress reviews involving DfE and NHSE as well as local area leaders.

The APP needs to be submitted to DfE and NHSE by Tuesday 21 March 2023

4.3 What happens to the Written Statement of Action?

Following the 2020 inspection, the area was required to develop and implement a written statement of action (WSOA) to address the nine areas of significant weakness. That was a two-year programme of activity, which ran from December 2020. The timing of the revisit coincided with the planned ending of the WSoA in December 2022, and the outcome the revisit means that the WSoA is no longer required.

A closure report for the WSoA will be completed by March 2023, which will outline progress made, benefits and learning, as well as identifying any outstanding actions which have not yet been delivered.

All actions have been reviewed, and activity that remains outstanding and a priority will form part of the plan for delivery of the new SEND Strategy that will be published in Spring 2023.

4.4 Future inspection arrangements

There will not be a revisit or inspection from OFSTED / CQC to assess progress and impact of the APP. A new area SEND inspection framework for England came into place in January 2023. All areas within England will be inspected under this framework within five years, with a continuous cycle of inspection thereafter. As it has an APP, Somerset can expect to be inspected within the first three years of this new framework, but not while it is implementing the APP – i.e. between March 2024 and December 2025.

The new framework is significantly different to the previous one, and places stronger and clearer expectations of each of the area partners, so work is required now to ensure Somerset is ready for a possible inspection in 2024.

4.5 Changes to SEND governance arrangements

The end of the Written Statement of Action, development of APP and wider changes in system governance mean that it is appropriate to review and change governance arrangements for SEND. The SEND Improvement Board has existed as a standalone board to monitor delivery of the WSoA. This function no longer exists. Moreover, the development of the Children and Families Board within the Integrated Care System means that there is now a director level strategic board in place for system oversight that did not exist previously. Therefore, the SEND Improvement Board will cease after the APP has been signed off. Revised terms of reference for the SEND Partnership Board have been drafted which set out the boards responsibilities in relation to developing and implementing the SEND strategy, monitoring local area

performance, and supporting partnership working.

The SEND Partnership Board would report directly into the Children and Families Board, which will assume the responsibility for senior level monitoring of the APP. The SEND Partnership Board will have subgroups linked to each of themes from the new SEND strategy, as well as a specific APP delivery subgroup and an inspection readiness subgroup. The Children and Families Board will receive quarterly progress reports on the APP.

5 Background papers

5.1 Ofsted/CQC SEND Revisit and Next Steps – SEND Improvement Board 21/2/23

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

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