

[18 March 2021]

Report for information

Special Educational Needs and Disability (SEND) – Written Statement of Action (WSOA)

Lead Officer: Julian Wooster, Director of Childrens Services

Author: Vikki Hearn, Joint Strategic Commissioner Childrens and Health

Contact Details: VHearn@somesret.gov.uk

<p>Summary:</p>	<p>SEND Services across the Local Area (Somerset County Council & Somerset Clinical Commissioning Group) were inspected by OFSTED (Office for Standards in Education) and CQC (Care Quality Commission) in March 2020. The Inspection Report was published on 27th May 2020.</p> <p>The inspectors found that SEND Services across the Local Area required significant improvement across nine areas and determined that a Written Statement of Action (WSOA) for improvement was required. Following publication of the report, work commenced on co-producing the WSoA, which was particularly challenging due to the constraints of virtual working required as a result of Covid-19.</p> <p>The Written Statement of Action was approved for publication by Inspectors on 30th November 2020 and was published on 1st December 2020. A re-inspection of the areas identified will take place within the next 18-24 months. Inspectors will expect to see significant progress in approximately 80% of the areas identified, if this is achieved then the Local Area will come out of 'monitoring arrangements' and will be subject to Inspection arrangements under the new SEND Inspection Framework (an annual 'inspection' with inspection teams consisting of an additional inspector from the social care inspectorate). Should inspectors deem that the Local Area has not made sufficient progress against the areas for improvement then the area will be asked to produce an APP (Accelerated Progress Plan) which will be subject to stringent monitoring by the DFE/NHSE. Failure to make progress against an APP will result in a referral to the Secretary of State. The full WSOA is available on the Local Offer.</p> <p>This report and the accompanying progress report outlines early progress against the nine improvement priority areas agreed within the WSoA.</p>
------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Recommendations:</p>	<p>That the Somerset Health and Wellbeing Board receives for information The Written Statement of Action (WSOA), together with the accompanying progress report, and endorses this in order to deliver improvements and monitoring arrangements against the nine identified areas.</p>
<p>Reasons for recommendations:</p>	<p>A Local Area (The Local Area is defined as the local authority (LA) ; clinical commissioning group (CCG); Public Health; NHS England for Specialist Services; Early Years Settings, Schools, Further Education Providers) SEND Inspection by OFSTED (Office for Standards in Education) and CQC (Care Quality Commission) to assess the Local Area’s effectiveness in identifying and meeting the needs of children and young people who have special educational needs and/or disabilities (SEND) has taken place and has identified significant weaknesses in the system that need to be addressed.</p> <p>The Children and Families Act 2014 placed duties on Local Areas with regard to identification, assessment and provision for children and young people with SEND. Somerset’s progress against the requirements had previously been slow and this was challenged by Inspectors and was recognised by Senior Leaders during the Inspection process. The Written Statement of Action is highly ambitious but needs to be to address the short comings in the system and to improve the offer for children, young people with SEND and their families.</p> <p>The WSoA is monitored on a monthly basis through the SEND Improvement Board (SIB) containing members from across the Local Area. Terms of Reference and monitoring reports presented to the SIB are published on the Local Offer website and can be access here. The WSoA contains nine improvement priorities (IP) areas linked to the nine areas of weakness. Each IP area has a responsible lead from different parts of the system who reports on the progress of their area and any linked cross cutting work across the WSoA.</p> <p>Early progress has seen the following key improvements:</p> <ul style="list-style-type: none"> • Increasing the capacity of the SEND Casework Team • Schools Led Inquiry into inclusive practice • Increased capacity of the SENDIAS service • Training the workforce • Services have signed-up to involving parents and children in the design of services • Relaunch of Early Help Processes in Schools • Work with the Institute of Public Care (IPC) and Oxford Brookes University to understand the improvements required within Joint Commissioning.

	<ul style="list-style-type: none"> • Reduce the number of incidents of missed health notifications • Redesigned guidance to ensure workers take a graduated response to interventions with families, ensuring families with SEND are treated fairly. • Launched a pilot app called 'MeeTwo', which provides peer support for young people experiencing mental health difficulties. • Mental Health Trail Blazer projects have been launched in pilot areas supporting pupils with emotional health and wellbeing • A single point of contact for parents seeking SEND advice, support and guidance from the Local Authority has been established <p>Challenges and risks to the delivery of the WsoA have been identified and mitigating action agreed. Some of the high-level challenges are as follows:</p> <ul style="list-style-type: none"> • Capacity issues linked with the COVID19 pandemic and the ambitious nature of the WSoA may restrict the ability of the Local Area to deliver SEND improvement effectively and within the timeframe agreed. • There is a risk that the Local area is unable to deliver the expectations of children, young people with SEND and families as outlined in the WSoA • Maintaining a robust engagement/communication plan to ensure continued engagement across the Local areas • The need to develop the SEND system knowledge required to deliver the level of change required for WSoA • The ongoing organisational change, such as the Integrated Care System and the move to a unitary local authority, will need to be carefully managed to maintain progress across the WSoA. 								
<p>Links to The Improving Lives Strategy</p>	<p>Please tick the Improving Lives priorities influenced by the delivery of this work</p> <table border="1" data-bbox="544 1624 1465 2083"> <tr> <td data-bbox="544 1624 1289 1749">A County infrastructure that drives productivity, supports economic prosperity and sustainable public services</td> <td data-bbox="1289 1624 1465 1749">✓</td> </tr> <tr> <td data-bbox="544 1749 1289 1874">Safe, vibrant and well-balanced communities able to enjoy and benefit from the natural environment</td> <td data-bbox="1289 1749 1465 1874"></td> </tr> <tr> <td data-bbox="544 1874 1289 1960">Fairer life chances and opportunity for all</td> <td data-bbox="1289 1874 1465 1960">✓</td> </tr> <tr> <td data-bbox="544 1960 1289 2083">Improved health and wellbeing and more people living healthy and independent lives for longer</td> <td data-bbox="1289 1960 1465 2083">✓</td> </tr> </table>	A County infrastructure that drives productivity, supports economic prosperity and sustainable public services	✓	Safe, vibrant and well-balanced communities able to enjoy and benefit from the natural environment		Fairer life chances and opportunity for all	✓	Improved health and wellbeing and more people living healthy and independent lives for longer	✓
A County infrastructure that drives productivity, supports economic prosperity and sustainable public services	✓								
Safe, vibrant and well-balanced communities able to enjoy and benefit from the natural environment									
Fairer life chances and opportunity for all	✓								
Improved health and wellbeing and more people living healthy and independent lives for longer	✓								

A County infrastructure that drives productivity, supports economic prosperity and sustainable public services

Inspectors found that joint commissioning arrangements were poor which limited leader's ability to meet area needs, improve outcomes and achieve cost efficiencies. Families report an inequity of services across the area and that current services do not always meet the identified need. There is a need for the SEND Strategic Needs assessment to inform joint commissioning activity moving forward.

- *WSoA IPA4: 'Improve joint commissioning arrangements to ensure they meet area needs, improve outcomes and achieve cost efficiencies'*

To progress this work the local area have worked with the Institute of Public Care and Oxford Brookes University to agree a plan to improve joint commissioning across 5 key areas:

- Creating a joint work plan, starting with a joint needs assessment
- Developing the mechanisms that allow the Local Area to create joint solutions
- Creating joint arrangements
- Improving and embedding joint governance arrangements
- Developing joint learning plans

Fairer Life Chances and opportunity for all

All professionals and services working with children and young people have a legal duty to work together to ensure that needs of children and young people with SEND are identified and met. Early identification and intervention is key. It is essential that parents/carers and young people/children are involved in key decisions around their needs and support. Children and young people with SEND should have the same opportunities as others and should not be discriminated against due to the special educational needs. They should have access to good quality local support and provision.

- *WSoA IPA1: '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'*
- *WSoA IPA2: Further improve leadership capacity across area services.*
- *WSoA IPA3: 'Continue to strengthen and embed partnership working across Education, Health and Social Care'*

Co-production is expected across all IP areas (as stated with IP1) to ensure activity meets the needs of the local area. A co-production framework and toolkit are being developed to ensure

	<p>partners are able to meet this expectation and, more importantly, that the voice of the children and young people with SEND and their families are being heard and used to develop services.</p> <p>Through the work within IP2 the local area is seeking to develop 'culture carriers' with good knowledge and understanding of SEND issues and the ability to pass on their knowledge to all staff within the local area organisations.</p> <p>Improved health and wellbeing and more people living healthy and independent lives for longer</p> <p>The Children and Families Act 2014 extended the age range for educational SEND support from 2 – 19 to 0- 25. There is a much greater emphasis from the age of 14 years old on preparing for adulthood and increasing independence of those young people who have special educational needs and/or a disability.</p> <ul style="list-style-type: none"> - <i>Across all WSoA IPAs.</i> <p>For example, there is an improved awareness of the annual health checks for young people with learning difficulties and a clear understanding across the local area of the need to plan improves for ages 0-25.</p>
<p>Financial, Legal, HR, Social value and partnership Implications:</p>	<p>The Children and Families Act 2014, Section 3 and associated regulations:</p> <ul style="list-style-type: none"> ➤ The Special Educational Needs and Disability Regulations 2014 ➤ The Special Educational Needs (Personal Budgets) Regulations 2014 ➤ The Special Educational Needs and Disability (Detained Persons) Regulations 2015 ➤ The Children and Families Act 2014 (Transitional and Savings Provisions) (No 2) Order 2014 <p>place statutory requirements upon the Local Area to fulfil their legal duties towards children and young people with SEND and they must be able to demonstrate that the arrangements in place locally for identification, assessment, provision including access to services enables the local area to fulfil their statutory duties.</p>
<p>Equalities Implications:</p>	<p>The Equality Act 2010 sets out the legal obligations that schools, early years providers, post-16 establishments, local authorities and others have when supporting children and young people with special educational needs and/or disability. In addition to this public bodies such as local authorities must have regard to the provisions set out by the public sector equality duty and must have regard to the need to eliminate discrimination and promote equality of opportunity.</p>
<p>Risk Assessment:</p>	<p>There is a detailed joint risk register being developed alongside</p>

	the detailed action plan to support the Written Statement of Action. The risk register is monitored and updated on a monthly basis at Childrens' Executive Group (CEG).
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------

1. Background

- 1.1.** The Children and Families Act 2014 obtained royal assent and became law on 13 March 2014. This was a landmark and wide-ranging act designed to fully reform services for vulnerable children, by giving them greater protection, paying special attention to those with additional needs, and also helping parents and the family as a whole.
- 1.2.** The largest part of the Act (Section 3) deals with laws and provisions relating to children who have special educational needs or disabilities. It was determined that the previous system simply did not perform well enough for these particularly vulnerable groups of people, and that a new approach was required, following reports and green papers published by the Department of Education in years preceding the Act. Major changes revolved around giving families better control over the welfare of their child. New provisions put in place by the Act included the following:
- A new Education, Health and Care (EHC) Plan based on a single assessment process will replace special education statements. EHC plans are documents that support children, young people and their families from birth to 25.
 - The commissioning and planning of services for children, young people and families is now run jointly by health services and local authorities as a result of the Act.
 - Extends the rights to a personal budget for the support to children, young people and families
 - Local services available to children and families must be made available in a clear, easy to read manner.
 - Local authorities must involve families and children in discussions and decisions relating to their care and education; and provide impartial advice, support and mediation services.

The Local Area has found the requirements of "the Act" challenging and although there has been a systemic approach to improvement over the past 18 months, there are still significant progress to be made as identified by both the Somerset SEND Improvement Plan (SSIP) endorsed by this board in January 2020, and the subsequent OFSTED Inspection Report, published on 27th May 2020.

2. Improving Lives Priorities and Outcomes

- 2.1. As detailed above, the Written Statement of Action supports and extends the vision for improving lives priorities and outcomes in Fairer Life Chances and Opportunity for all and Improved health and wellbeing and more people living healthy and independent lives for longer.

3. Consultations undertaken

- 3.1. The Written Statement of Action has been developed by Senior Leaders across the Local Area with full co-production with key stakeholders, including Children, Young People and their families. The WSoA has been signed off by both Chief Executives and the Directors of the Somerset Parent Carer Forum.

4. Request of the Board and Board members

- 4.1. To receive this report and endorse the Written Statement of Action, noting the monitoring arrangements including the potential for escalation, if required to the Health and Wellbeing Board
- 4.2. To support and identify a member of the Board to act as a SEND Champion

5. Background papers

- 5.1.
 - Written Statement of Action
 - Joint Local Area SEND Risk Register
 - WSoA progress report

6. Report Sign-Off

- 6.1
 - Report authors responsible for ensuring they have email confirmation
 - In complete reports will not be accepted

	Seen by:	Name	Date
Report Sign off	Relevant Senior Manager / Lead Officer (Director Level)	Julian Wooster	Click or tap to enter a date.
	Cabinet Member / Portfolio Holder (if applicable)	Frances Nicholson	Click or tap to enter a date.
	Monitoring Officer (Somerset County Council)	Scott Wooldridge	Click or tap to enter a date.