

## **AGENDA ITEM**

### **REPORT TO HEALTH AND WELL BEING BOARD**

**SEPTEMBER 2019**

### **REPORT OF STOCKTON-ON- TEES BOROUGH COUNCIL AND HARTLEPOOL AND STOCKTON CCG**

## **SPECIAL EDUCATIONAL NEEDS AND/OR DISABILITIES (SEND) LOCAL AREA INSPECTION**

### **SUMMARY**

The Children and Families Act 2014 introduced significant changes to the systems and approaches for children and young people aged 0-25 with special educational needs and/or disabilities (SEND). In 2016 an inspection framework was introduced to assess the effectiveness of local areas in fulfilling their statutory duties and in identifying and meeting the needs of children and young people with SEND. This framework required that all local areas would be inspected by 2021. The Stockton Local Area Inspection took place in February 2019. The key outcome of the inspection was that a Written Statement of Action would be required to address issues identified. This was submitted on 12 August 2019. The timescales of the submission did not enable this to be reported formally to the Health and Wellbeing Board in advance. This report outlines the key issues in the inspection, the content of the Written Statement of Action and next steps.

### **RECOMMENDATIONS**

The Health and Wellbeing Board:

1. Notes the outcome of the inspection and the submitted Written Statement of Action in response.
2. Agrees to receive an update on progress in 6 months.

### **DETAIL**

#### SEND Local Area Inspection

1. Between 4 February 2019 and 8 February 2019, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the Stockton-on-Tees local area to judge the effectiveness of the area in implementing the special educational needs and disability (SEND) reforms as set out in the Children and Families Act 2014.

2. The local area is the geographical area of the Local Authority, but the responsibility of the local area for children and young people with SEND extends to those who are residents of the local area but attend education provision or receive services outside the local area boundaries.
3. The inspection was primarily about how well the local area fulfils its responsibilities towards children and young people with SEND from 0-25 years. The starting point is the expectation that the local area has a good understanding of how effective it is. Whilst there is no statutory requirement for a local area self-evaluation it is seen as good practice.
4. The inspection was carried out by OFSTED and CQC. Inspectors focus on three questions:
  - How effectively does the local area identify children and young people who have special educational needs and/or disabilities?
  - How effectively does the local area assess and meet the needs of children and young people who have special educational needs and/or disabilities?
  - How effectively does the local area improve outcomes for children and young people who have special educational needs and/or disabilities?
5. The inspection was led by one of Her Majesty's Inspectors from Ofsted, with a team of inspectors including an Ofsted Inspector and a children's services inspector from the CQC.
6. Although there were many positive findings from the inspection, as detailed in the report at Annex 1, the key outcome was that a written statement of action is required because of significant areas of weakness in the local area's practice.
7. The local authority and the area's clinical commissioning group are jointly responsible for submitting the written statement to Ofsted.
8. The areas of focus for the Written Statement of Action (WSOA) were:
  - Coproduction, engagement and communication with parents are underdeveloped
  - The quality of EHC assessments and plans is too variable
  - Strategic joint commissioning, in a way that demonstrably improves EHC provision and outcomes for children, young people and families, is not fully embedded
  - Local area leaders have not developed an effective approach to measuring and evaluating EHC outcomes for children and young people.

#### Local area response to the inspection

9. Local partners were disappointed to receive a WSOA. The inspection clearly recognised that there are significant areas of good practice across the local area which demonstrate effective working, including in some of the areas identified as the basis of the WSOA, such as joint commissioning where a needs assessment has been developed, a joint commissioning strategy agreed (as agreed by HWB) and examples of joint commissioning being undertaken.
10. However, a key judgement in the inspection is the level of progress made since 2014, and although partners were able to evidence good recent progress, the journey and pace of change was felt to be too slow.
11. Around 50% of local areas have received a WSOA following inspection. In the North East, out of 8 inspections to date, 7 have required a WSOA.

12. In the period since inspection to the submission of the WSOA, partners have worked together to reflect on the outcomes, identify key areas of focus, and importantly to ensure that there continues to be extensive joint working not only on the areas in the WSOA but across the system as a whole, meeting the priorities in the SEND Strategic Improvement Plan, which is the high level strategy for improvement.

#### The Written Statement of Action (WSOA – our response)

13. The Local Authority, Parent/Carer representatives, the CCG, schools and settings, and Stockton Public Health, have worked together to develop our WSOA.
14. Partners have focused on developing a clear and integrated set of actions which address the four key areas of weakness as identified.
15. The co-production and strategic joint commissioning actions are very closely linked, and relate to a set of principles and approaches for how local partners will continue to work together and develop future services, with the emphasis on co-production as the method by which this will be achieved.
16. There are a number of agencies who can provide some assistance to the work on co-production including Catalyst and Contact (who have been commissioned nationally by DfE to support in this area).
17. Quality of education, health and care plans and a bigger focus on outcomes are also closely related, and partners have made a commitment to develop and implement a new format and approach to EHCPs which includes a stronger focus on outcomes, and is linked to a refreshed quality assurance process. This will also enable more detailed data to be collected about outcomes across the system to, in turn, inform further co-production and commissioning.
18. The details of the WSOA, which is awaiting approval from Ofsted, are included in Annex 2

#### Governance and accountability

19. The SEN Strategic Group has the strategic oversight of the work relating to SEND. Since November 2018 the membership of the group has been refreshed and the group's strategic role emphasised. The group is co-chaired by the local authority Director of Children's Services, and the Head of Commissioning and Strategy (CCG). Other membership is drawn from those who are leading each aspect of the strategic plan – Children's Services, Public Health and the CCG, as well as representatives from social care and the Parent Carer Forum.
20. The SEN Strategic Group provides support and challenge across partner agencies in respect of duties and responsibilities for SEND and promotes joint and partnership working. It will also monitor the implementation of the WSOA.

### **FINANCIAL IMPLICATIONS**

21. The SEND system is under considerable pressure nationally and locally. However, the response to the inspection is being taken forward within existing resources, and the inspection process itself is not concerned with funding or the financial sustainability of the process. The Council has developed a plan for the future management of the High Needs Block which is the main funding source for support and services for children and young people with SEND. This is reported through the Schools Forum.

## **LEGAL IMPLICATIONS**

22. The Children and Families Act 2014 is the legal basis for the changes to the SEN system which places legal duties on the Local Authority and partner agencies (across education, health and social care) in respect of children and young people with SEND and their families.

## **RISK ASSESSMENT**

23. The WSOA is a requirement following inspection, and requires partners to collaborate to address the issues identified in the inspection. The local area will receive a re-visit, which is to be expected around November 2020. The key risk is therefore that not all actions are implemented and sufficient progress made prior to re-visit.

## **CONSULTATION**

24. The Children and Families Act places parents/carers and children and young people at the heart of the SEN reforms. Consultation, engagement and co-production with them is a requirement. The WSOA has been co-produced with partners and the Parent Carer Forum, and the implementation of actions will also be undertaken following the same principles of co-production.

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